

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 12th MARCH 2026

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to the Chief Minister of Guernsey

Joining us this morning in the gallery is the Chief Minister of Guernsey. I think I speak for all of us when I say the 2 Bailiwicks are strongest when we work together, and we are delighted to welcome you to the Chamber this morning. **[Approbation]**

PUBLIC BUSINESS - resumption

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

The Bailiff:

We now return to the Order Paper and the continuation of the debate on the Draft Termination of Pregnancy Law. The next speaker is the Connétable of St. Brelade.

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

I speak to relay a communication from one of my parishioners who was concerned about this proposition. I bow to the superior knowledge of the lady's presence in the Chamber, so the views are that of my constituent rather than my own. But I think they need to be addressed by the rapporteur when she comes to summing up. The first point that is made is that the consultation process was flawed and biased and the Government paid only attention to one organisation B.P.A.S. (British Pregnancy Advisory Service), which is an extreme pro-abortion campaigner, and a major abortion provider to report on provision. Moving on, it is pointed out that the legislative proposals are extreme and unpopular. The abortion on request up to 21 weeks and 6 days is described as one of the most extreme abortion laws in the world and was supported by less than ½ of the public consultation respondents. There was a complete omission of risks to women's health. The consultation and drafting process completely overlooks the documented dangers of abortion to women's physical and mental health. B.P.A.S. denies these risks. There is a neglect of foetal rights and welfare. The rights and welfare of the unborn child are unprotected until the moving point of viability. In summary, I was asked that the current proposition lacks proper democratic process and consideration of scientific evidence, so I just ask the rapporteur, when she sums up, to comment on those points.

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

First, before speaking, I would like to ask a question of the Attorney General. I gave him notice last night of that because it paid material difference to ... he does not seem to have received my email from his look, but I will ask him a question, if I may. My question relates to whether or not it is best placed to make my point at this stage in the principles or during the Articles, because my point relates to the cost and why this is a paid for service versus a free service, such as the newly agreed assisted dying service. The question to the Attorney General is whether the contents of Article 17, which relates to fee orders, what would the impact be if Members voted against that? Because in my reading it is such a broad Article that there would not really be any purpose in voting against that. So I think really the point ought to be made in the principles. But if the Attorney has a view, I would be grateful.

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

The effect of not adopting Article 17 would mean that it would remove the proposed power for the Minister by order to provide for fees to be charged for termination services, termination-related services, counselling services, provided in connection with termination services. It would remove from the legislation the power to make orders to set fees for some or all of the services, set different fees for different services, to provide exemptions from fee payments, including how exemptions are

applied. One can see what the effect would be by reading the terms of Article 17, which would no longer be there. I hope that is helpful.

Deputy K.L. Moore:

I think that is helpful. Thank you very much, Mr. Attorney. So my understanding is that if we vote against Article 17, when we get to the Articles, we would remove the ability of the Minister to charge a fee for this service. I would ask, when we get to that point, that we debate that Article separately. But at this point, in the principles, I would ask the Assistant Minister if she could, when summing up, explain to the Assembly why this service, in particular, is going to be a paid-for service as opposed to, as I said when posing my question to the Attorney General, the assisted dying service that Members have agreed will be a free service to those who wish to use it?

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

May I ask the Attorney General something?

The Bailiff:

Yes, you may.

Deputy R.J. Ward:

It may not be, it may just be a logical answer, but setting fees. Fees could be set at zero, is that correct?

The Attorney General:

Well, zero is not a fee, I think.

Deputy R.J. Ward:

My point being that if that stays there, if the Minister decides that the fees would be zero, that is consistent with the law.

The Attorney General:

Yes, the provision is permissive, not mandatory. The Minister “may by order”.

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

I want to start by thanking the Minister and their officers for their work on this legislation, which I know has been a challenging piece of work at times, not least due to the issues with resourcing around it, but of course because it is complex and it is a very sensitive subject matter. I would also congratulate the Assistant Minister on her speech yesterday setting it out, because it set a really clear tone for this debate as well. I would also like to touch on the contribution from Deputy Miles yesterday, because I think that was a really important one. I hope it made others in the Assembly and outside as well actually stop to think about the support we provide to families who have children with disabilities, because it certainly did make me stop and think. But I am pleased where we have got to, where we are today with this, because Islanders and, in this case, women in particular, although it is not just a woman’s issue. It may be happening to a woman’s body but there are 2 people in these situations as well, so I think although it is very relevant to the lives of women we should not just categorise it as something for women or something for the women in this Assembly to be thinking about. Islanders deserve modern up-to-date and fit-for-purpose laws, and the existing Termination of Pregnancy Law, as we have already heard, is from 1997. But as the Minister’s report accompanying the proposition states, even then much of what it contained was considered to be outdated even when it was brought in because it was based on the U.K.’s (United Kingdom) 1967 law. In 1967 Twiggy was dominating the catwalk, miniskirts were in fashion, a woman ran the Boston Marathon for the first time, but it would be still 6 years before women gained access to the London Stock Exchange. In 1967 women still often required a signature from a husband or a father to open a bank account, obtain a mortgage or secure credit. Equal pay legislation did not exist and

women were frequently barred from senior positions and paid significantly less than men for doing the same job. Some bars and pubs still legally refused to serve women unless they were accompanied by a man. Juries were still largely male. There was no women's refuge anywhere in the U.K. and, fittingly given some of the other debates we have had this week, under U.K. law in 1967 it was legal for a man to rape his wife.

[9:45]

Thankfully the world has moved on and much of our legislation has too, and it is now time that our Termination of Pregnancy Law caught up as well. There are a couple of specific points I want to make, and the first relates to the public consultation which informed this work, and why I believe it is vital that we take action following that work, and the second consultation which followed it. I think particularly with an election coming up, when candidates make all sorts of promises about listening to Islanders, it is even more important that we reflect on the use of public consultations and what we do with the views and the feedback that Islanders provide us with. In this case, a public consultation took place between July and October 2023, and there was a second phase last year. I am sure that the Assistant Minister will touch on the points made by the Connétable of St. Brelade, but I would draw Members' attention to a freedom of information request that is published online, where somebody asked about exactly the points that he made. It does state very clearly, and the report on the consultation itself makes this very clear, so there is no attempt to hide any links there. But the initial interviews conducted with women who have experience of termination in Jersey were carried out by the Centre for Reproductive Research and Communication, and the F.O.I. (freedom of information) states: "It is recognised that it is situated within B.P.A.S., the British Pregnancy Advisory Service, which has a clearly stated public commitment to protecting and extending women's reproductive rights and choices" and it goes on. That is online for Members to read if they want to, and members of the public. The thing I would just add there, the consultation, I think as the Assistant Minister said, it did not start from a point of asking if abortion should be legal. It already is legal. It started from a point of asking people for their experience of lived experience and what they thought should be done differently. So the first consultation highlighted the absolute need for change, the second provided more detail on what people thought those changes should look like. I think it is really important that we close the feedback loop when we are asking people for their views, particularly where it is about such a sensitive topic and we are asking for people's personal experiences. Closing that feedback loop is vital for trust and public engagement, and you close that loop by providing thanks and feedback and publishing results and by explaining clearly what happens next. But by far the most powerful way to close the loop is to take action based on and informed by that public consultation. People are much more likely to take part in public consultations in future if they see how their contributions are helping to influence policy and decision-making. That is exactly what we are doing here today as well. Another aspect of this proposed new law I would just like to comment on, and it is not in the 1997 law but is a welcome addition, is the ability of the Minister to use regulations to designate an area around a termination clinic as a safe access zone. In those areas certain activities will be banned, such as intimidation, harassment or obstruction. Obviously we would hope it would never be needed but there are examples around the world that show it is important that we have that provision, should it be needed. I would like to ask the Minister if there is capacity for that regulation to be extended to fertility clinics in future, should it ever be needed in Jersey, or if consideration could be given to that in future. Because increasingly in countries such as the United States, we are seeing anti-abortion campaigners that are targeting fertility clinics and I.V.F. (in vitro fertilisation) procedures. Since the overturning of *Roe v Wade*, and subsequent concerning developments in the U.S. (United States), there are some who now categorise embryos as children. Their view being that life begins at fertilisation. That position could, and in some place is, impacting on fertility treatment and patients. For those individuals it is raising questions about the storage, testing and, particularly in this context, the discarding of unused embryos, which some campaigners are now categorising as abortion. We do not have embryos currently stored or transferred in Jersey, but the people who are receiving treatment are here and receive pre and post-

embryo creation treatment locally. Again, we hope that that kind of intimidation would never happen here and the risks will be very low, but it cannot be ruled out. I would like fertility patients to know that their Government has their back, should it ever be needed. I think the Minister has covered quite clearly the service limitations, and set that out unapologetically as well. I think that is important. The proposition does not shy away from explaining that that proposal does not automatically expand service provision. Of course, in an ideal world, I do not want women to have to travel for such procedures and it does come with extra costs to them. But it really does not mean we should not support this law today or that it will necessarily lead to new pressures on resourcing and funding to provide such services because the reality is, as the Assistant Minister set out, even in the U.K. people often have to travel to specialist clinics for later stage terminations. I acknowledge that Jersey is a small jurisdiction and this is a specialised procedure. Changing the law as proposed without a guarantee that service provision will be extended will still have positive benefits. It will reduce stigma associated with such decisions, and that is a really important point. This is back to the people going through this experience; it will reduce stigma for them. It will give clinicians clearer guidance within which to work and it will allow greater flexibility through future regulations and orders. Finally, I want to comment on the 22-week limit in the law, as I think my panel chair, Deputy Doublet, did yesterday. I want to thank Deputy Hilary Jeune for bringing this to our attention, and Deputy Jeune has given me her permission to say that as well. In future, I would like us to consider a carve-out in the law, which would allow a person who has had a potentially serious medical issue identified at their anomaly scan - typically at 20 weeks - time to make an informed and settled decision without being rushed by the 22-week deadline. In reality, the deadline is 21 weeks and 6 days, and if you consider the timings about when scans take place - so you could be 20 weeks and 3 days when you have your first scan - how many days does that really give them to digest the information, maybe seek counselling support, research possible outcomes, seek further tests or medical opinions, and all of that alongside trying to come to terms with what may be a diagnosis, discussing with partner, with families. Other jurisdictions I believe have such carve-outs, and actually places like the U.K. do not need it at all because they use the 24-week limit instead. I want to just highlight a letter sent by 120 foetal medicine experts who are affiliated with the U.K.'s distinguished Royal College of Obstetricians and Gynaecologists. It was sent to M.P.s (Members of Parliament) in May 2024 concerning abortion amendments tabled to the Criminal Justice Bill. They were talking about exactly this situation because some of the amendments were seeking to bring the 24-week limit down to 22. The letter states: "As medical professionals who care for patients who need later gestation abortions we are alarmed that these amendments have been tabled to the Criminal Justice Bill. They would have a catastrophic impact on the care that we are legally allowed to provide our patients, as well as on women's ability to make decisions about their pregnancy. While the numbers of women affected is small, if passed, those amendments will deprive the most vulnerable and high-risk girls and women of access to essential and potentially life-saving healthcare. It will force other women to make a decision to end or continue a much-wanted pregnancy before the diagnostic pathway is completed. This goes against best practice guidance and basic medical care decision-making." The letter explains that tests which may follow a diagnosis from an anomaly scan can fail to give definitive results or may need to be repeated. This means that if the gestation limit was reduced to 22 weeks, in the U.K. context, a woman will have passed the abortion time limit before she has even received a diagnosis and will result in her having no time to come to terms with the diagnosis or to consider her options. That letter is online, and I am willing to send it round or it is there for others to see. Conscious of time, but the same letter also highlights that 90 per cent of abortions occur before 10 weeks, and those who do present at 22 to 24 weeks who are not having an abortion due to foetal anomaly are frequently very vulnerable. It states: "If their ability to access safe abortion care up to 24 weeks is removed, this can have a lasting detrimental impact and may even be life-threatening." It says that research shows that the common reasons, other than foetal anomaly for needing an abortion at later gestations, included domestic abuse, particularly abuse which has worsened during pregnancy, health problems of the woman herself, both mental and physical, a change in circumstances during pregnancy, such as the loss of a partner or a serious illness diagnosis for an

existing child, late detection of pregnancy, often as a result of health conditions, young women under the age of 18 who may not have realised they were pregnant or concealed it through fear. They conclude: “Reducing the abortion time limit from 24 weeks to 22 weeks will target these especially vulnerable women and girls, forcing them to continue with a pregnancy that they do not want, which can have a detrimental and lasting impact on their health, safety and well-being. No one would want to underestimate the difficulty in making a decision to end a pregnancy at such a late stage. However, forcing someone to continue an unplanned or unwanted pregnancy in these circumstances may put their life at risk.” I think the law here today is a significant improvement on what exists already, but I do think it could be improved yet further. I hope that this can be addressed in the not-too-distant future. I would be interested to hear from the Assistant Minister about why the 22-week limit was chosen rather than 24 weeks. She did explain in her opening about the viability concept but, in my research, it is not as clear cut as perhaps she makes out. Did we ask in the consultation about 22 weeks or 24 weeks; or just 22?

2.1.3 Deputy M. Tadier of St. Brelade:

There have been some excellent speeches so far. Deputy Stephenson highlighted the final speech that Deputy Miles gave yesterday, and I think that if we were not already thinking along those lines certainly it crystallised some of my thoughts, but also actually said some of the things that I would have wanted to say very eloquently about the difficulties that this is not completely a black and white area, especially when those comments related to disability. My concern here, having read the comments and the Minister’s proposition, and I also congratulate the Assistant Minister for proposing this yesterday in the way that she did, is that I am mindful of the opening comments of the Scrutiny Panel, which says that the termination of pregnancy has been legal in Jersey since the 1997 law, but they say that this law was already considered out of date at the time of its introduction as it largely replicated the U.K. 1967 Abortion Act, which restricted access to termination based on limited prescriptive grounds such as distress. My concern today is that we are proposing a Termination of Pregnancy Law, which is already out of date now, before we even adopt it. Deputy Stephenson has started to take us through some of the reasons for that, and I will outline those concerns. I do not want us to get into a scenario where we are trying to replicate an A-level ethics class, so I hope that will not happen. What I would say though is that the starting point, and Deputy Doublet touched on it in her comments when she was representing the panel’s work and I think her own thoughts on the issue around viability, do need to be unpacked, I think. Because if the premise for this law is largely built on the concept of viability of the foetus or of the potential baby that is yet to be born, I think that is a highly problematic starting point for legislators, and I will explain why. Deputy Stephenson did say that there are already those in the community who hold a view, which is absolutely their right to, that life begins at conception. Indeed, I know the 1,001 Days, which there are a lot of champions in this Assembly, I think it was actually a policy of previous Governments to support the 1,001 Days, which is the first 1,001 days up until the age of 2.

[10:00]

If you do the maths, of course, 2 years, 2 times 365 does not give you 1,001 days. That is because the first 1,001 days also includes the period from conception. Clearly, pregnancy in itself, if you are going to have a baby and that baby is going to grow up, hopefully, into a young person and an adult, all of that 1,001 days is an important period. On the other hand, we are left with the question of these arbitrary dates, which seem to be based on science rather than necessarily the starting point being women’s rights. I think that is the nub of the issue here. If, for example, a foetus were to be considered viable not at 22 or 24 weeks, but actually in the future at 5 weeks or even at 3 weeks, if it was possible in the brave new world scenario to take that embryo or that foetus and actually say: “We can make sure this survives”, what are the implications for that for future legislators and for women’s rights? So looking at this legislation, I think the major flaw here is that it has not started through the right end of the telescope. It started through, I would say, a pseudo-scientific starting point, which is probably actually largely being led by community pressure from the religious right rather than

from the starting point of what is best for women and what fundamentally supports women's autonomy over their own bodies. If it had started from that point I think it becomes a lot more straightforward to legislate for women's rights and control over their own bodies. It makes me very uncomfortable, and I hesitated as to whether to say this this morning because one does like to keep some things private, but I think I have mentioned in this Assembly maybe before, and I have certainly written about the fact that my mother was relatively old when I was born. She was 46 at the time. It is not entirely uncommon for that to happen but it is fairly unusual, so I was an unplanned pregnancy. My mother was also deeply religious, she was a practising Catholic, and she said to me after I was born that at the time there was quite a lot of pressure for her to have an abortion. I think she even said from the medical profession that people were saying to her: "Mrs. Tadier, you have got to be careful at your age, your son might be severely disabled." Those words were not used. If I were to repeat the words that some told her, it would not be either parliamentary or acceptable these days. My mum made her choice and she stuck by it - and I know what some Members might be thinking; I hope not - and that has stuck with me. Because if we get into the argument about ... and I listened very carefully to the panel's comments about this 23 plus 6, and there is quite a ... and I do not disagree with limits, by the way. I am not saying that after 24 weeks. I think that there do need to be limits. There are wider ethical considerations in all of this. But I think what we are doing here, we are selling this law to us as if we are making great progress. But it is behind what the U.K. is allowing at the moment. They have a 24-week limit, as I understand, and it is up to the woman to decide whether she wants a termination. I hope that is not an oversimplification. What we are doing is we are reducing that so it is already a lower starting point. We are saying after that point it has to be severe foetal anomaly. Then of course there is this question, which has rightly been raised by Deputy Stephenson and the panel saying there is this problem then if you get your 20-week scan and an anomaly comes back, but it is not a severe one, it is not a serious one that is going to affect the likelihood of the baby surviving or the health of the mother, then it becomes a matter of choice. I think that then takes us into some very grey areas. I did read the comments saying that there was a case that the U.K. court ruled on about the rights of disability groups and that terminating, for example, an unborn baby with Down's Syndrome, does not affect the rights of disability groups. It is not an impingement on human rights of disabled people. But I think it does lead to some very difficult questions that we do not need to ask as legislators. I think, again, if it comes down to women's choice, because we know that there are so many reasons that women might choose to have a termination, so many of those factors are not necessarily to do with internal considerations, but actually external ones, environmental ones. I think this leads me on to the next point, is that I am concerned that we are setting up a new law but we are not setting up the commensurate provision in Jersey to be able to deal with that. I want to read through a quote that the panel put in their comments from the Minister, and I think from the Health Department. I think it is just easier to read this part so I do not lose any context, and I will try and do it as quickly as I can: "The panel broadly supports these provisions but stresses that the on-Island workforce is unlikely to be able to provide such procedures when the law comes into force. The proposition section acknowledges that Jersey's limited specialist workforce means later stage terminations, particularly those related to foetal anomaly, will continue to require travel to the U.K. with associated stress and trauma for women. This was discussed at the quarterly hearings, and the Minister and officer responded to the questions in the following way." This is a direct quote: "We cannot force ... you are referring to people in the hospital service being prepared to carry out terminations after a certain period, because I think that is the difficulty that we are referring to. At the moment, we do not have a team of people who are prepared to do that. I do not think that it is reasonable, but we cannot insist that people undertake that work. If, over the course of time through the recruitment process people come on board that are able and are qualified and prepared to undertake that work, then that is a provision that would be available. But at this point in time it is not something that people that are doing the work are prepared to offer, then that work has to take place off-Island." That sounds remarkably cavalier and vague to me. It sounds like we are bringing in this new law. There might not be people at the hospital who can do it because they are not trained, and they may not want to do it. The consequence of that

suggests to me that not just after the 22-week period, but actually a lot sooner than that, women are going to be forced to travel routinely off-Island for their terminations - terminations which are not free at the point of access anyway, which I think is wrong - but also there will be presumably an associated cost with that. Then the Minister goes on: "Even in the event that we are not able to recruit a workforce that can choose and safely deliver terminations, it is nevertheless the case that amending the gestation limits does help remove some of the stigma that is associated with terminations." What we are hearing here is this is a great thing to do just from a theoretical point of view, but I am interested in the practical implications of what we are going to see here. It is important, because amending our law provides legal certainty for our clinicians in Jersey when they refer to the U.K., and that is particularly important because, at the moment, in our law we have a 24-week limit for termination in the case of serious foetal anomaly. If a serious foetal anomaly in Jersey was to be found at the moment, that woman was post-24 weeks and the clinician would wish to refer the woman to the U.K. where she could, in their law, have a post-termination on the grounds of a serious foetal anomaly, my concern with this perhaps has not been mentioned yet, but we have spent the whole week ... not the whole week, but we spent, a lot of yesterday debating very important V.A.W.G. (violence against women and girls) legislation. Yet here we are debating ostensibly women's rights. My point is that if a vulnerable woman who may be in an abusive and coercive relationship cannot have a procedure on-Island at whatever stage and for whatever reason and is being referred to the UK, she may not be in a position to travel if she has a partner who is coercive and abusive. What does she do? If you can get access on-Island, you can probably do that fairly furtively, can you not? You can go off to work, take some time out. Your husband, your partner does not need to know where you are, and that can remain private. If you have to start booking travel to go to a clinic somewhere in the U.K., you have then got to start telling your partner why you are going to be away. You may not even have financial control over your bank accounts. You may not have any economic financial independence. I think this has not been thought through from a woman's point of view. I think it has been thought through from a fairly cold, clinical, scientific but also from that ethical point of view where a lot of voices have come forward probably that do not even support a woman's right to termination in the first place. I think that is why we have been left with a highly problematic law. We are in a difficult position here, because I think we have to make a decision on what is before us. I certainly do not criticise the Scrutiny Panel because I think they have also been put in a position where this has been lodged towards the end of a term, and they have made recommendations, but had they had more time I have no doubt that they would have put amendments in, and that we would have been able to consider this law in the light of some improving amendments. I do find what is in front of us problematic, not least - mostly actually because of the practical implications - that we are putting something in place. I think if this was in any other sphere, if this was an education proposal that introduced theoretical rights but did not actually give a practical recourse to those rights or in any other domain, I think Members would be looking at this and saying to the Minister: "This is not good enough."

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

I am a member of the Health and Social Security Scrutiny Panel, but I do not share all the views of the majority of that panel. The chair of the panel has put the argument, as indeed I think did Deputy Tadier, on bodily autonomy, the woman's right to choose. But that does not seem to me to be the whole of the story because there are other human rights involved, namely the right of the embryonic child to life. Even for those who accept, in part at least, the bodily autonomy argument, there is a tension when it bumps up against the right to exist or the right to life. I am not well-enough informed to state how close to viability is 22 weeks, but 2 things do seem to be clear to me. The first is that termination at an advanced stage of pregnancy is a difficult matter, both ethically and surgically. Secondly, the surgical difficulties are such that a termination cannot be performed in Jersey beyond, as I understand it, 12 weeks. All such terminations have to be performed in the United Kingdom. The reason for that is that the expertise for this kind of surgical procedure cannot be sustained by a practitioner based in Jersey, because the numbers are not sufficient to enable that expertise to be

sustained. Any termination over 12 weeks, therefore - I have this from one of the consultants at the General Hospital - is performed in the United Kingdom. My question to the Assistant Minister, when she attended upon the Scrutiny Panel, was what the point of changing the law, to which the Assistant Minister's answer was: "It is a question of stigma", which is the word that Deputy Tadier used as well. But I am afraid I do not find that particularly persuasive. I must say that in my view of all the emotions that a woman in this situation might experience, the idea that the law in Jersey is different from the law in the United Kingdom, and going to England involves some kind of stigma, seems to me to be not valid.

[10:15]

I think there is a logic to maintaining the period during which a termination can be performed in Jersey at the period which, in practice, it can be done. For that reason, although I support a number of the other changes to the law that are brought about by this Bill, because I do not support the elongation of the period in question to 22 weeks, I am not going to support this proposition.

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

I did want to give the Assembly some comfort, as a member of the Women's Political Advisory Group, that all of the considerations made by the Assistant Minister were taken and informed by the views of women. I switched my light on after Deputy Tadier's speech because he was suggesting that it was coming from elsewhere. This is very much something that we took very seriously. The Assistant Minister for Health and Social Services, and I know the previous Government, have been working on this for some time, and consultation has been very important. I did take issue with some of the things that were said by the Connétable of St. Brelade that were questioning the integrity of that consultation. The consultation was robust, and that was despite attempts from off-Island lobby groups seeking to influence what was happening here on this Island. It was really important that that consultation was robust in that way. I wanted to give the Assembly the assurance from my point of view, as a member of that group, that the consultation was good. Obviously this is a matter of conscience, and the Women's Political Advisory Group as well was given very detailed information about the terms of pregnancy, the weeks, the different options that may be available to put into this legislation that is ahead of us today. For me, searching my own conscience, the assessment of viability of life seemed to be the correct point for this piece of legislation. Other people may choose to take a different view. This is absolutely a matter of conscience. I listened carefully to the Constable of St. Saviour yesterday and his view, and we spoke yesterday after the session. I did share with him my view is that, as science change and viability of life changes, we need to be able to adapt our legislation accordingly as well. I wanted to give him my assurance that as a member of the Women's Political Advisory Group we had considered those matters. I would like to thank Deputy Miles for her speech yesterday, which I think was very powerful. I know that people, when they find that they may have a child with a disability, have to know that support is available for them. It is really important that they are able to take decisions in the knowledge that they will be supported by our community. I absolutely back up what she had to say there, and I will do whatever I can in my role to ensure that that support is available. I also wanted to touch on what Deputy Stephenson said about support for the wider family and the need for counselling. I did want to seek assurance from the Assistant Minister for Health and Social Services that there will be support for wider family members, because this of course is not just a decision that is necessarily taken by one person or affects one person. It can affect a broader number of people. I will share a personal story here, because I have visited personally a centre in Australia where terminations did take place, not because of my own situation. I hope that better care is provided now there and will be provided here. My situation was I was in the situation where I had had a miscarriage, and that was the only place where I could get the medication that was required. The similar medication that is used in early stage terminations. Reflecting on that visit, what I saw there were lots of different families and people. There was a story to each of those situations. What is really important to me about this legislation is that this is modernising legislation. It is about reducing stigma. It is about ensuring that people get the right

level of care as early on in their pregnancy as possible, that they get the right medication and access to right medical treatment and, as I said, counselling. There is a family and there is a person behind each one of these decisions, and I think it is really important that we remember that. I do want to give assurance that, from my perspective, I think we are coming to a good place with this legislation. Again, I want to give Deputy Tadier assurance, this is based on modern legislation. Modern legislation is looking more at viability of life, and I think what we would find is older legislations were the legislations that had the longer period of weeks in them, because as obviously science and facts change we need to move in relation to that. We need to think about the medical professionals involved, as well as the impact on the families. I do urge everybody to support this piece of legislation. It is greatly needed. We need to modernise our outdated termination of pregnancy legislation. It has been informed by women's views, and I think that that is very important.

Deputy M. Tadier:

Would the Minister take a point of clarification, sir?

The Bailiff:

Would you take a point of clarification?

Deputy L.V. Feltham:

Yes, Sir.

Deputy M. Tadier:

Will her department be liaising with the Minister for Health and Social Services to make sure that women, especially those who have terminations before the 22 weeks who need to travel, are supported if they do not have the financial means? Would she also encourage the Minister to consider actually bringing doctors over to Jersey to perform terminations so that women do not necessarily have to travel to address those issues about coercion that I spoke about.

Deputy L.V. Feltham:

Yes, I am already in very active conversations with the Assistant Minister. She and I worked very closely to ensure that people not only have access to termination services, but also contraception services as well. Something that we agree on is that access to contraception needs to be improved as well. So yes, absolutely, I would continue in those conversations and provide more practical and immediate help where that is appropriate. With regard to traveling doctors, I think that would be more of a medical, because obviously if it is an early stage termination, what we are talking about is effectively medication. So there is no need to travel off-Island there. I could not give any guarantee around whether it would be a good idea or not to have a doctor travel rather than the person seeking the termination, on the basis that I do not know if we would have the effective equipment or anything like that. But at the very heart of this has to be putting people's well-being first. Therefore, if that was the better thing for us to be doing, the most efficient and effective thing and in the best interests of people, then I would certainly be open to that.

2.1.6 Deputy R.J. Ward:

I thank the previous speakers. I think Deputy Stephenson mentioned a few things that are very poignant as well. All of the speakers, particularly the women speakers in this Assembly who have spoken on this topic, and I thank them for that. Deputy Stephenson said that men are involved in this as well. Yes, apart from the obvious, which we will not go into, but yes they are. But there is key point for me as a man which is, I do not understand the experience of carrying a child, I never will. I do not understand fully the experience of having to make that significant decision, and I never will. But what I have to be and what we have to be as men - and I have said this before and I will say it again, I am sure - are allies and supportive in that decision making. Yes, of course, I can have a view. In any relationship, you would discuss and you would talk about the rights and wherewithal, but in the end, it is a woman's right to choose. I enter this debate from that simple position, that this is the

woman's right to choose about her body and her future. I think this law, it does updates and it does do so in the right way. It is important that we do that. We have talked a lot about stigma. I think stigma is very important in our society and I would disagree. Again, my understanding of that experience would be limited because I cannot go through that experience. I cannot go through the experience of being the person who has to make that final decision. But I have to try as much as possible to empathise and understand. That is the important point of this. I will not talk about Article 17 because that is for the Articles in Second Reading. But I will talk about a principle that I have, and that is simple: healthcare should be free at the point of need for everybody. We are wealthy enough as a society to ensure that that can happen if we get our spending right and our taxation system right. I believe that we should be supporting that. Yes, I did bring the proposition to make travel off-Island paid for, and I stick by that because we need to as an Island. It is a cost as an Island. It is important that we provide that support for anyone travelling to have treatment elsewhere because we cannot provide everything on-Island. We need to do so effectively and as sensitively as possible. But we will come back to Article 17. I think you probably know what I would say about it, because I have already asked the question of the Attorney General. I just want to make sure that I make that point. There is an issue as we go forward about modern science and how we need to adapt to greater understanding, greater medical intervention, greater medical care, and understanding of both genetics and in-vitro treatments of developing human beings. So we need to be adaptive. This is the first part of adaptation of this law, which brings it forward from 1967. I would say to Deputy Stephenson to finish off, there is another significant event in 1967. A very significant birth but we will not go into who that was. So I will urge Members to support this proposition. I think it is the right thing to be doing at this time.

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

I just want to address one of the comments that Deputy Tadier made, hopefully to assist the Assistant Minister. I hope she does not think I am standing on her toes but I am sure what I am going to say is correct. Deputy Tadier was critical of the fact that, at the moment in Jersey, we do not have the specialists who can offer a late-stage termination. Again, this is in the realms of council perfection. Yes, it would be wonderful to have specialists who can do everything on the Island but we simply cannot do that. It is not just a question of money because a medical specialist becomes a specialist by doing the procedure day in and day out and continuing to do the procedure day in and day out. The last thing anybody would want would be to go under an anaesthetic and for the surgeon to get halfway through the procedure and then think: "Oh, I have forgotten what to do with this bit" or: "I am not familiar with that" and: "Oh, I have not seen one looking at that before" and then to rush and look at Google to find out what to do next. Even if we did recruit a specialist who could do late-stage termination of pregnancy, these will - I am sure we all hope - be very rare occurrences. If someone came here in January and if they are not called on to do the procedure by December, they are no longer a specialist. Medical treatments are ... you can only rely on muscle memory so far. People have to be doing these treatments all the time to maintain their C.P.D. (continuing professional development) and maintain their skills. Late-stage termination is a highly technical ... this is from the discussions we had at the women's health steering group.

[10:30]

Late-stage termination is incredibly risky for the woman. It is a very difficult thing. It is not the same as a c-section, so it has to be done by a specialist. The Minister for Social Security has already said that they will work to make sure if there are vulnerable women who need to be helped to get away from the Island to have a very late-stage termination, that support will be provided to them by whichever agencies may have to be involved. It is not something that we can ever realistically promise to have a specialist on call. I agree with Deputy Tadier, there could well be times where we could bring specialists to the Island for periods of time. Whether you can do that on-call, I do not know. But recruiting specialists is a challenging area because we just do not have the bodies and the frequency of procedure for people to maintain specialism. I had not been going to speak apart from

making that observation, but I spoke with a friend on the weekend about this. I am told that the availability of termination of pregnancy on a legal basis really can be a critical factor for women's health across the board. The example that I was given is that there are parts of America where termination is very much more restricted. Where doctors are refusing to treat pregnant women for other conditions including cancer, including where those cancers will become terminal if not treated. Even if the woman and her partner want that treatment, they will not provide it because they are frightened that it will induce a termination, it will induce loss of the pregnancy, and that they will then be criminalised for inducing abortion. That is a dreadful state of affairs. It is important that termination is available not just for the reasons of a termination but for women's health more generally. I just ask people to fight on that.

2.1.8 Deputy J. Renouf of St. Brelade:

I had not planned to speak on this. We have had some truly excellent speeches, particularly from Deputy Miles and Deputy Stephenson, which probably confirmed me in that decision. However, I was moved to stand because of the comments made by my fellow member of the Health and Social Security Panel. In particular, Deputy Bailhache's view that the question of stigma is - I think I have got the phrase he used right - not valid. All I would say about that is I think I would prefer to take a woman's view about the question of whether stigma is a valid argument in this circumstance. I would also add that it was pretty clear from my recollection of the reports that the stigma facing women ... it is not just the question of the stigma facing women, it is the difficulties facing medical professionals who have to help women achieve termination in the U.K., when it is outside Jersey's legal limits. Those questions were legitimately raised. So I think on both those grounds, I would gently disagree with Deputy Bailhache and say that stigma is an issue. I think that reason for changing the law is therefore valid. I do agree there are significant tensions within the law, and I think the Assistant Minister acknowledges this. The most significant tension for me is around the lack of provision in Jersey and the need for women or families to pay for an abortion because they have to travel to the U.K. I accept that we will not provide in the Island in the foreseeable future the kind of specialised service. But it is a cost barrier, potentially, and that is troubling. It does mean that important decisions about health are being made partly in the shadow of a financial dimension, although I accept that there are hardship grounds available. Therefore, in the most extreme cases, hopefully that will not be a problem. But it is troubling that decisions on this issue will be partly determined by money. However, I do accept there is a pragmatic element here. It does make me wonder though, when we consider all of these questions that have been in this debate, how these laws would have been framed right from the beginning if it were men who got pregnant. We might think that they might have been designed in a different way. But overall, I think this law is a pragmatic response to the situation in which we find ourselves in terms of the limitations of what can be provided in Island, limitations within the Health budget. The issue raised by Deputy Stephenson concerning potential carve-outs beyond 22 weeks in situations of foetal abnormality scans should be looked at in the future. But in the meantime, the principles of this law are a welcome update and therefore I will be supporting them.

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

I would just like to refer a question to the Attorney General please. We have not heard much mentioned about the rights of the unborn child, the rights of the foetus. On page 22 of the draft law, in the appendix to the report, we are given notes from the Law Officers' Department and we are told that they are for the information of States Members and should not be taken as legal advice. But it does refer to Article 2 of the E.C.H.R. (European Convention on Human Rights), the right to life. The Convention states: "Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally, saving the execution of a sentence of the court following his conviction of a crime for which this penalty is provided by law." It then goes on to refer to some cases that have been considered by the E.C.H.R. One in France where the decision was that the unborn child is not regarded as a person directly protected by Article 2 of the convention. That if the unborn do have a

right to life, it is implicitly limited by the mother's rights and interests. I think really that has been the overriding theme during the speeches that we have heard over the past day and this morning. We are really considering the mother's rights and interests. What I would like to know from the Attorney General - and I note that actually he did comment on this for the Law Officers when he was S.G. (Solicitor General) - there is another reference made to an application in the United Kingdom where someone was concerned that her ex-partner withdrew his consent to the storage and use of jointly-created embryos. In that instance, the court found that under English law, an embryo did not have independent rights or interests and could not claim or have claimed on its behalf a right to life under Article 2 of the E.C.H.R. We then read in Article 6 or number 6 of this advice to us: "It follows from the principles above that the draft law does not give rise to issues of compatibility with Article 2 of the E.C.H.R." What I want to have from the Attorney General is legal advice. which we read ... this is not legal advice, it is information for States Members. So is the legal advice to States Members that the foetus does not have any rights? I am asking this for certainty, so that is my question to the Attorney General. Does the foetus have any rights?

The Attorney General:

The question arises within the context of the European Convention on Human Rights. The ultimate arbiter of what that convention means is the European Court of Human Rights. The guidance that is set out in the report I am happy to adopt and repeat as legal advice to the Assembly because it accurately sets out the position that the arbiter of the Convention on Human Rights has thus far taken and that, therefore, reflects the position for the purposes of this debate. The Article 2 right, and perhaps I should just clarify; I think when I previously commented on competing rights it was in the context of assisted dying where a person is, as it were, living outside the womb. But the approach that the European Court of Human Rights has taken, and it is set out in the guidance, is this, that in the absence of any European consensus on the scientific and legal definition of the beginning of life it is within the margin of appreciation that States enjoy to determine the extent of protection accorded to the right to life of an unborn child under national law. So, that is the position as far as the European Convention is concerned. It is a legal issue. It is, of course, different from an ethical and moral issue about the right to life.

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

I just rise to say just a very small piece in all of this. It is around shared responsibility for pregnancy. Because both partners participated in conception, I do believe that men do have a moral stake in decisions about continuing or ending a pregnancy. The concept of shared moral responsibility in relationships needs to be recognised. I was pleased to hear the Minister for Social Security reference this in her speech, recognising that important family decisions should ideally be joint ones. In my opinion, there is a moral argument that excluding men entirely risks undermining the emotional significance of the decision for them, especially if they desire parenthood. The idea that men can experience grief or loss when a pregnancy ends is real. I would therefore like to see reference to counselling for partners, something not currently referenced in the law, thank you.

Deputy M. Tadier:

Sir, would the Member take a point of clarification?

The Bailiff:

Would you accept a point of clarification?

Deputy D.J. Warr:

Not really, Sir.

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

I certainly was going to make a point of not speaking at all here but I was a little bit concerned by some of the things that were mentioned by Deputy Tadier, and I just wanted to stand up to assure

Members that my Assistant Minister has been put under no pressure from me whatsoever on any of this. Basically, I view this as territory for women to deal with and, as I say, I have kept a distance though I have kept myself informed, and I was very grateful to Deputy Millar for clarifying some extremely important points about the complexities that are involved in finding clinicians that are (a) suitably qualified, and (b) actually prepared to carry out terminations after 12 weeks because having spoken to the lead clinician in the Island and knowing a little bit more about exactly what is involved it is not an easy business at all, and I think Deputy Tadier would perhaps do well to be informing himself of some of those difficulties. I also took some exception to what Deputy Bailhache said and I think that was very well covered by ... it has been covered and I am very happy with that. I would like, to if I can before I finish, thank my Assistant Minister for all the good work that she has done.

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

I will not take much longer given some of the points have already been made by previous speakers but clearly also want to acknowledge my thanks to the Assistant Minister for bringing the legislation forward in its current form. This is a very sensitive piece of legislation and I do not believe there is any legislature anywhere in the world that does not face controversy of some kind when debating this.

[10:45]

But I come to this as someone who has been responsible for delivering and providing women's health services that did include termination of pregnancy services, which were freely available and responsive to need, and so I want to bring some of that experience to how legislation in this area impacts upon those who are affected by it. One of the parts of the legislation that I looked at is in relation to consent, the matter of consent in under 16 year-olds and where best interest and parental consent feature. I just would like some further clarification, if I may ask for how the current proposals will address the very difficult issue of trying to respond to somebody as young as 11 when in this situation, and I have been in that situation where there has been an 11 year-old unable to really comprehend the enormity of what is involved and what is happening to them, and more so, what it would mean for the rest of their life. That is very different to engaging in a discussion about consent with a 16 year-old who has been fully informed and knowledgeable of the decisions that they wish to make. That said, I fully support the autonomy of young people, but I would like to ask whether the Minister thinks that the law has gone far enough in protecting and upholding the rights of the child at such a young age in this and whether there are any other further safeguarding issues that we do need to consider here? Particularly, for those children who do not have parents who can provide any parental consent or who are under the care of others. I broadly support removing the outdated requirements, and I accept it is not an issue to resolve around the precise limits and the criteria that have been used for the dates at which a termination can take place. But I would argue that it is not only, as Deputy Tadier has pointed out, a women's right issue to choose, but how and in what way she makes that choice. There are so many other issues that inform this decision, and when it comes to later pregnancies, in particular, there are serious clinical issues to consider that affect both the well-being of the woman and the foetus and the choice that follows thereafter. That brings me to the issue around the workforce because I am concerned that we are, or it seems to be that we are designing a law around the availability of the clinicians we have now. I do want to seek some clarification from the Assistant Minister as to whether or not the law is written in a way that would allow anybody to come to practise termination of pregnancy, particularly for women in the later stages of pregnancy, because I think we should be thinking about that in the future as to what kind of service we want to provide to women in this position that prevents them from having to go off-Island. I also accept all of the clinical arguments around the safety and the practice, but I do think that that is not particularly a reason why we should not create the conditions in the law to enable later termination of pregnancy to happen on the Island. I also want to tackle the issue of ... people have mentioned reducing the stigma of the termination of pregnancy, and I think this is a very interesting choice of language that we continue to use. The concept of stigma was developed by a sociologist called Erving Goffman in

the 1960s and he defined stigma as a socially constructed mark of disgrace that reduces a person from a whole and usual person to a tainted and discounted one. I just want to leave Members with that thought because I think the principle of the idea that we are talking about termination of pregnancy as a law to address the stigma associated of it, I think I would like to see whether there was room in the law, in the principles, to talk about this in terms of a traumatic healthcare event. It is a healthcare need, it is a healthcare issue, and I think when we start to change the language around this then I think we start to address some of the concerns and some of the lack of understanding that people have about the reasons why women seek termination. I also think that the law at the moment as it is written does provide for dignity, confidentiality and respect, but I would ask if the Assistant Minister could address that point in terms of the traumatic elements of this, rather than the stigma elements of this, so that we can start to move away from the notion that termination of pregnancy is a mark of disgrace. So, I welcome the law coming forward and the Scrutiny Panel's work on it but I think, like others have expressed, I cannot help feel, through the commentary from the Scrutiny Panel in particular, that we have just about managed to squeeze through the threshold for changes that women were seeking. For me, the key is to the effective implementation and operation of the law and how it will be achieved. It will be important to make sure that the clinical pathways and access to service issues are addressed and I certainly look forward to seeing this going forward.

The Bailiff:

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

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

I would like to thank the Assembly for its respectful consideration of this complex and sensitive subject. I would like to thank all those who have worked so hard to bring this Draft Termination of Pregnancy Law to the States for debate, and I thank all those Islanders who took part in not one, but 2 consultations. I do not intend to respond to everything that has been said, but I would like to address the following. In response to Constable Lewis, while hearing his concerns about the 22-week gestation limit there are many other jurisdictions, including the U.K. that permit terminations up to 24 weeks. The 22-week limit has been very carefully considered by many of us for very many hours, in fact years I think, and decided upon. I believe there are examples of babies born just after 22 weeks who have survived, but the proposed law is providing for termination on any grounds before 22 weeks. In 2023 92 per cent of terminations in Jersey were early terminations. They took place under 10 weeks' gestation, and that is what we would really encourage any women in this position to do, to go early. Data suggests that the number of these later stage terminations will be extremely small. In answer to Deputy Doublet's question about the counselling service, I can confirm that anyone requesting a termination is informed about counselling before they proceed and they can access the service whenever they need to, before and after, and I take on board the fact that there is a partner, and if they are affected that we will provide support for them as well because I do understand that it is their grief. But I think ultimately it is a woman's decision. Termination continues to be a paid for service in Jersey, and this is just because we are going to be doing work on the contraception on the Island as part of the women's health strategy, and we will look at this. But at the moment I think it would be not a sensible idea to make any changes. I did make some changes when I came into my post and I made exemptions for under-18s, for full-time students, women in income support households, and any woman who has a medically necessary termination, regardless of gestation period, and also anyone whose pregnancy is as a result of sexual assault, incest or rape. In regard to the safety zones around the clinic, it probably could be extended to I.V.F. clinics; but I hope in our Island that we will never need to have a safety zone. I do not want to become like the United States of America. **[Approbation]** I think we are very fortunate living in an Island that we all respect one another. I am just trying to think whatever else we need to say. We will be closely monitoring and evaluating the service going forward, identifying or removing any ongoing barriers to access and revisiting the issue of extended gestation periods for non-serious abnormalities as identified by

Deputy Jeune. I think the scans perhaps at 20 weeks, perhaps it is something that we need to look at. Perhaps they should be slightly earlier. I am not sure whether that is something that could be done and then there would be more time. I thank Deputy Doublet for her comments about remote access for the termination clinic for women who may be in coercive or abusive relationships but our preference is to see the woman in person for her safety. A woman will be able to contact the clinics directly herself by email or phone and we want all women to know that there is support available to them through F.R.E.E.D.A. (Free From Domestic Abuse) and Dewberry House. In relation to Deputy Miles's comments, I would say that we all greatly value anyone with a disability on this Island. We all agree that Ellie was an inspiration on Strictly Come Dancing and that we all saw her ability. Jersey is enriched by all who live here. Everyone is unique, precious and valued. I have a wonderful sister-in-law who has severe learning difficulties. Our family love her to bits and we all benefit because of who she is. In adopting this law, we will be bringing forward new provisions that better reflect current societal values, take account of changes in clinical practice and meet the needs of women who are faced with making a difficult decision. For many, if not all, probably the most difficult decision they will have to make. I do not want women to continue to have to cite distress or to have to feel stigmatised, although I understand that is not what Deputy Wilson is saying. She says we should not be saying that. I realise it is a medical ... something that happens and it is very unfortunate. I do not want anyone to fear criminalisation, and I would like to go back to Deputy Wilson's comments. At the moment, if a child, a young person, has capacity then they can make their own choice, and if they are younger then it will be the person who is in charge of their well-being who will be making the informed decision with them. I think it is a very difficult decision for a young person. So I know from today's debate that some of us hold different views about termination. Indeed, I may be one of them. But it is nevertheless our responsibility to provide a safe, effective, legal framework for terminations and to provide safe, efficient, kind and compassionate care. We know that the Island supports change. Updating Jersey's legislation in this important area for women is necessary and carefully considered. Sir, I commend this draft law to you, and I call for the appel.

The Bailiff:

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

[11:00]

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.

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

Sir, if I may, it is Deputy Morel.

The Bailiff:

Did you vote in the ...

Deputy K.F. Morel:

The chat was taking a very long time to come up. I was trying to engage before the closing of the voting. If it is not too late then my vote is pour.

The Bailiff:

Right. The principles have been adopted:

POUR: 43		CONTRE: 2		ABSTAINED: 1
Connétable of St. Helier		Deputy I.J. Gorst		Connétable of St. Peter
Connétable of St. Lawrence		Deputy Sir P.M. Bailhache		
Connétable of St. Brelade				
Connétable of Trinity				

Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 Doublet, do you wish to confirm your panel do not wish to scrutinise the matter further, on her behalf?

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

We do not wish to call this in, Sir.

The Bailiff:

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

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

Please may I take them *en bloc*, Sir?

The Bailiff:

You may. There will be a separate vote on Article 17, as you have indicated you wish. Are the Articles seconded in Second Reading? **[Seconded]** Does anyone wish to speak in Second Reading on the Articles?

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

Just on Article 17. After asking the Attorney General, a Minister can set fees at zero and I want to put on record that I do believe that healthcare should be free at point of access for everybody. That is the way in which we have a healthier society and a better society.

2.2.2 Deputy I. Gardiner of St. Helier North:

Just to follow up on Deputy Ward, and I also thank Deputy Moore for raising this Article 17, and if the Minister would consider to take a vote on Article 17 separately I would welcome because I truly believe this needs to be free at the point of access.

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

This point is important about the fee. The Assistant Minister in her proposition has outlined the charging that she intends to introduce and therefore, especially as she did not refer to it in her summing up, the Assembly is left with no option other than to accept initially the charging system that the Assistant Minister has outlined in her proposition. Unless this Deputy is going to commit to an alternative avenue right now, how can the Assembly vote for Article 17 if they feel that this should be a free service when balanced against other services that are offered for free? I do feel that the Assembly is in a tricky situation here, and it is a very serious point of principle for many of us. So I hope that the Assistant Minister will be able to set out her view and whether she proposes to make any changes to the proposed charging scheme before we vote on Article 17.

2.2.4 Deputy L.M.C. Doublet:

Apologies, I did not manage to inform the Assembly that I needed to be away for a medical appointment but I am grateful to be able to join online, and I just wanted to pick up on something that the Assistant Minister gave some clarification that I wanted the certainty around the availability of the counselling and whether that would be available genuinely in short order to people who requested it, so within a few days or a week for those who need that. I also feel that the charging ... I would like to take that separately as well, and if the Minister could respond to another point about the charging. Would she include single parents in this if there were still to be charges; would she exempt single parents and anyone experiencing abuse?

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

I also support taking this separately but I was wondering if ... of course, we are talking, and the Attorney General read out Article 17 where it is not just about the fees for the services of termination or related services but about the counselling, and I was just wondering specifically if the Assistant Minister could talk about the proposed ... what she has in mind in regards to charging for counselling services because we have heard of course ... but in the Article 17 it says specifically: "Provide for fees to be charged for termination services, termination-related services or counselling services provided in connection with the termination services." So although I am hearing the Assistant Minister is saying that at the moment they are free, of course in voting for Article 17 it could give the Minister, by order, the ability to charge for counselling services as well is my understanding. I just wanted to get some clarification for that.

Deputy R.J. Ward:

Sir, is it possible to ask a question at this stage? I know I spoke, I missed something out.

The Bailiff:

A question for the Attorney General?

Deputy R.J. Ward:

No, of the Minister.

The Bailiff:

No.

Deputy R.J. Ward:

I thought it was not but I thought I would give it a try. Thank you, Sir.

The Bailiff:

No, you cannot.

Deputy M. Tadier of St. Brelade:

Sir, just a point before Deputy Ward finishes his speech ...

The Bailiff:

He has made his speech already. That was a question he is not going to ask.

Deputy M. Tadier:

Was that a speech though, or a question?

The Bailiff:

He has made his speech already.

Deputy J. Renouf of St. Brelade:

I am not sure if I want to speak but I would like to just clarify something with the Attorney General ...

The Bailiff:

Yes, you may do that.

Deputy J. Renouf:

... in relation to his previous point of clarification on this. It is clear what the fee-making power in Article 17 says, but can he clarify if the practical effect of deleting Article 17 would be to effectively make all termination services in the Island free, or would it only apply to late termination services. Can he just clarify what the actual effect of it would be in the broader picture, if you see what I mean?

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

I think I can only advise on the law, not necessarily practical effects, which I think are not matters for me. This is a statutory process so it provides certain powers as part of that process. Those powers do not exist outwith the process because it is a statutory process. Article 17 gives a permissive power to the Minister by order to charge fees for termination services and counselling services in connection with termination services. If that is removed the Minister does not have a power in law to charge because this is the law that sets out how the system works. So that will be the practical effect. If there is a termination service, unless there is a statutory power to charge for it, the Minister will not be able to charge for it.

2.2.6 Deputy J. Renouf:

Just for final clarification. There are no other statutory instruments available that might not be sitting in this law that would give the ability for the Minister to charge for this service? I really want to nail the real effect of this.

The Attorney General:

That might take some research because I do not have immediately at my fingertips every piece of medical legislation involved. I think the better answer will be the one I have already given, which is that this sets up a statutory procedure and it is this law that one looks to, to see what fees can be charged or not, and not outwith the ambit of this law. So, I cannot for certain guarantee that answer is the right one, but applying first principles it really ought to be because this law sets it out.

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

I am just seeking some clarification. Currently there is a charge which is outlined on the gov website as £185. If this is voted against and falls away does that charge automatically also fall away? Basically, what I am asking is what is currently in place to allow this charge to be happening currently, at this very moment?

The Attorney General:

I would have to look at the existing Termination of Pregnancy Law; that might take a while.

2.2.6 Deputy J. Renouf:

I think these questions have hinted at a great uncertainty that sits here around the situation where we vote on Article 17. I do not have anything to say about the other Articles, but I do have significant concerns that we might vote against Article 17 without knowing the full implications of doing so. I have enormous sympathy with the ... as I said in my short speech earlier, I do think there are significant issues of equity raised by the charging of fees for terminations, and I think there is a place to address them. There should be a place to address them. It feels to me that that is a significant budgetary issue. I think it would be interesting if the Minister could address the question of how much the ... what the financial effects of not charging would be, because clearly it is a paid for service and therefore, if it becomes a non-paid for service, we will effectively be making quite a significant budgetary decision sort of "on the hoof", so to speak, and that does not feel ... I do not feel particularly comfortable with that. So, I am waiting further clarification from the Attorney General, if he is able to provide it, but I do feel like I would be very reluctant to vote against an Article in this law without understanding the full implications, notwithstanding the fact that I do have a lot of sympathy with the principle that there are barriers to equal access implicit in the charging for termination. However that is the current situation, and this debate was not set up as a debate about whether or not we would be removing charges for termination, and I feel uncomfortable that it might extend into that territory without us understanding the full implication.

Deputy R.J. Ward:

May I ask for clarification of the speaker?

The Bailiff:

Are you prepared to give way?

Deputy J Renouf:

Yes.

Deputy R.J. Ward:

Is the speaker aware that there were 280 abortions in 2024, each at a cost of £185, if everyone was charged; so therefore £51,800 is the cost for those abortions, though some were not paid?

The Bailiff:

That is not really a point of clarification.

Deputy J Renouf:

No, and I have seen different figures in terms of the travel into the U.K. costs as well that are implied so, as I say, I think we do not really have clear clarification at the moment and, in the absence of clarification from the Ministerial team, is what I would take as being the definitive on that.

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

If I could ask the Attorney General, in Article 17 the ability for the Minister to apply fees, that is a wide-ranging ability is my understanding, and the Minister himself could choose to apply, for instance, a zero-rated fee for residents of the Island, but apply fees for non-residents, for example. Does Article 17 give the Minister those sorts of powers, those wide-ranging, flexible powers to apply a range of fees and not necessarily just one fee?

The Attorney General:

Yes, it is broadly drafted so that is possible.

2.2.7 Deputy M. Tadier:

What we are seeing here is lots of Members standing up trying to find innovative ways to interpret Article 17 to ask the Minister not to charge fees. The simple thing to do is just not to vote for Article 17, then the Minister does not have the ability to charge fees. The Attorney General has already told us that a zero fee cannot be charged across the board, because that would not be a charge. So, we cannot get away from this fact that this is a political choice here that we are making today, and effectively the recommendation from the Scrutiny Panel has been that these charges - reproductive healthcare - should be free. It is also a party position by the way, I remind my party colleagues who are also Ministers, and that the simple thing to do here is simply to vote against Article 17, then the Minister will not have an ability. Because this Assembly - we get the strange scenario where Deputy Morel is asking a question saying could we charge zero rate for local residents. I did not necessarily know that these terminations are going to be marketed, so to speak, to non-residents. Although, of course, you might then have that very strange situation where somebody who has not been here long enough also needs those services and would be charged, versus there would be an equally emergency need, or whatever other need, and then we are starting to discriminate against women based on how long they have been in Jersey.

[11:15]

I think the simple thing here is simply to vote against Article 17, and that sounds like what a lot of Ministers want to happen anyway. I would ask the Minister to clarify, because Deputy Ward ingeniously got up and stated some figures, so he believes that there are currently 280 terminations that took place in 2024, all at a cost of £185 which, if you do the maths on that, adds up to £51,000. Now if there are other, if those figures are not accurate, it is up to the Minister to tell us, but it seems to me that if we cannot find around about £50,000 or that ballpark figure in an annual budget of over £1 billion, and we are taking women's rights seriously in this Assembly, as I have said during this

week we have been focusing on V.A.W.G., but what about more general women's right? I think £51,000 is less than £1,000 a week, is it not? I do not know what that divides up by 100,000 people living in Jersey. I think that this is a strong message that we can send to the Minister. This should be a free service. The other point I think is counselling is really important. I am really glad to see that the counselling services are required. I did ask a woman who is close to me, I said: "Is that the right thing to be in the law, the way it is worded, is it right that it is worded in that counselling service must be offered to a woman?" I said: "Could that be seen as that the necessity of that, the obligation of that, should it not just be that counselling services are offered rather than required to be made, i.e. there is a leaflet over there if you want some more information?", and she said: "No, it is absolutely right that Government and doctors should be providing the opportunity for counselling if women want it." What that does also mean, of course, is that on the one hand it might mean that they can do the counselling afterwards, but it means that they are able to do it in advance. It also might mean that they talk through the issues which are not just physical health issues, but there might be social and financial issues that they think about, and it might mean that they change their mind one way or the other, and I think that is also valid. I think there is a greater cost here rather than just a financial one. So, I think if all of these services in the round can be taken as being available to women and without any financial barrier, I think that is something that should be worthwhile.

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

Could I ask a question of the Attorney General? Does the 1997 law include any reference to fees at all, because my reading of it online is that there is nothing there currently, in which case I would like to know how the legal position for charging fees currently, where that stands?

The Attorney General:

I am about to apologise to the Assembly. I do not think the advice I gave earlier was necessarily correct. It is right there is no order-making power to charge fees in the existing law, and there is no Ministerial Order that I can find to charge fees. I understand that fees are charged across our health service as a matter of policy, so I do not think the advice I gave was correct. What Article 17 does is provide the Minister with a power, if he or she wishes it, to set fees for this particular service, but I understand that generally across the health services, as I say, fees are charged as a matter of policy, and it is on the basis of user pays. I apologise for not being clearer about that earlier.

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

Could I just follow on from the advice of the Attorney General, so what that means ...

The Bailiff:

Are you speaking now?

Deputy I.J. Gorst:

No, I am asking a question. What that means is that even if this Article should be voted down, the Minister would have the ability under general policies to charge for the service.

The Attorney General:

Yes, I think that is right.

Deputy L.K.F. Stephenson:

Could I just add a further clarification, but would it mean that it would send a clear message from this Assembly to the Minister about views?

The Bailiff:

That is a political question, I think. Assistant Minister, you have your light on locked, but you are going to reply at the end, unless you are going to do something unusual?

Deputy A. Howell:

Sorry, Sir, I thought it was about that time now.

The Bailiff:

No, well it may be soon, I do not know. Does anyone else want to speak in Second Reading? I call upon the Assistant Minister to reply.

2.2.8 Deputy A. Howell:

I would just like to repeat what I said earlier. Termination continues to be a paid for service in Jersey under health policy, but I have made a commitment to review all the contraception services that we offer on the Island for women, and the termination of pregnancy, but I do not think we should be making any of these decisions on the hoof. I do not know what the figures are. I do not know what the implications are. I want the best for women and girls on this Island, but I say we should not be voting separately on Article 17, and I am going to ask for the appel to be called and to call for everything *en bloc*.

The Bailiff:

Members are entitled to call for a vote on a separate Article.

Deputy M. Tadier:

Sir, could I ask for Article 17 to be taken separately please?

The Bailiff:

We have already agreed that that will happen. That is the request of Members, so there will be a separate vote on Article 17. The appel has been called for. Members are invited to return to their seats. The first vote will be on Articles 1 to 16 inclusive, and I ask the Greffier to open the voting on Articles 1 to 16. If all Members in the Chamber and remotely have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that Articles 1 to 16 have been adopted:

POUR: 44		CONTRE: 2		ABSTAINED: 0
Connétable of St. Helier		Deputy I.J. Gorst		
Connétable of St. Lawrence		Deputy Sir P.M. Bailhache		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				

Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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:

We now move on to a separate vote on Article 17 entitled “Fees orders” and I invite 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. Article 17 has been adopted:

POUR: 22		CONTRE: 21		ABSTAINED: 1
Connétable of St. Helier		Connétable of St. Lawrence		Deputy J. Renouf
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of Trinity		Connétable of St. Martin		
Connétable of St. John		Connétable of St. Clement		

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

The Bailiff:

We move on to the balance of the Articles, Articles 18 to 24 inclusive. 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 balance of the Articles have been adopted:

POUR: 44		CONTRE: 2		ABSTAINED: 0
Connétable of St. Helier		Deputy I.J. Gorst		
Connétable of St. Lawrence		Deputy Sir P.M. Bailhache		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				

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

Assistant Minister, do you propose the matter in Third Reading?

2.3 Deputy A. Howell:

Yes, 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?

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

I just wanted to reiterate my request to the Assistant Minister now that Article 17 has adopted and there will be charges, would she exempt single parents and anyone experiencing any type of abuse from those charges?

2.3.2 Deputy A. Howell:

I would like to reply to Deputy Doublet that we will be looking at all the charges for contraception and for termination, and I say that I will do that. But before I call for the appel in Third Reading, I would like to take a moment to thank the Scrutiny Panel for its comments on the draft law. I would also like to extend my particular thanks to the members of the Women's Health Political Advisory Group who have provided their wisdom and advice and supported me in the development of this draft law, and for all the officers who have worked so hard on this for a very long time. I would like to thank you, all of you, my fellow States Members, for your thoughtful and informed contributions. I now call for the appel.

The Bailiff:

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

Pour: 44		Contre: 2		Abstained: 0
Connétable of St. Helier		Deputy I.J. Gorst		
Connétable of St. Lawrence		Deputy Sir P.M. Bailhache		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				

Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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. Agreement between the Government of Jersey and the Government of the Kingdom of Bahrain: Elimination of Double Taxation (Taxes on Income) and Prevention of Tax Evasion/Avoidance (P.17/2026)

The Bailiff:

The next item is the Agreement between the Government of Jersey and the Government of the Kingdom of Bahrain: Elimination of Double Taxation (Taxes on Income) and Prevention of Tax Evasion/Avoidance, lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to approve the text of the Agreement between the Government of Jersey and the Government of the Kingdom of Bahrain for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance, as set out in Appendix 1 to the accompanying Report.

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

Before I deal with the substance of the proposition, I would like to state our condolences and support to the Kingdom of Bahrain in the wake of ongoing attacks they have experienced from Iran and its regional proxies, which have caused multiple civilian deaths and casualties. It is an established

process that the Minister seeks the approval of the Assembly prior to taking the steps to bring double taxation agreements into force. This procedure was further codified with approval last month of the Draft Treaties (Jersey) Law, as treaties signed under an entrustment from the U.K., D.T.A.s. (Double Taxation Agreements) are covered under Article 2 of the draft law. D.T.A.s are agreements between 2 jurisdictions that are primarily designed to protect taxpayers against the risk of double taxation of income and provide certainty to tax treatment for their cross-border activities. Widening Jersey's network of bilateral tax agreements for the benefit of Islanders and Island businesses is a key part of the common policy of External Relations, and has been pursued by successive Jersey Governments. Engagement with Jersey's financial and related professional services industry has demonstrated support for Jersey delivering a wider network of D.T.A.s, especially with jurisdictions such as Bahrain, where business flows are well-established and where there is regular exchange of professionals. The Jersey Bahrain D.T.A. is the 16th full D.T.A. Jersey has signed. It builds upon our treaty network in the Gulf, which as has been identified in the ongoing work of the Financial Services Competitiveness Programme, remains a vitally important region for Jersey from a commercial perspective.

[11:30]

Bahrain already has D.T.A.s in place with 45 other jurisdictions including the U.K. So, it should also be noted that the completion of a D.T.A. was outlined as an objective in the Government-to-Government Memorandum of Understanding signed between Jersey and Bahrain in 2023. Negotiations over the D.T.A. took place in a co-operative manner and were helped by both Jersey and Bahrain using the O.E.C.D. (Organisation for Economic Co-operation and Development) Model Tax Convention as a basis. The agreement, which Members will have seen annexed to this report, represents a modern and balanced treaty which incorporates updated international standards on tax transparency and anti-avoidance measures, and the ongoing developments regarding the implementation of the O.E.C.D.s Pillar Two framework were also reflected in the negotiation of the text and its accompanying side letter. Under the terms of the D.T.A., Jersey individuals and companies in Bahrain will not suffer from punitive double taxation whereby income can be taxed in full in both the country where the activities take place and in their country of tax residence. These provisions will remove barriers for individuals and businesses operating between the 2 jurisdictions, and encourage greater levels of investment into, from and through Jersey. This, in turn, is anticipated to bring benefits for the Island's financial and wider services sector, with potential to create more businesses and support more jobs in Jersey over the longer term. The conclusion of the D.T.A. comes at an important moment in light of the planned U.K. G.C.C. (Gulf Co-operation Council) Free Trade Agreement in which Jersey hopes to participate. The expected growth of trade and investment under the F.T.A. (Free Trade Agreement) can multiply the benefits of the D.T.A. Taken together, the agreements will reinforce Jersey's value as a conduit for capital flows in the triangle between the U.K. and G.C.C. It is vitally important that Jersey continues to make its business environment as attractive as possible for international businesses, and by expanding the Island's own treaty network, this will help to safeguard our competitive position. Upon receipt of confirmation that Bahrain has completed its equivalent procedures, the agreement will enter into force. We anticipate entry into force to occur before the end of the year, allowing the agreement's provisions to take effect from 1st January 2027. I commend this agreement to the Assembly and I am, of course, grateful to the Scrutiny Panel who have scrutinised myself and my department on this matter and the treaty itself. I propose the treaty to Members.

The Bailiff:

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

3.1.1 Deputy M. Tadier of St. Brelade:

Just briefly and on behalf of the panel, we are grateful to the Minister for having provided briefing materials to this and having engaged in and replying to correspondence. The panel did question the Minister in written correspondence on the rationale for the double taxation agreement with Bahrain

specifically. The Minister stated that engagement with Jersey’s financial and related professional services industry has demonstrated support for pursuing a wider network of D.T.A.s, especially with jurisdictions such as Bahrain where business flows are well-established and where there is a regular exchange of personnel. The Minister said that without a double taxation agreement in place, Jersey firms and individuals operating in Bahrain could be subject to punitive double taxation. While the personal and corporate tax regime in Bahrain is relatively low, the D.T.A. does provide additional long-term certainty on this point. The panel did ask, as it often does, about the economic benefits. So, we do see D.T.A.s being passed routinely. When I say “routinely”, that does not in any way mean that the tax agreements themselves are in any way easy and without complexity, and indeed not unique in every case, but I think it is important for us to ask what does this bring for our local community and what are the economic benefits of signing up to this D.T.A.? So, the response we got from the Minister was: “While these benefits can be challenging to monitor and measure directly, the D.T.A. will act as an important enabling factor for increased business flows. We have engaged and we believe that there is important commercial activity, and we will continue to monitor the impact of D.T.A.s through industry consultation via Jersey Finance”. So, I think it is important, especially when some of these economic benefits are not always visible, that there is some form of K.P.I.s (key performance indicators) in place and that the Minister does give us regular updates when there is evidence of financial benefit to the Island from these. It is perhaps unsurprising that the panel also asks - it is almost like a tick-box exercise that we have with some of these jurisdictions that we do business with - about human rights considerations with regards to the Kingdom of Bahrain. So, the panel did express concerns regarding the state of human rights in Bahrain and sought clarification from the Minister on how this had been considered. The Minister advised that in the Government’s view, progress in this area is most effectively advanced through constructive engagement at both political and commercial levels. The Minister confirmed that while in Bahrain he had reaffirmed Jersey’s commitment to upholding the rights and freedoms of individuals around the world, with senior U.K. counterparts and the Bahrain Ministers. The Minister further commented that further progress is always possible and that he remains committed to engaging in constructive dialogue with partners, including Bahrain, and on strengthening human rights standards. So, while the panel acknowledges the Minister’s response to its questions on this matter, it remains concerned about the state of human rights in Bahrain and believes that this should be monitored closely. We did not really ask whether Bahrain had any concerns about our human rights in Jersey, but that is probably beyond the remit of our panel. In conclusion, having reviewed the agreement and the information provided by Minister and his department, the panel is satisfied that the agreement is consistent with international best practice supported by appropriate transparency provisions and aligned with Jersey’s economic interests. The panel is therefore broadly supportive of the agreement.

The Bailiff:

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

3.1.2 Deputy I.J. Gorst:

As I said in my opening comments, I am grateful for the engagement of the panel in this matter and I commend the agreement to the Assembly, and I encourage them to, in effect, ratify it. So, I call for the appel.

The Bailiff:

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

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				

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

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

4. Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Amendment Regulations 202- (P.18/2026)

The Bailiff:

The next item is the Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Amendment Regulations lodged by the Minister for the Environment. The main respondent is the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Amendment Regulations 202-. The States makes these Regulations under Articles 2, 5, 6, 7 and 29 of the Sea Fisheries (Jersey) Law 1994.

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

I am pleased to bring to the Assembly today these amended Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Amendment Regulations, known generally as the T.N.D. regs. These regulations control some of the most complex and controversial fishing techniques practised or prevented from use in our waters. They are therefore, in turn, lengthy and technical, even by the standards of fishery regulations. The updates proposed today are, for the most part, scientific, technical measures of relevance for modern fisheries management, which I will explain with a brief overview in a moment. At the back of the regulation, there is a rather long set of tables that will, I suspect, draw most of the attention of my fellow Members here today. Schedule 1A contains details of the current and future Marine Protected Area, or M.P.A. network for the Island. The update to the schedule is the delivery of a widely discussed and debated process, one that has been the focus of much public and political interest in recent years, months and even days, with the letter to States Members this week from our local fishermen. Originally set out in the Bridging Island Plan, the designation of a network of M.P.A.s was driven through the Marine Spatial Plan, which in turn this Assembly voted through in October 2024. As part of that debate, I accepted and we collectively voted through an amendment from my Scrutiny Panel relating to the delivery timeline for that M.P.A. network. Today, I hope we will make good on that commitment to deliver an M.P.A. network in this term of Government. In considering those amendments, I ask Members to keep in mind that any changes we might make today will have real impacts on the lives of the Island’s fishing community. These are measures designed to help ensure a sustainable future for that sector. Fisheries management in Jersey is never simply a technical exercise. It is about balancing livelihoods, heritage and our duty of stewardship to the Island’s marine environment. The Assembly will notice that as well as updating the T.N.D. regs, this draft regulation proposes to repeal other inshore T.N.D. regulations. The current 2 pieces of regulation were set out in parallel at the time when France managed its fleet in our waters while we managed ours. However, since the introduction of the Trade and Co-operation Agreement, the T.C.A., we are now in charge of the management of all vessels in our waters. So, we can now administer them under a single T.N.D. regulation. It is not often that we get to make fewer laws, but we should perhaps celebrate when it is achieved. All relevant elements of the inshore T.N.D.s have been moved across into these new regulations. This not only makes it simpler for fishers and for the fishery officers but also removes disparity on how we manage our waters inside and beyond our own 3-mile exclusive area. The amendment also carries updates to the minimum-sized limit regulations, licensing of fishing boat regulations, and the miscellaneous provisions, all of which also fall under the Sea Fisheries (Jersey) Law 1994. These regulations, along with the fishing vessel licensed conditions, have harboured elements of fisheries management over

the last several years. However, with this review, those elements best suited to it can now be rehomed in the modernised T.N.D. regulations. Framing these elements into a single regulation simplifies the challenge of compliance for fishers and creates a more stable and ultimately sustainable situation for them to plan their business activities from. The Assembly will note several updates to specific terminology and definitions that reflect changes in commonly used fishing language and U.K. and E.U. (European Union) policy. While these do not materially change the function of the law, they reduce ambiguity and the potential for legal grey areas. The letters E and C are added to the net measuring tool names in the regulation in order to meet European and U.K. design and build standards, and the consistency of the word “fishery” or “fisheries” officer is regulated as both are currently used in current laws. I would like to talk a little bit about nets and start by saying that the approach to the mesh size of trawl nets has been simplified. In the past, our regulations mirrored the old U.K. regs and rules in requiring specific combinations of net mesh sizes to be used when targeting certain species. Now, a minimum mesh size is set at 80 millimetres for trawling, irrespective of the species being targeted. This allows the majority of undersized fish to escape, especially when combined with features such as square mesh escape panels, and those panels hold an open grid of meshes in the top of the net to aid the escape of smaller fish. As minimum sized limits for fish species increase, it is intended that the mesh size will also rise, to which end an order-making power is proposed to allow for the increase in net size with developing fisheries management advice.

[11:45]

These measures are designed with economic and environmental sustainability in mind. A special circumstances scheme is going to be created for dragnets or seine nets or nets that are encircling for the catching of sand eel. This is a species prized as a bait for bass. It will be fished in a specific no bycatch fishery, using nets of 55 millimetres mesh or less and with a length no longer than 70 metres. Until now, and through an oversight in the original drafting, this common practice has technically not been legal inside Jersey’s 3-mile limit. Again, an order-making power is prescribed here to allow for changes to mesh size and permitted species, as new fish stocks enter our waters. While it is vital we regulate for today, it is also important that we are adaptable for tomorrow. Various technical measures are brought together or introduced here. The first is the prevention from use of electric current to drive fish or shellfish from the seabed into nets. This is a fishery with unknown side effects, and Jersey is not the place to test it. The second is a reduction in bar length of beam trawled to reduce the size of the net that can be used and the associated seabed and fishery impact. The third is a decrease in the twine thickness for certain meshes in towed nets to improve the flexibility of the nets and the likelihood of juvenile fish escaping. While the size of scallop dredgers is not changed at this point, in partnership with the industry, it has been agreed that the size of the dredge rings will increase by 7 millimetres next year in the spring, to reach 92 millimetres, with a further move likely before 2030. To this end, an order-making power has been drafted to allow for management improvement in real time. Members may question the need for order-making powers to control the size of mesh and rings on trawls and dredgers, but I can say from experience that nothing frustrates the fleet more than having an agreed conservation measure held up by the need for Assembly time. I hope Members will agree these delegations of power from the Assembly to the Minister are suitable, in the interests of swift management for stock conservation purposes. I am proud to be able to say that Jersey has one of the best-managed bass fisheries in Europe. The advantage of our small size that means we have been able to regulate and adapt to the scientific advice provided by I.C.E.S. (International Council for the Exploration of the Sea) as it develops. We now have over 20 boats involved in a small but profitable low impact fishery, using both rod and line and purpose-built 100 millimetres mesh gill nets. Now is a good time to increase the size of the net and standardise measurements across the board so that all commercial static nets, not just those for bass, are at least 100 millimetres in size. Similarly, we propose to take the measure even further for recreational netting bringing the size to 112 millimetres. This is not to disadvantage the recreational fishermen, but to allow them to target a feed of flat fish or the chance of an odd big bass or large mullet. A further restriction on static nets in line with the Marine Spatial Plan objective of reducing interaction

between fishing nets and recreational users of the sea is to be introduced. From 1st April to 15th October each year, static nets must be kept a minimum of 200 metres from the shore around the Island's entire coast, no longer just the south and east coasts. Nets will also need to be marked with a distinct red and white float so that swimmers and kayakers can identify them easily. These floats have already been distributed to some of our fishers, who are beginning to use them on the merits of the safety improvements they bring. Netting can get a bad reputation, especially with those that do not know the fishery, but I will say here that a well-managed net fishery practised by small, inshore boats, is a core part of the patchwork that makes up a sustainable and diversified fishing industry. I would like to now move on to the M.P.A. network, if I may. Jersey currently protects 6.5 per cent, 150 square miles of its waters from destructive or mobile fishing practises, including trawling and dredging. Following an exhaustive consultation process and further research, reports and negotiations, a plan has been reached to increase the size of the M.P.A. network. Initially, on 1st September this year, we will protect an additional 506 square kilometres to cover 21.7 per cent of the Island's waters. This figure will be increased further on 1st January 2030 with the addition of another 46 square kilometres of phased area to deliver an M.P.A. covering 23.55 per cent of our Island's waters. Combined, the M.P.A. area delivers specifically against the Marine Spatial Plan target of protecting our shallow, productive and biodiverse habitats, including critical O.S.P.A.R. (Oslo Paris Convention) recognised habitats of seagrass meadows, kelp forests and maerl beds. These habitats are recognised by scientists and fishers themselves as practically incompatible with fishing via trawling and dredging. Is Jersey right to close as much of the seabed to these profitable local fishing practices? While a knee-jerk reaction may, for many, be in the affirmative, as the Minister with responsibility for fisheries, I have spent a long time looking at the different viewpoints and listening to the different but equally passionate arguments. Fishing is a hugely important part of our Island identity, and while it is the fisher's job to think about today's catch, it is mine and that of my officers to think about tomorrows. By gradually and systematically moving dredging and trawling out of our shallow, productive habitats, we will preserve nursery grounds and increase fish stocks both for these boats and for the divers and potters that can access the areas without the same impact. We have to recognise, though, that this comes at a cost of longer steaming and fishing times for those boats moving to new grounds and, for some, investment in larger winches to fish deeper waters. It will be the responsibility of the next Government to look to support the fleet in transitioning to new ways of working at the tail end of 2026 and beyond. The funding I secured for the fishing industry in 2025 will need to be bolstered to support not just these amendments, but other changes that we see being driven by our warming climate and our ever-moving fish stocks. This is the beginning of the journey to a sustainable Island fishery, and not the end of it. If I may, I would like to briefly address the comments made by some fishers this week, and I would just add a few points at this juncture. Fishermen asked why whole areas are being closed rather than being a feature baits approach as in the U.K. and the simple answer is that the areas we are proposing to close are predominantly the features themselves in question. Through extensive research we have identified and refined the areas that need protection and are designating them, where in the U.K. a much larger area might be designated around an area needing management. This is a targeted approach to M.P.A. designation. Some, including my Scrutiny Panel, may argue that it is even too targeted, but the aim here has always been to strike a balance. Fishers have raised the issue of timelines and co-ordination with neighbouring jurisdictions in the M.P.A. designations. I re-state here that the timeline followed was fair, and consultation extensive. The reason this regulation is being debated now and not at the end of 2025 is the accommodation I allowed of the final consultation with the fishers following publication of economic and research data and reports. I can assure Members the process has been fair and open, and the data is transparent and available for interrogation through the documents published on the Marine Spatial Plan webpage. I should also note that following the publication of the final T.N.D. proposals, no further comment has been raised either by the Government of France or its fishing representatives, despite this being open to them. The fishermen asked for clear review points and safeguards to be built in for future adjustments. In delivering these regulations at this time, we are meeting the targets set by this Assembly. My team at Marine Resources will continue

to conduct the research into M.P.A.s and work with fishermen to inform the next Government in its decision-making on the matter. I will finish on this topic by saying that I believe the development of the M.S.P. and the delivery of the M.P.A.s, to have been so transparent and visible as could have been asked for, not just from an Island scale but in the context of our geographical setting in proximity to Normandy, Brittany and the wider fringe. The fishermen have been not just heard but listened to. While some voices may still cry dissent, many in the industry are keen to see these changes that they believe will help all fishers in the long run by securing breeding and nursery grounds for all of our key fish stocks. In closing, Members will also note the introduction of schedule 1B where seasonal closures, the extension of the M.P.A., are combined with existing seasonal bream nesting closures from the licence conditions. These elements, while they do not increase the overall percentage of the M.P.A. network under Jersey's strict definition of protection, do contribute to marine management and protect key fish-breeding sites. I close with just a couple of more comments on nets. Several years ago I closed the practice of setting nets on the beach through the inshore regulations. By bringing these into the consolidated T.N.D. regs, we prohibit the same high bycatch activity at the offshore reefs. Onshore this had gone from a hobby to a large scale fishery with several nets being driven down the beach in 4 by 4s, rather than individuals walking individual nets down the beach in a barrow. Separate to beach set nets, draw-netting is a traditional practice that can remain, as all of the bycatch can be spilled out at the back of the net into the sea alive. These days it is rarely practised but is wonderful to see as a traditional recreational Island fishery, although based on the amount of weever fish often caught these days, it is perhaps left to one of the very determined of us. Very finally, Members will know schedules 8 and 9 provide technical terminology updates for fisheries enforcement net-measuring equipment. I will leave it there and propose the principles of these amendments.

The Bailiff:

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

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

I rise as chair of the Environment, Housing and Infrastructure Scrutiny Panel. As Members have read in our comments paper, the panel supports the overall objective of these regulations. Our marine environment is one of Jersey's most valuable natural assets and it must be protected and managed carefully for future generations. Not only is this updating Jersey's fisheries legislation to create a modern management framework for trawling, netting and dredging, as the Minister has outlined, these regulations are an important step in delivering the Marine Protected Area network set out in the Jersey Marine Spatial Plan. Members will recall that the Marine Spatial Plan was adopted by this Assembly in October 2024. It set out a framework for organising human and marine activity within Jersey's waters, developing a network of Marine Protected Areas and forming future policy development and ensuring more co-ordinated decision-making for our marine environment. During our review of the plan, the panel made a number of findings and recommendations relating specifically to Marine Protected Areas; 5 of those recommendations were accepted by the Minister, including the need for a clear timetable for M.P.A. designation, meaningful engagement with those affected, and continued collaboration with the fishing industry to ensure their knowledge and data-informed planning decisions. The Assembly will also remember that the scale of the M.P.A. coverage was the most contentious issue during that debate.

[12:00]

The panel raised concerns at the time that reducing the originally proposed coverage from 27 per cent to 23.3 per cent risked the loss of protection for sensitive marine habitats. As a result, the panel lodged an amendment seeking to restore the full 27 per cent for immediate protection; that amendment was not supported by the Assembly. Nevertheless, the Marine Spatial Plan was, ultimately, adopted unanimously and it included a commitment that actions arising from the plan would be supported by clear timetable and defined responsibilities. Since that debate, further work

has taken place; additional seabed surveys were conducted in 2025 in the areas that had been deferred for further research. The Government also commissioned an economic impact assessment to examine the potential impacts of M.P.A. designation on the fishing industry. The panel has been scrutinising the work of the Minister in relation to this work since the M.S.P. vote and have received private briefings on both of the new reports earlier this year. While we welcome the fact that further evidence is being gathered, the panel does have some concerns about aspects of the analysis that informed the proposals before us today. In particular, the economic impact assessment relied primarily on a single year of fishing activity in the area where it was known that the data was being gathered specifically for this assessment. Ordinarily, assessments of this nature would draw on several years of activity data to ensure that the findings reflect longer-term trends, rather than short-term behaviour that may not have been picked up, behavioural changes. The panel also noted the assessment focused almost entirely on the short-term economic impact of the mobile gear fishing fleet. While those impacts are important, it must be recognised the assessment did not attempt to quantify the longer-term environmental and ecosystem benefits that could arise from stronger marine protection. This is important to raise, as during our extensive review of the Marine Spatial Plan, the dominant debate centred on the balance to be struck between the protection of marine habitats, biodiversity and future fish stocks and the current economic viability of the elements of Jersey's fishing industry. The submissions and some of the subsequent meetings and hearings held by the panel highlighted the complexity of the issue and the many conflicting voices on the development of these protected areas within the fishing industry. As I said, during the October 2024 debate, there is no doubt for the panel that the expansion of M.P.A.s will have a negative economic impact on parts of the fishing fleet. The impact on livelihoods in the future of parts of the fleet is fully recognised by the panel, and it is also recognised in the M.S.P., when it stated: "The proposed M.P.A.s will require a change to fishing patterns for some vessels." However, it should be noted that in comparison to static gear, mobile gear is a minority fishing activity within the proposed M.P.A.s and that the fleet will remain permitted to work in 76.7 per cent of Jersey's waters for all or part of the year. What was concerning of the economic impact assessment is that there was no valuation of potential gains from habitat recovery, improved biodiversity, enhanced ecosystem functioning or the longer-term recovery of fish stocks, even though there is established methodology to make these calculations, to understand a more balanced impact assessment with costs versus benefits. As a result, the panel is concerned the economic picture presents somewhat one-sided, capturing short-term cost to industry without recognising the potential long-term environmental and, of course, economic benefits that a healthy marine ecosystem can provide. In relation to the further research carried out on areas identified and agreed following the M.S.P. debate, the surveys concluded that some locations did not meet the ecological criteria required for protection. As a result, certain areas, including Écréhous east and Minquiers north-east, have been excluded from a designation. In those cases, available evidence indicated that habitats presented were limited or degraded and a potential environmental benefit of protection would not outweigh the economic impact on the dredging fleet. This is good news to have that evidence available. However, the panel does note that part of the south-east M.P.A. area will not receive protection until 2030, despite the research identifying medium to high densities of maerl in that location. While we recognise that current fishing activity presents practical challenges, it is disappointing that protection for such habitats will not begin until the end of the decade. Looking ahead, the panel expects the next Minister to bring forward the phased areas for final designation, based firmly on this current available scientific evidence and to apply the precautionary principle when determining the appropriate level of protection. The panel is also disappointed that the areas of protection already approved by this Assembly in 2024 is not already designated and was not designated as quickly as we thought. When the Marine Spatial Plan was debated, the expectation was that the confirmed areas would be implemented promptly, with only the additional research areas subject to delay; that expectation was not met. Nonetheless, these draft regulations now provide the mechanism to move forward with the first phase of the Marine Protected Area designation. Under the proposals before us, M.P.A. coverage will increase from approximately 6.5 per cent today to around 21.7 per cent from September, rising further to approximately 23.5 per cent from 2030. The

panel reiterates its strong support for Jersey's commitment to achieving 30 per cent of Marine Protected Areas by 2030, consistent with the international agreement that Jersey has signed up to. This target is an important benchmark for Jersey's long-term environmental stewardship and international credibility. While the panel agrees with the Minister that quality must come before quantity when defining protected areas, we remain concerned that some habitats identified as environmentally valuable have, nonetheless, been scheduled for phased or seasonal protection, rather than immediate designation. In the panel's view, a quality-first approach should mean that once high-value habitats are clearly evidenced they should be protected without unnecessary delay. Notwithstanding these concerns, the panel recognises the draft regulations represent an important step forward. They will allow the first phase of Marine Protected Areas to be designated within a political term, something the panel was consistently calling for since the Marine Spatial Plan was adopted. The panel also welcomes the continued engagement between Government and the fishing community throughout this process. The development of M.P.A.s must continue to be based on strong collaboration with those who work on the sea every day. Looking ahead, as we highlighted in our earlier review, Marine Resources must continue working closely with the industry to develop fisheries management plans, further financial support and backing the exploration of more sustainable fishing methods. Protecting our marine environment and supporting a viable fishing industry are not competing objectives; they are mutually dependent. Healthy seas support healthy fisheries and both are essential for Jersey's long-term environmental and economic resilience. For these reasons, while noting the concerns we have raised today, the panel supports the introduction of the regulations. But we also emphasise that work does not stop here. The next phase must be guided by strong scientific evidence, continued collaboration with stakeholders and a clear commitment to achieve the full ambition of the Marine Spatial Plan.

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

I am grateful to the fishing industry being represented here today in the gallery; they have a very close interest in what goes on. I like to think that the Government have been working closely with them to develop the process that we are talking about today. I think that we have to take care though. The fishing industry is fragile, we have seen a massive reduction in the number of fishing vessels over the years for various reasons. One is that the cost of running a fishing vessel these days is massive, and the need to have the resource to invest in a vessel, whether it be new or second-hand, is significant. For that investment to take place, fishermen need to have the confidence that they can go out and catch fish. We need to take care, in my view, that we do not mess about too much with the fishing areas which they are using regularly and have been productive in the past and give them confidence in the investment with which they have got. They did make some points, and I know they did circulate to Members with their comments, and I would urge Members to read those that came round because they are very pertinent. The Minister has referred to a couple of points but I think that a couple of the points towards the end where they suggest that: "We should ensure economic safety and displacement impacts are fully assessed before irreversible restrictions are embedded in statute." That really is terribly important. We must also recognise that 30 by 30 is a policy goal, not a management prescription and does not require blanket bans on mobile fishing gear. The areas being fished change, they are not fixed all the time and we need to listen to fishermen with regard to their comments on that. Also, we need to prioritise co-ordinated management and alignment with neighbouring jurisdictions. We have seen various evolutions of that, using access to Jersey waters as part of a constructive dialogue on market access parities; it is so important. We have seen blockages, for instance, in Granville with the situation there, what they have created there, which is not accessible to Jersey fishermen, which is quite ridiculous. I know the Minister for External Relations has been working with his colleagues on that. But by virtue of that fact that we have to deal with London, who then deal with Brussels, who then deal with Paris before it arrives on the Normandy coast, is far from satisfactory. I think the final point, which I think is extremely pertinent, is that we must build in guaranteed review points so that decisions can be revisited if impacts are greater than anticipated or new evidence emerges. The sea changes all the time, the economic

situation of owning and running a fishing vessel changes all the time, and we must be flexible to accommodate the needs of the day.

4.1.3 Deputy J. Renouf of St. Brelade:

I find myself at a slight disadvantage because thanks to an epic I.T. (information technology) fail, the speech that I had written on this seems to have disappeared. I am going to have to slightly *ad lib* my comments, and perhaps Members will discover why I generally tend to write my speeches before I deliver them. I do want to start by thanking the Minister and welcoming the bringing forward of these proposals and, likewise, thanking the Scrutiny Panel for their work on this area. Members will know that the Marine Spatial Plan was something that I began under my term of office and it is something which I hold very dear. I think this is unquestionably a complex area but I do also think that it is an area where Jersey can excel. One of the things we often talk about is the ability to control what happens within our territory, and we usually think of that in terms of the land area. But of course we have very large territorial waters and we have a Marine Resources team which I think, as I have said before and others have said before, is very highly thought of at a national and even international level. Their ability to sift through the issues that we have to deal with and to come up with in this set of regulations, a comprehensive set of changes that I think navigate their way through a very complex regulatory framework, I think is really something of which we should be exceptionally proud. It certainly chimes with my beliefs in sustainability and in the careful regulation of our marine environment for our collective benefit. Having said that and I will, therefore, not make much comment about many of the technical details of these regulations and the amendments that the Minister is bringing, but I will focus, perhaps unsurprisingly, on the question of the Marine Protected Areas and the changes therein. It is sometimes presented as a dichotomy between environmentalism and fishing or fishing interests on the environment. I would say it is more about science than the environment. I think this is really about science. But I do not think there is much of a dichotomy in the bigger picture. Protection of high-ecological value habitats is not at variance with the interests of the fishing fleet taken as a whole and over the long term. There is, however, an issue of the short term versus the long term, which we are not really addressing that dichotomy with these regulations, but I will come to make some comments on that shortly. The Constable of St. Brelade notes that the fishing industry is fragile and there is no question that is the case.

[12:15]

I made a speech in a previous debate about this in which I pointed out that to a very significant extent the reason why our fishing industry is fragile is because we have consistently overfished our waters. That was proven in the statistics I gave on that occasion, which showed that every decline of every commercial fishery was preceded by a massive peak in the catch. In other words, we fished and fished and fished and then, finally, the stocks collapsed. Scallop is currently doing well but all the indications would suggest that if we were to continue to fish at the current levels it too will eventually reach its breaking point. In terms of the Minister's proposals, I want to focus in on the bit which I find most problematic. Because the long and the short of the Minister's proposals is that he has received results from the areas that he designated as further research. He deployed that as a reason not to designate all the original M.P.A.s because he argued that they needed further research to determine whether they really did have the high ecological value that had been provisionally assigned to them. He has decided that some of those areas that were indeed identified as a high-ecological value are going to be removed from the network or phased for protection, not come into force until 2030. I want to remind the Minister and the Assembly of what was said regarding those further research areas back in 2024 when we debated the Marine Spatial Plan. Because I had my worries at that point about how those further research areas would be assessed. I asked a question of the Minister, an oral question of the Minister, to ask him what he would do when that further research came in. He replied: "We do not have the actual evidence to show that they are ..." That is the protected areas, as they described on the maps: "I said to officers I want more evidence. I want you to go out and do the work, provide me with the data that shows that there is something worth

protecting there, and I will protect it. I say to the Deputy, yes, when officers come back - and I know they will come back in short order - and show me that there are maerl beds or anything else that needs protecting and there is justification for that protection, I will act and those areas will be protected. I will act and those areas will be protected”, he said. In the debate on the Scrutiny Panels, because Members will recall that, as Deputy Jeune has said, the Scrutiny Panel proposed reintroducing those further research areas on the precautionary principle that we might want to protect them first and then open them up later, the Minister said again: “I propose that we need more research and we and the department will do this research in the next 12 months. Because if there is something to protect then we will protect it. If there is something to protect then we will protect it.” There has been some extension of the network but some areas have not been protected, even though they have been identified as of high value. In particular, some areas have been deferred for protection until 2030, even though they were identified as having high ecological value. I think that is a matter for enormous regret. I think the problem with delaying some areas of high value until 2030 is it, effectively, holds out a sign saying fish here now; you have 4 years until this area is closed. I questioned the Minister about this as well, Members may recall, a few weeks ago, and he conceded that there was indeed a risk that these areas would be fished out with those sensitive areas considerably destroyed before protection arrives, and I regret that too. I read the letter from the fleet with interest, and I very much appreciate them taking the time to write to us. I do not blame them at all for taking the view that they have livelihoods to protect, and it is entirely natural that they should want some reassurances on those livelihoods. It did make me think of a very long time ago when I did my PhD on the decline of the coal industry and the contrast between Britain and Germany and how the management of the decline in the coal industry was taken. In Britain, of course, the pits were closed and there was very little account taken of the effect it would have on the coalmining communities, and many of them to this day are still struggling. In Germany a very different view was taken, that they would manage the change away from coal over a long period and that they would put in place support measures to help every community that was affected to transition away with a long lead-in time and so on. I do think that when we think about the fishing industry, the thing that we are missing here is the vision, the strategy, the thing that would give the fishing fleet confidence in the future, that included high levels of protection and did mean that they would not be able to access some areas that they had traditionally accessed, but that there was a vision that could see a profitable future in the fishing industry despite that. It would need a comprehensive strategy. In my view that strategy would be built on the principle of increased areas of marine protection, so that they cover all the sensitive ecological areas identified by recent surveys. It would also include, as the Minister has committed to do, which I am very pleased to hear, catch limits based on scientific assessment of what annual catches are sustainable. That is a really important management tool because the problem we have had up until now is that there have been no limits on the Jersey fleet; the French fleet is limited in terms of what it can catch but in terms of the Jersey fleet. That encourages an entirely rational economic behaviour, which is to get as much as you can, but if it does not work for the term the tragedy of the commons, as I have referred to it before. But crucially those changes would be balanced by a package of financial measures that would ease the transition into a genuinely sustainable future. That seems to me to be the missing piece of the puzzle here that we are not talking about. If we are going to ask the fleet to move to a different operating situation, then they need to know that they will be supported through that. I think for the next Government we might look at how the Rural and Marine Support Scheme could be used to do that. I have spoken before also about the way that we might invest in fish-processing facilities; that would also help with developing an on-Island market. I do think that that confidence-building measure is very important. But for now we are debating regulations proposed by the Minister. There is no getting away from the fact that they have been watered down. They were watered down initially by taking out some areas, shifting other areas to further research. They have now been further watered by some of those further research areas being removed and some others being phased for 2030. The 23.55 per cent that we will reach by 2030 includes 2 per cent that was added to the network, even though those areas were of very limited value as a trade-off for removing some of the other high-value areas. We are

not going to reach 30 by 30 on this trajectory. We are not even going to be close. We are going to be just over 20 per cent; that is a shame. However, we have before us some measures which are undoubtedly a very significant improvement on what went before. I understand that the Minister has had to have detailed discussions with the fleet and with the French about the compromises that he feels are necessary to get sufficient acceptance for these. Any Minister I think would have had to make some compromises. I am disappointed that the principle of the scientific basis for designation was not stuck to. It seemed to me to offer a line that was worth holding; we have broken that line. It is a shame. But overall I welcome very much these measures. We all know in our heart of hearts that the long-term future for bottom-dredging is not really sustainable. It is bulldozing the forest to get at the mushrooms. Ultimately, we need to find a way to move away from that. We need to do it in a way that supports the fleet. There are sustainable ways of getting scallops. There may be some areas which can be dredged sustainably. I think that is worth looking at as well. But for now I welcome very much the overall thrust of these regulations, which I think do offer a very significant improvement.

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

I just would start by saying that I think that Deputy Renouf ought to lose his notes more often. **[Laughter]** Overfishing obviously leads to disaster, but it seems to me that fishermen are not foolish and they know that. Sharing of scientific information is important. If I do have any concerns about these regulations it is perhaps that information has not been sufficiently shared with the fishermen, so that they understand the impact of all the policy decisions that have been made. For my part, I cannot really see why complete transparency should not be the general rule, and by that I mean transparency as to thinking processes and provisional conclusions, even if that is characterised as policy under development. Why not? We are all on the same side. We all want a sustainable and profitable fishing industry. I would like to know from the Minister whether it is a fair criticism that the lack of clarity as to the evidence which has led to wholesale bans, rather than more targeted controls over the areas in question, is that a fair criticism? If it is, can something be done to make our approaches more transparent than they have been in the past?

The Bailiff:

Thank you, Deputy. Does anyone else wish to speak on the principles of the regulations? In that case I call upon the Minister to reply.

4.1.5 Deputy S.G. Luce:

I rise to immediately respond to Deputy Bailhache, and he spoke about overfishing. He is right, overfishing leading to fish stocks disappearing is a disaster, and the whole idea of a Marine Spatial Plan is to avoid that and management of our fish stocks is vital. The controlling of the length of the nets, the size of the mesh, the number of pots, the areas that can be fished, all part of trying to make sure we keep enough stock in our sea to keep our fishing fleet profitable and viable. Deputy Bailhache mentioned provisional conclusions being shared and data maybe not as widely shared as much as it could be. But I would refute that, I have met and discussed and my officers have met and discussed with both sides of the argument all the way through. Deputy Renouf - and I will come to his words in a minute - spoke of where we started in 2024. I would say to Members that the reason we have moved away from the larger area first proposed in 2024 is that more data and evidence came forward. That was reached with discussion. Those changes were reached after presentations and representations, not just from the Jersey fleet but from the French Government and the French fishing associations.

[12:30]

I have compromised and changes have been seen over the years, as were referred to by Deputy Renouf. Deputy Renouf says: "We can excel" and we can and we do. As I mentioned, we have the best regulated and managed bass fishery in Europe, and we can continue with that in the same vein and move that to other species. At a meeting in London recently, only a fortnight ago now, I met

with the representatives for the other Crown Dependencies to meet Lords and Members of the House of Commons to discuss Marine Protected Area. The work we are doing here in Jersey was greatly admired and envied by some areas of Britain. Deputy Renouf mentioned overfishing, and of course he is right in certain circumstances. We have overfished and almost lost our whelks, crab and lobster maybe not so much, and affected by the change in water temperature. But certainly we may well look back and think, should we have caught less lobster 5 or 6 years ago? The scallop yields at the moment are particularly good but we do need to keep an eye on them. We are taking more tonnes of scallops out of the sea than we have ever done before. This year we are going to do a stock assessment with Bangor University and come up with what we think is a sustainable level of yield of scallops from our sea. But, as far as I am concerned, we are certainly not going to allow anybody to overfish or out-fish the scallop stock. Deputy Renouf mentioned the further research areas that I asked for evidence for back in 2024, and the evidence was given to me. We did gain more evidence and data on the level of the stock and the value of the stock, and the evidence continued to come in late into last year, even into the beginning of this year, which was the final piece of information I needed to come up with the final designation of these areas. The things I have had to do to balance out the areas that we have ended up with is to look at if we could see the fishing boats go into these areas, the value of the catch they take out of these areas, do any of these areas provide shelter to the fleet at certain times of the year? The depth of the water, all these things have to be, in my view, balanced. With that data that was provided to me, I made some changes. Deputy Renouf says it is a shame we are not protecting all the areas. They will all be protected eventually, just some may not be protected immediately and some will have to wait. But where I have allowed for certain areas to be continued to be fished until 2030, it is where the data has shown me that there is less value in the protection and the areas are also heavily fished and used by the fishing fleet for a number of reasons. Closing them to the whole fleet was not, in my view, the best thing to do. Yes, there is a case for saying we should have closed the whole area immediately, but to me that would have had an absolutely detrimental effect on the livelihood of the fleet, and I was not prepared to do that. I do accept, and I have said already, that more finance is going to be needed to help the fleet through the next few years, which are going to be the difficult years. Because when we get to the point of having a sustainable fishery, they will be able to have to put in less effort to get more out and remain profitable. There will be some sort of compensation in some form. I said that in my opening speech, and I am sure the next Government will have to address that. Certainly something we are looking at - and I have agreed with the Minister for Sustainable Economic Development - is that we have put together and he has funded a future fisheries project, which is just getting underway now, where we very much hope we are going to be able to identify for the fleet ways of adding value to all the products they sell, which means they can catch less and make more money. At the moment we are sending large tonnages of scallops to Scotland for wholesale prices, bulk prices, and what I would like the fleet to be doing would be to catch less and add value and take more money for smaller amounts of tonnage. I will just move now, if I may, quickly to my Assistant Minister, the Constable of St. Brelade, and I am grateful for his input as ever. He hears the views of the fleet and reports them to me. He mentioned 30 by 30, and I would just like to say that I have always made the case that it is never my intention that we have to get to 30 per cent of our territorial waters protected by 2030. I will not protect something which is not worthy of protection. We will do what needs to be done, but my target is not necessarily to make sure we get to 30 by 30. I would mention the Constable mentioned Granville and the need to open a sea bed there. He knows that I have been working hard for a great deal of time to try to make sure that that border inspection post is opened again to us. It has been a long haul, and we continue to work on that issue. Finally, I just come to the chair of the Scrutiny Panel, and I thank her very much and her panel for their input, for their amendments and the impetus. Because without their input I might not have been given that last thrust to get this to the Assembly before the election. It is an important step; it is a very important step, as far I am concerned. We are moving from 6 per cent to 21 per cent here. We are delivering on a timeline and, while many people may not be happy, the certainty that we are giving with what we are proposing today will at least allow everybody to know exactly where we are. I have spoken about the future fisheries project. I

have spoken about the economic input that we had from the new data that came to me. I just reiterate, before closing, just to say to Members, this all the way through has been a balance of looking at the frequency that the amount of time fishing boats spend in particular areas, the value of the catch that they take from those areas and the economic benefit and the environmental benefit to the Island. Some of the areas that were proposed in 2024 have been upheld; most of them are still there. Some have been phased and very few but small areas have been removed. That is all because of the data; that is all because of looking at the research and speaking to people. When we put the high frequency and the reduced habitat that was to be protected and overlaid them all on chance, it was easy to see where we could make adjustments. I very much hope Members are going to vote in favour of this in the principles debate. The sustainability of the fleet is what has kept me going here. While they may not all be happy, I think the reductions that we have made in protecting these Marine Protected Areas from the original plan shows that we have compromised, we have listened to all sides, and that this is a really good way for us to move forward from today. I call for the appel on the principles.

The Bailiff:

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

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of 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 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 Jeune, do your panel wish to call this in?

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

No, Sir.

The Bailiff:

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

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

I do, Sir. I think I outlined most of the detail in my principles speech, but if Members have anything in the Second Reading I will happily answer.

The Bailiff:

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

4.3 Deputy S.G. Luce:

I do, Sir. I do not have a speech prepared but there are 2 things I want to say. The first one is I would like to thank Deputy Renouf. He did say in his speech that it was under his Ministry that this was started. The Marine Spatial Plan is a really good document, it is a vital document moving forward, not just for fishing but for all the other aspects of what happens in and on our territorial waters. I commend it to Members, for those who have not studied it in depth. The other group of people I

would wish to thank are my team in the Marine Resources Department. We are blessed with some really good officers there who do fantastic work. It has been a huge amount of effort for them to get to this point and I would like to thank them. In doing so I would like to call for the ...

The Bailiff:

In a minute.

Deputy S.G. Luce:

Yes, I will stop there.

The Bailiff:

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

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

Just briefly to emphasise the point made by our colleagues in the gallery who say this is not a call for less protection, it is a call for better decisions taken in the right order, so conservation is effective, fair and commands long-term confidence. I think that is a point we need to listen to.

4.3.2 Deputy M. Tadier of St. Brelade:

I will not speak for long. I have spoken in previous fishing debates. It is simply to say this, that when it comes to measuring the success of what we are passing today, the so-called K.P.I.s, are not going to be judged in the next 4 years or in the next 10 years, it will be future generations who will be left with the consequences one way or the other. That will include future fishers who will be, hopefully, still very active in Jersey waters and it will be future generations. But I simply note that there are clearly shifting patterns in the oceans when it comes to fishing. We will not be judging, but any of us who have children and grandchildren, they are likely to decide, reading back on this transcript and looking back over the law, whether the Minister got the right balance between economic and environmental considerations correct in this.

The Bailiff:

Does anyone else wish to speak in Third Reading? Minister.

4.3.3 Deputy S.G. Luce:

I thank Deputy Tadier for his words. I would just say that in response to him and to my Assistant Minister that my door is always open when it comes to speaking to fishermen. I do that on a regular and frequent basis if they need to contact me, I get back to them. But of course there is a panel called the Marine Panel, which meets on a very regular basis where all sections of the fishing community are represented and we discuss all the issues round the table. I do feel at the moment we have got a good way of moving forward with all these challenges. I would like to say to fishermen again, they should not be worried about picking the phone up to me. With that, I would just commend these amendments to the Assembly and ask them to vote in favour of the Third Reading.

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 chance to cast their votes, I ask the Greffier to close the voting. I can announce the regulations were adopted unanimously in Third Reading:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				

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

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Are Members content to adjourn now? The Assembly is adjourned until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

[14:16]

5. Comptroller and Auditor General: Appointment (P.20/2026)

The Bailiff:

The next item is Comptroller and Auditor General: Appointment, 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 proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to appoint, in accordance with Article 3(1) of the Comptroller and Auditor General (Jersey) Law 2014, Paul Dossett as Comptroller and Auditor General, for 7 years, with effect from 1st January 2027.

The Bailiff:

In accordance with Article 3(2) of the Comptroller and Auditor General (Jersey) Law 2014, this matter must be debated in camera. I, therefore, ask for all strangers to leave the gallery, apart from the member of the States Greffe who is logging this and for the webcast to be switched off for the duration of this debate.

[Debate proceeded in camera]

The Bailiff:

As the debate has now been completed, we must return to public session for the purpose of the vote. I ask for the webcast to be switched back on and the public gallery can be opened to the flood of people outside waiting to come in. The appel has been called for. Members are asked to return to their seats. We have to wait for the webcast. How long will it take, Greffier? We need to wait for the webcast to resume until we can vote. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the proposition has been adopted unanimously:

POUR: 35		CONTRE: 0		ABSTAINED: 0
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. 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 S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
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				

Accordingly, Paul Dossett has been appointed Comptroller and Auditor General for 7 years with effect from 1st January next. **[Approbation]**

6. Assess affordability of qualifying state pensioners receiving home carer’s allowance (P.27/2026)

The Bailiff:

The next item is Assess affordability of qualifying state pensioners receiving home carer’s allowance, lodged by Deputy Andrews. The main respondent is the Minister for Social Security. 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 request the Minister for Social Security – (a) to ascertain the number of old age pensioners caring for someone with high-level care needs who would be entitled to receive Home Carer’s Allowance and the state pension should the Home Carer’s Allowance be exempt from the Social Security (Overlapping Benefits) (Jersey) Order 1975, and to report the findings by 31st December 2026; (b) to assess, in conjunction with the Minister for Treasury and Resources, whether the Social Security (Reserve) Fund can be utilised

sustainably to supplement the Social Security Fund in paying both the state pension and the Home Carer's Allowance to persons identified in (a); and (c) should the use of the Social Security (Reserve) Fund be assessed as sustainable, to include within the Budget (Government Plan) 2028-2031 the necessary transfer of funds from the Social Security (Reserve) Fund to the Social Security Fund to provide for the expansion of the Home Carer's Allowance to persons identified in (a).

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

In bringing forward this proposition, I am bringing forward something that is indeed a manifesto pledge of mine. I am of the firm belief that carers who are providing high-level home care for somebody else should be in receipt of the Home Carer's Allowance. There are many pensioners out there who are devoted and dedicated, providing full-time care, sometimes into the hours of the night caring for somebody in their moment of need. I know there will be some proponents who will be saying the Home Carer's Allowance is designated for persons of a working age and, potentially, if they are still continuing care until pensionable age they have then got the option to either decide upon taking that state pension or the second option is they can continue with receiving the Home Carer's Allowance. What I would say to that is we need to be appreciative of the care that many people are providing; it is unpaid. Many people have sacrificed a great deal. They are of a pensionable age, they are in that period in their life where they should be enjoying what should be their free time but instead sometimes things happen and we need to take responsibility to care for a loved one. Many people in this States Assembly will definitely be of the view that they are either in support of or, potentially, against pretty much already; I know that. But for me I am somebody who holds the belief that this proposition is something that could realistically implement change to exempt the Home Carer's Allowance from the Overlapping Benefits Order to permit pensioners to receive both the state pension and the Home Carer's Allowance. Turning to the comments paper, the Council of Ministers, they predicated there is 20,000 pensioners and it would be impractical to be looking into the potential of carrying out assessments across all persons of a pensionable age. I have to say I disagree with that because it is only going to be the people who would be entitled to receive H.C.A. (Home Carer's Allowance) who would need to be assessed. We must also remember that many pensioners are already in residential care who have high-level needs, who have moved on from living at home and they have moved to that next stage where care is provided at a more significant cost. For me, looking at the long run, we have really got to be looking at Government expenditure and, more particular, you have got to be looking at the social expenditure that will be incurred. There is definitely a need politically to ensure that people are staying in their homes for longer being cared for. I think it is morally right because for so many people it must be difficult once they reach that stage, they then have to go into a home. It is difficult enough when you have lived in your home for many years and then because you are unable, for whatever reason, to remain at home, you then have to move away and be in residential care. Of course that is a significant cost to the State as well. Part of this proposition is about procuring long-term savings, so people can remain in their home and it will also be more affordable as well. I know the Council of Ministers have mentioned social security contributions could, potentially, increase. The whole purpose of this proposition is we look at the investment income from the Social Security (Reserve) Fund to, potentially, supplement the Social Security Fund. We must bear in mind with the Social Security Fund it also receives a States grant, that is general taxation from the Consolidated Fund that is then transferred across to the Social Security Fund. The reason being is to enhance the welfare state because if we are just purely relying on social contributions, the social welfare state would ordinarily become more diminutive. Therefore, to try and enhance a provision of transfer payment policies, we need to ensure that the States grant is paid in full.

[14:30]

The Council of Ministers have taken it upon themselves in the recent Government Budget to partially withhold the States grant to facilitate additional Government expenditure. This is of course something that many political commentators have had a view on because we have seen the

Government take a very much fiscally expansionary approach when we ought to be probably a bit more conservative in the way how we manage things within the public sector. Because the investment income for 2026 of £142 million has been partially supplemented to the Social Security Fund, it, in essence, means the Social Security (Reserve) Fund in terms of its value, OK, will not increase as much because transfers have been made from the Social Security (Reserve) Fund into the Social Security Fund. This is something that will carry on all the way through to 2029. That is problematic because I think had the States grant been paid in full, then we would have use of between £142 million and £162 million per annum between 2026 and 2029. Some of that could partially be used to afford additional H.C.A. claimants. Part (a) of the proposition is all about making sure that things are assessed in full. We need to have an understanding of how many people would be entitled to receive H.C.A. Only then will we know how much we need to then transfer from the Reserve Fund into the Social Security Fund. We need to base this on evidence. I was a bit disappointed in that respect when the Minister stated that if it was a case that 500 people would be entitled, it would cost £7.5 million. If it costs £7.5 million take into account the investment return on the Social Security (Reserve) Fund of £142 million. I am sorry but that is definitely a policy that is affordable, in my personal view. I know colleagues will have a different opinion to me in that respect, and they are perfectly entitled to it. But I also want to now turn to some of the transfers that will be made from the Social Security (Reserve) Fund due to the withholding of the States grant, and that is a partial withholding. In 2026 £64 million is being transferred into the Social Security Fund, meanwhile the States grant is being partially withheld to facilitate additional Government expenditure that we can ill afford. I think many people are fully aware of that; you just need to be looking at the Fiscal Policy Panel reports. We also need to take into account the investment return on the Social Security (Reserve) Fund from an empirical perspective. The average annual return over the last 5 years has been 9.3 per cent, with a 7.3 per cent average over a 10-year period; that is pretty good. In actual fact for most years it is exceeding the rate of inflation, so the reserve is generating a positive real return. I think that is something of a positive for the Minister for Treasury and Resources, who obviously is not at the moment in the room. But I think that is considerable progress that has been made. Over a 12-year period if the forecasts show that the fund is going to grow by £1.2 billion and here we are with some politicians saying: "No, we cannot afford additional H.C.A." We need evidence to argue that case and, unfortunately, evidence has not been provided. The whole basis of this proposition is for it to be definitely a data-gathering exercise with the prospect of implementing policy that will have a meaningful benefit to pensioners, to reward them for the care that they carry out for loved ones. Because I have had many people contact me, and they are in support of reform - they really are - and that is not the political by the way; they are advocating reform. There is a great deal of frustration. In my own family I had a relative who was in receipt of H.C.A. for probably about 3 or 4 years, and for them it was a case of having to give up work. But had my other relative gone into residential care, it would have cost a fortune, probably well in the region of £500,000 to £600,000. There were savings being made there, 6-figure savings. This is something that we need to be more attentive to, not just politicians but also policy officials as well. I have taken a bit of time to look through the States Assembly search engine and there was one question that really stood out for me, and I felt very, very sorry for the individual who Deputy Tadier was mentioning. He was speaking on behalf of a constituent who had not left the Island for 7 years. He asked a question of the Minister for Social Security about whether they would be at the time in support of allowing pensioners to receive the state pension, as well as H.C.A. The response at the time was no, and that was a previous Minister for Social Security. But I think it has come to the time now where it is possible we can do this, we can enable change. I think the public would be delighted to see this reform. Obviously Guernsey has adopted a change where they decided that they would do away with the overlapping benefits rule. The U.K. has maintained the overlapping benefits rule but there is a small supplementation for carers who are low-income earners. I think it is about £83 or less than they receive H.C.A. to make up the difference. For me, as a politician, this is something that is crucial; it is a must. This proposition has to be delivered; it has to. We should see the next States Assembly being reconstituted and it will be up to them to then hopefully adopt change. That would

be a legislative change, but it would also ensure that pensioners are getting paid for the high-level care that they provide for loved ones, so I make the proposition.

The Bailiff:

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

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

First, I would like to say that I do understand why Deputy Andrews may think that putting this proposition forward was a good idea. I know that Members do want to ensure that carers who provide such important support for their loved ones are well supported, and additionally also want to make sure that pensioners do not find themselves living under financial strain. Support for carers and those being cared for is a priority for me. Before becoming Minister, I did bring a successful Budget amendment to provide financial assistance to parents of children with life-limiting illnesses. There was a clear gap there and I am pleased that the Assembly supported me in addressing it. Since taking office as Minister for Social Security, I have focused on delivering outcomes that improve support and being proactive in terms of introducing change where it can be made, such as, for example, increasing access to home protection responsibility credits and how they can be used by parents who have 2 children close together, but also working on longer-term projects, such as modernising our outdated disability benefit, the Long-Term Incapacity Allowance. So when the Deputy's proposition came to me, I did genuinely give serious consideration as to whether I could support any part of it, and I concluded that I could not, as the proposition is neither efficient or effective. It assumes a solution to a problem that is not clear. In relation to part (a), my team has already put in a request to Statistics Jersey for questions on caring to be included in the 2026 Jersey Opinions and Lifestyle Survey. This is both an efficient and effective and statistically valid method for collecting data to inform the future Minister about the real needs of carers. The methodology that would be required to meet the request in part (a) of this proposition would take significant officer time, which would put a stop to the very practical and needs-based work that they are already undertaking. The proposition only focuses on a single benefit and a single demographic of carer. It ignores the many different types of caring situations, the complexity of those arrangements and, fundamentally, the needs of the person being cared for, which also need to be placed front and centre, alongside support for carers. The proposition does nothing to improve support for pensioner carers in the short term and will not improve the financial situation for low-income pension-aged carers without another change to income support rules. That is something very important to remember. Even if we effected this change, in years to come this change would not be a financial benefit to low-income pension carers and it also would not be of any benefit to working-aged pension carers. We know from previous J.O.L. (Jersey Opinions and Lifestyle) Surveys people of working age are more likely to be in financial distress than pensioners. I have spoken in my comments about the impact on the Social Security Fund. I am conscious that I also have a Scrutiny Sub-Panel that recently published their review, which is also looking at asking me to expand another benefit, the parental benefit, so what I have done is asked officers ... we have the actuarial review already planned for the Social Security Fund. That is a major review that should inform future decisions, and I have asked for agnostic advice to be considered around what any increase in any benefits may well cost to the fund in the future. For example, when we introduced the Parental Allowance changes, there was also an increase in contributions made at that time. It is really important that when we discuss increases in benefits, we understand how we are going to be paying for them. I also wanted to touch on the things that we already are doing in response to the review that I completed earlier this year. Work is happening at pace; it is happening at a practical level. We already - last month now, in February - put in place a dedicated adviser to provide carers with individual advice and direct them to support services that are already available for them. I would encourage Members, if they are in contact with constituents who are carers, who need help and support and financial advice, that they should contact that dedicated officer. That will also give us information about where there are gaps in the system and enable us to make changes in the short term. We have also improved our page on the Government

of Jersey website, and I am pleased to say that there is now a dedicated page on the website to bring information together for all carers and people being cared for. Also I will give a plug - while I have the opportunity - for the Connect Me event on 17th March, which is also a dedicated event for carers. Talking about the practical improvements that we are able to make, I have recently made changes to the way that long-term care support can be provided through the conversation that I had with some carers. We saw that there were some weaknesses in the system, particularly where people were moving through into adulthood. We are working on a practical basis across Government as well on our pathways into adulthood for people with disabilities, and also I am more than happy to work with any Member who brings forward other ideas around how we can better support carers. I was pleased to have Deputy Miles, as I have said previously in previous sittings, come to our Disability and Inclusion Advisory Group recently, bringing her ideas for how we can provide very practical financial support to carers with adult children.

[14:45]

We continue to be working on that. While I understand Deputy Andrews is coming from a good place, wanting to genuinely help people, unfortunately this proposition does not provide that help. It runs the risk of taking officer time away from the things that we are doing that carers are asking us for. My one further point that I did want to make is that consistently, when we speak to carers and carer organisations, the change to Home Carer's Allowance is not something that is being asked for as a direct need. The one vital thing for carers - and I think this alludes to the question that Deputy Tadier may have been asking at the time - is around respite care for carers. That is a critical need. It is something that in my report I have asked and urged the next Minister to make a priority. We already do have respite breaks being paid for for long-term care, but we know that there is a shortage of respite facilities. It is work like that that my team need to be focused on, and I would not want a proposition such as this taking away my officers from working on those things that carers have already asked for and desperately need. I urge the Assembly to vote against this proposition.

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

I am pleased to follow the Minister for Social Security. I just have a very short speech. I want to begin also by recognising the intention behind this proposition. The Deputy has clearly brought it forward because of a genuine concern for unpaid carers, particularly those who provide care later in their own lives. Given my long personal and third-sector experience, that is a concern that I share. We know that unpaid carers make an enormous contribution to our community and many provide constant care for loved ones, often at considerable personal sacrifice. Their work is usually unseen, but it is absolutely vital, so for that reason I have a great deal of sympathy with the motivation behind this proposition, but I do not believe that the proposal set out by the Deputy represents the right approach. It is for that reason that, sadly, I cannot support them. I have spoken on several occasions in this Assembly about the, in my view, bizarre and unfair rule about adult children with additional needs who choose to live with their parents in the family home not being entitled to the rental component of income support. I would also confirm that I have been working closely with the Minister for Social Security on related issues within the benefits system, particularly to ensure that eligible adults receive the financial support that they are entitled to. I think that is the right way to address this problem that the bringer of the proposition seeks to address. We need to address the income of the beneficiaries in order to better support the home carers, rather than the other way around, so making sure the system works fairly is something that I care deeply about. We are making progress; albeit slow progress, it is progress nonetheless. I fully recognise the concern that lies behind this proposition and the desire to ensure that carers receive the support they deserve, but I am not convinced that this approach would produce the right benefit in the short term, and it risks placing additional long-term pressure on the Social Security Fund. So, for those reasons, while I sympathise strongly with the Deputy and his intention behind the proposition, I will not be supporting that today.

6.1.3 Deputy B. Ward of St. Clement:

I am really delighted that the Deputy has brought this proposition for debate. For me, it is most welcome, and I have been wanting this to be incorporated for many years, and I must declare my full support of this proposition. When I was a Back-Bencher and I was on the Health Scrutiny Panel, it was raised then with the then Minister for Social Security, and it was also about the long-term care and they were going to be looking at that. We heard nothing. I have raised it with our present Minister for Social Security and the Chief Minister. I mean, I must be like a broken record with those 2 individuals, and which I make no apologies, because I feel very passionate that we should be doing something about this allowance. It may be just a change of the law, because the Social Security (Jersey) Law will not pay out 2 benefits. There appears to be some reluctance in certain areas to take a really serious look and have a conversation with the Government Actuary to assess the cost of providing some recognition payment to our voluntary unpaid carers aside to their well-earned contributory old-age pension. I cannot see why one has to choose one allowance or the other just because the law says you cannot have both. Why has the law not been changed? As a Government, it was agreed at the last Budget to withhold monies - when you add up investments and everything else, it must be nearing £400 million over the next 4 or 5 years - from the States grant, which is payable to the Social Security Fund, as set out in law under section 9A of the 1974 Social Security (Jersey) Law. That was based on the fact that the Social Security Fund is in such a healthy position, so £2.4 billion, as it stands, and growing. The reason why this money was withheld was to plug the overspending gap by the Government. If the fund is so healthy, then why can this funding not be found to provide for carer's allowance, determined by the Government Actuary? Has that question been asked of the Government Actuary, to look at it? I will support this proposition but, before, we need to determine what allowance we do need and to have a proper analysis of the numbers so the actuaries know the facts involved to make correct calculations. Yes, it will not be cheap, but the amount will cost so much less compared to the burden if the care fell on to our health service. I dread to think how much it would cost. Our dear unpaid voluntary carers do a fantastic job in looking after their loved ones, which if they decline, there would be an enormous pressure on the health service, which is struggling to cope with long-term care already, plus we would not have enough facilities to cope with any significant rise in numbers of people coming into care. We should be saying a massive thank you to our carers for what they do, so therefore we need to provide an allowance in recognition of that dedication. I would hope that Members ... and I thank for them for listening and I hope that they would support this proposition.

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

At first sight, I saw this proposition as being very attractive, and I think points are well made about people caring when they get to a certain age and why should they not be paid to do that, if in fact they otherwise would go to a care home and a lot more would be paid? I think that my difficulty has been that you could extend this to other areas and that we would not be even taking a consistent approach, so my comparison is with the fact that we are paying money towards nursery fees. I think there is an argument that if you have a stay-at-home mother, maybe you should pay them. I think the argument why we pay the nursery fees - even though that could be more, and of course mothers are giving care and that sort of thing - is because it is done in a regulated way. I have not squared these 2 things because I was thinking, well, if it is fair to support this proposition, then where do I stand on the other point about people who are caring for the young and what we are doing there? I think that would involve a lot more money. Indeed, I know also the Minister has mentioned other kinds of things that would not be covered. So we come back to ... and I do not enjoy the concept of income support as being the most efficient, practical way of supporting people. It comes up time and time again, and I wish we had an economy that meant that everybody could get more out, but of course pensioners, stay-at-home mothers cannot even participate in the working place, so that is my reluctance to support the proposition.

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

I will not be supporting this proposal and I would like to set out clearly why. First, the Minister for Social Security has already undertaken a detailed review of the support available for unpaid informal carers and for people with care needs. That work has not only been completed, but has already resulted in practical improvements to the way long-term care support is delivered. Secondly, the report setting out that review and its associated improvements was published at the end of January. Members now have a clear, up-to-date picture of the system, the challenges and the changes that are being taken forward. It is therefore simply too early to conclude that an additional policy intervention of the scale proposed today is necessary. Thirdly, we have now begun a significant review of both the Social Security Fund and the Social Security (Reserve) Fund, prompted by the well-known and well-understood demographic pressures facing our Island. This will give the next Government the evidence and the framework needed to plan responsibly for the long-term sustainability of these funds, and that work must come first. In that context, it would be premature to introduce significant new entitlements or financial commitments before the structural review is complete. We should not make major policy changes in isolation from the wider financial picture. Doing so risks locking the Island into costs that may not be affordable or sustainable. The potential cost of what is being proposed today could run into tens of millions of pounds every year. That is not a small adjustment; it is a major, recurring financial obligation, which may not be affordable in the long term. We do have to think about the long term, beyond the next 20 years. It is precisely the kind of decision that should only be taken once the full review of our social security finances is complete and we understand the long-term implications. We all recognise and support and appreciate the care that family members give to their loved ones. I have also met carers, and very few of them have asked to be paid. They do not expect to be paid to support their relatives. They want support, they want us to recognise the job they do and they want some respite. The Minister has done a lot with the long-term care system to ensure that happens. There continues to be some very unhelpful statements, and I would say misunderstanding, about the position of Home Carer's Allowance and pensioners. It only affects pensioners who are carers and who receive Home Carer's Allowance before they retire. Home Carer's Allowance is a working-age benefit that is normally only paid to people who are of working age who have to give up work or give up a significant proportion of their work to provide care. When those people reach retirement age, they - uniquely, I believe - are allowed to make a choice between continuing to receive Home Carer's Allowance, which would otherwise cease, or their pension if Home Carer's Allowance would put them in a better financial position than their pension. Nobody is denied their pension. They are allowed to take a better benefit if that is in their financial interest to do so. That is the fundamental point that I really have to emphasise. I am sure the Minister will return to that as well, because I think it bears repeating over and over again to try to get people to accept and understand it. Overlapping benefits is also a longstanding - very longstanding - feature of our social security legislation. If we simply wipe it out of the way here, then other people will come forward and say: "Well, I too should be able to get 2 benefits."

[15:00]

"Why should pensioners be able to get 2 benefits when other younger people cannot?" It creates numerous issues and this cannot be done in isolation. The final point I would ask is this: if somebody needs care, who is the best-placed person to provide that care? Let me give you an example. A couple in their 80s, they are fit and healthy, they are managing quite nicely and then one of them - let us just say the husband, who is 85 - has a major health issue and returns from hospital needing care. His wife, who is 83, may be very keen to provide as much care as she can, but realistically she may have health issues of her own. Is she the best-placed person to provide care? If we are going to start that - and I know this sounds very unempathic - the 85 year-old is very likely to benefit. He will then be able to get long-term care, if his care needs are such, but if we are really going to start paying people to care, we need to start thinking about whether they are fit to care, and elderly people may simply not be fit to care and we may have people trying to provide care for the sake of getting an allowance when they are simply not able to do it. We need to think of that. I can see Deputy Ward scowling at me, but that is a fact. There will be pensioners who may not be the best person to deal

with a young adult; they may not be the best person to deal with another elderly pensioner. That is where long-term care comes into its own, and other forms of support should be available. We must be responsible in making these decisions, we must be evidence-led and we must ensure that the support we provide is sustainable, not just for today's Islanders, but for the future generations who will also face these challenges in 30 or 40 years' time. So for those reasons, I cannot support those proposals and I urge Members to reject it.

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

It just strikes me this is such a straightforward proposition, so I do not understand why both the Minister for Social Security and the Minister for Treasury and Resources have made it sound so complicated. I get a sense that they protesteth too much. This proposition is about fairness, evidence and responsibility. Today, older Islanders who continue caring for loved ones with high-level needs are forced to choose between the state pension and the Home Carer's Allowance, a rule that ends financial recognition of caring the moment someone turns 67. That is not only unfair, it ignores the reality that caring does not stop at retirement age. This proposition does not commit Jersey to immediate spending. It simply demands the data, the analysis, and only if sustainable, the inclusion of funding in the next Government Plan. In short, let us get the facts, assess affordability, protect older carers. That is what P.27 is asking for and that is why I will be supporting it.

6.1.7 Deputy M. Tadier of St. Brelade:

I am not sure it is that straightforward, because I think what we would effectively be asking for is for the Minister to set a whole train of work for something that they do not want to do or that they may not want to do. That is not good policymaking. I think the logical way to do things is decide what the policy should be, establish whether there needs to be a policy change - and there may well be - and then I think take it from there. I probably should not admit this to my party colleagues: I have still got some sympathy for this proposition and I have not fully made up my mind if I will accept some parts of it, but let me talk Members through my thinking, because Deputy Andrews is quite correct that I think it was at the beginning of 2025 - and it must have just been before the Ministerial changeover - I did ask the former Minister for Social Security. We are quite lucky in this Assembly, we have got a current Minister for Social Security and we have 2 Members who have been Ministers for Social Security, one of whom has just spoken in her capacity as Minister for Treasury and Resources, and we may yet hear from Deputy Gorst. I did say indeed that there are members of the public out there who do believe that a carer's allowance should be paid even when you are a pensioner in receipt of a social security pension. I mentioned that I had a constituent who had not left the Island for 7 years, and I said: "I do not think I can imagine quite a thing for me, to have not left for 7 years" and she said: "Quite simply, I think that Home Carer's Allowance should continue when you receive your pension, as nothing has changed." I did ask the Minister at the time, because this was just before the review was published, I think, about whether she would keep an open mind during the course of her review and she said: "I am open-minded, but I think we have to remember that it is not just about Home Carer's Allowance. The Social Security Fund is developed over decades to pay people one set of contributions and receive one benefit." I think maybe here we are asking the wrong questions, because I do not think it a zero-sum game and I do not think it is black and white. I was partly nodding along when the Minister for Treasury and Resources talked about the fact that you often have a scenario where you have 2 elderly people, one of whom is looking after the other, but in reality we know that they could probably both do with a carer in some ways, or that you have somebody who has got their own health challenges and they are stepping up, if you like, to look after the other person. It may only be a case of months or it could take an unfortunate health crisis for that other person to be struck down. I have seen that happen, where that person can no longer continue and both will need care, sometimes one in a home setting and the other in a care setting. I think it is also more complicated anyway, because you cannot legislate for familial situations. There will be cases where it is quite right that a family member - who may be a younger member and is at home or works from home and can be more flexible in their working approach - can look after that person, especially

if it is non-high-level nursing care, if it is simply often routine things. I think of my own mother: if it is something simply like washing the feet, cutting toenails, that is something which you may be very comfortable doing for a family member or having done to you by a family member, but if it is something else that requires more intervention, then I think that is where it becomes more complicated. So I do take on board sometimes the advice we may wish to give to our constituents is that the earlier that you can set somebody on the path of the long-term care scheme the better, because of course we know that it is capped anyway, so if they can start using the long-term care scheme, they will reach the cap much quicker. It is the case that lots of people are in receipt of things that they could put down as long-term care, but it is not until much later when the care becomes much higher level that they start to record those costs. I think we do need to have an awareness campaign, but similarly, it is not just about financial considerations when people are in these situations. That is not what is at the forefront of their mind. I also do not think it is necessarily right, although it might be technically correct: most people in the community who spend years paying into a social security scheme - and remember, these people might not be claiming any other benefits during the entirety of their lives - they see that as their personal pension scheme. It does not work like that. We know it is a contributory one, which is wider. We also know that if you die before you reach retirement age, you do not get to claim your pension and you cannot pass that pension on to somebody else. Is that right? I do not know. It is not necessarily correct, but a workplace pension would certainly work in a different way, even though the workplace pension you could argue is not always necessarily your own pension pot. It may be, it may not be, depending on how that scheme works. I think there is that issue there, and it is fair enough to say that you cannot claim more than one benefit, but you can claim more than one benefit at different times during your working life, so you might claim short-term incapacity, you might claim long-term incapacity, and it seems strange that somebody might only become a carer after they retire and they have been paying in all their lives, but they have never taken any other form of benefit and that they cannot claim that. I think these are the arguments that are in play here. As I have said, I do not think it is a zero-sum game, and there is a question about if somebody is a carer, should they be able to claim an allowance for being a carer? Is it discriminatory on an age basis to say that retired people, i.e. you are over a certain age, you cannot claim a certain benefit which a younger person might claim? Also, that younger person may have only worked for 6 months of their life, at which point they are able to claim the allowance, where somebody who has worked arguably 40 years of their life and has never claimed that, then retires, cannot claim any of that benefit. So I think again there are serious questions to be asked here. Ultimately though, I do accept what the Minister for Social Security is saying here, but I think she agrees that there is an issue to be looked at and I think that the future Minister for Social Security will also take that on board. That is perhaps not necessarily the right question or the right solution to what the problem is, but I do certainly thank Deputy Andrews for bringing this forward and for again raising this issue, and also sticking to his election pledges. I think that is important, that Members in this Assembly do that.

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

I would like to thank Deputy Andrews as well for bringing this to the Assembly now. I acknowledge the fantastic work being done by unpaid carers. I did visit the householder who has been campaigning for the right to draw a pension and Home Carer's Allowance, and that was back in 2024, so this was during the previous Government. Then I, with Deputy Barbara Ward, had some meetings with the then Minister for Social Security and officers and I understood that Deputy Andrews was also very concerned about this matter at the time. When speaking to the then Minister for Social Security, the understanding was that a new allowance was being created around care needs at home, and this extra support was added to the current benefit system. However, it seems that there are still many people who feel that it is not fair that they cannot have their pension at the same time as Home Carer's Allowance. I do understand that, but when it comes to costs of around £75 million, I do not think we can do this off the back of a Back-Bencher proposition. The costs imposed on the working population would be huge. The previous and the current Ministers for Social Security have both, to my mind, been working away to improve things for carers, and I think this is the best way forward. I think this

is a matter for Government to work on, which will include ways to support those who need it most. It may be that those particular carers who are finding it hard to manage can be helped in better, more targeted ways. I do think this is a better way to progress things, rather than starting the big piece of work that is proposed in this proposition.

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

Deputy Tadier suggested he thought maybe I, as a former Minister for Social Security, should say something. It seemed to me that he was doing a rather good pitch for a position as future Minister for Social Security. I am not sure that Social Security ... anyway, maybe he is. Somebody from the sidelines is saying perhaps it was a pitch for Minister for External Relations, and maybe it was. This is a difficult issue, and on the surface the point that Deputy Warr made was: "It seems simple. Why can somebody not have 2 benefits out of the Social Security Fund?" yet he knows, because he is an employer. He knows that he, as an employer, and his employees are only paying one contribution into the fund and that one contribution determines ultimately the level of pension that contributors get out of the fund. What this proposition, on its face, is calling for is for 2 benefits to be paid, even though there is only one contribution. That is the basic issue that the Minister for Social Security, rightly, has to deal with. I think other Members have said that she, succeeding her predecessor, has sought to try - I am happy to be interrupted - to provide improved benefits for carers, and I think they have made good progress there.

[15:15]

But coming back to Deputy Tadier's point, the way that informal caring is taking place is not just those who have got carer's allowance, those who then become pensioners. It is happening right across our community and it is a really positive thing. Some people are getting paid for it through the benefit system, some are getting paid for it through the social security system, but many, many others are not; they are just doing it informally. I think the point for me is that as our society ages - and we all in this room are ageing, none of us knows at what point we are going to need support with our care - that this is an area that will need to be constantly under review, because the way that care is taking place in our community is changing, and that will not stop. It will continue to change, because that informal care can be 24/7, but it can also just be an hour in the evening, supporting a neighbour with the preparation of an evening meal or making sure that they are out of bed in the morning. Care is changing and I do not think that we should, with the greatest of respect to Deputy Andrews, simply accept this is going to be the answer going forward, because I think it is going to be much more complex and much more nuanced and rather ... I know that the desire of the current Minister for Social Security is always to act fairly with those who metaphorically knock on her door. That has been a long tradition of Ministers for Social Security and therefore I think the right thing is for the incoming Government to think about caring in the round, rather than just make what would be quite a hasty decision to say: "We are going to say that 2 benefits can be paid, even though there has only been one contribution" because it does not take a mathematician or a statistician to recognise that one payment in cannot ever produce 2 payments out. More payments would be required to go in, other than drawing down the Social Security (Reserve) Fund. That is a decision which should not be made off the back, with the greatest of respect, of a Back-Bencher proposition. That is the reason. I know it is complicated and I know that the proposer has got the best intentions at heart, but this is such an important cornerstone of how we will provide for the ageing demographic in our community that we need to do it carefully and with all the evidence in front of us.

The Bailiff:

Deputy Barbara Ward, have you got a point of clarification?

Deputy B. Ward:

Yes.

The Bailiff:

You will give way to a point of clarification?

Deputy I.J. Gorst:

Of course I do, Sir.

Deputy B. Ward:

Thank you very much, Deputy. You say that we pay one contribution in, that is under our social security contributions, but we have been told in this Chamber that what we pay in is not just for your old-age pension, it covers many benefits. We may be paying one contribution into the scheme, but it is there to provide a number of benefits, one being our old-age pension, one being income support or whatever.

The Bailiff:

Your question for the Deputy?

Deputy I.J. Gorst:

I think I have got the ...

The Bailiff:

All right, yes.

Deputy B. Ward:

You have got the gist.

Deputy I.J. Gorst:

... clarification requested.

Deputy B. Ward:

So could you explain, please?

Deputy I.J. Gorst:

The request for clarification perfectly illustrates why this should be done with the appropriate information, and the Minister should be allowed to do it because of course, as we know, income support has got nothing to do with the contributory benefit system. Income support is provided from the taxpayer system and is means-tested from the taxpayer. That is a contract between low-income families and taxpayers and is unconnected completely with the Social Security Fund. If the Minister would like to ask for further clarification, I am quite happy if I have got it wrong, but anyway, we will deal with that. That is income support, so that is not in any way, shape or form 2 benefits coming out of one contribution. It is unconnected. The Deputy does raise an issue, which is an important issue, about long-term and short-term incapacity benefits. The contribution that we pay into the Social Security Fund also helps to provide those benefits and it is built into the overall contribution that we currently pay. Therefore if we are going to add an additional double benefit, it would have to be and should be built into the contribution system. It is not currently, and therefore it is not straightforward to say you can add a double benefit without the contribution going in, otherwise we would reduce the value of the Social Security (Reserve) Fund and this Assembly would not be in a position to be able to manage that fund to deal with the challenges that we face into the future.

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

It has been a long week so far, but the debates have got no less interesting and the contributions have certainly got no less thoughtful as we've gone along. There have been some good contributions in this and I have enjoyed listening to those. I have been trying to collect my own thoughts as we have gone along, because these debates can be framed in such a way that can make them very difficult, because at the heart of what this is about is us, as an Island and as a Government, recognising the

role of carers in our society and doing what we can to support them to the best of our ability. You would hope that nobody in their right mind would want to say no to genuine good opportunities to enhance that. If you were to ask anybody the question: "Do you think pensioners who are also carers should get more support?" of course who is going to say no to that? I am sure we all instinctively feel that way and would want to see that happen. But what matters for a government is the question of how you do that and whether you do that in the most effective way possible to ensure that people are not left behind or people do not slip through the cracks because of arbitrary rules that do not necessarily cover everything appropriately. Unfortunately, that is why this proposition is problematic, because it starts by making an assumption that the overlapping benefits rule causes a gap and that is obviously highly contestable. Then it makes the subsequent conclusion that the way to fix that gap is to make this particular rule change. That, of course, is also highly contestable because there is an effect that would be caused by changing the overlapping benefit rule and there are things that we know for sure as to what would happen if that were to occur. We know that pensioners, who are carers already on income support, would likely not be better off at all by this because income support is a means-tested benefit and the Home Carer's Allowance is not. There would be deductions from income support to correlate with the extra income from Home Carer's Allowance, so those people are not made better off at all by that decision. It is also the case, if the information I found online was correct and up to date, that the Home Carer's Allowance is just shy of £300 a week. Let us say we changed the rule and we opened that up to some people, why is £300 a week the magic number, the exact correct number that will solve problems for people? There will be some households where that will not be enough and there may be some households where that is more than sufficient. What if there are those households for whom it is not about the money, it is about the other forms of support that come? The Minister and others mentioned respite support, that obviously being a fundamental part of it. I think that - going on a slight tangent here - it would be really good for as many of us as possible to read the report that the Minister for Social Security published. I thought that really helped me understand the system better and understand its difficulties and how things might be improved in it. But more widely than that, I think it is really important that Jersey takes stock of the welfare system we have as a whole, how we got it, how it came into existence and how the particulars within it operate, because if you have a good understanding of that, you can come up with more constructive solutions on how to fix it. When I first became a States Member, I would often get constituents coming to me to complain about social security and I did not know a huge amount about the system at the time. I would obviously hear them out and attempt to help them. I did not have the depth of understanding in those days that when members of the public refer to social security, they are often referring to stuff that is not social security benefits, that it is other elements of the benefits system and those other elements have come into being at different stages in our history, operate under different rules and serve different purposes. The social security benefit is a contributory benefit that will pay out a single benefit to you at any given time when you qualify for it. It is done on a non-means tested basis and is done there to provide a basic safety net for everyone by right because they have paid into it. On top of that would be what else you might need to get by, whether that was benefits from another part of the welfare system or perhaps your own independent income, et cetera, but you can be a multimillionaire who paid your social security contributions and you still get your state pension when you retire. It is not means tested. Your entitlement to that is through right and so you still get it, whereas the income support system is funded through taxation, is not contributory and is means tested, and will be adjusted in all sorts of different ways to take into account your particular household needs. Then, of course, there is long-term care on top of that as well. Simply changing one specific element of the social security benefits, the Home Carer's Allowance, acts as if the Home Carer's Allowance is the Home Carer's Allowance as opposed to a home carer's allowance when there are other elements of welfare support that exist to support carers. There is a component on the income support system, for example, and if you were going to pick one to tinker with, it probably would be the income support one because that is the means tested one. That is the one that interacts with other rules that are more tailored towards a particular household's needs, whereas the Home Carer's Allowance is just a blanket £300 a week, which may or may not

be getting at what the issue might be for a particular household, that household being made up of people who care and people who are cared for. Of course, people who are cared for have their own rights and entitlements as well through the system, and it has to be holistic to work out that a family is getting everything that they deserve. I think for that reason the proposition, of course, should be rejected because it is not straightforward, as one Deputy suggested previously. I would be interested if he has read the report from the Minister for Social Security that makes that abundantly clear. Instead, allow the Minister to focus on what are focused and tailored changes to the various bits of the system, the different bits of support that exist in one part or another part, rather than targeting one which we already know from the outset would not make the worst-off better. That is clearly not a good use of our time and will offer at the end of the day false hope. Politics is at its worst when we offer people false hope. That is why the proposals for change have to be underpinned by evidence and an understanding of how the system works. On this occasion, although that proposition is clearly well-meaning and it appeals to something that I hope we all feel inside ourselves, which is that we want the best for carers and those who are cared for in Jersey, the proposition will not take us forward, in which case it is expending energy, offering false hope and not really taking us forward and that is not what we ought to be doing.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on this proposition? I call upon Deputy Andrews to reply.

6.1.11 Deputy M.B. Andrews:

I must thank everybody who has taken part in this debate. I just wanted to begin by explaining the reason why I decided to go with the Social Security (Reserve) Fund because I know there have been a couple of colleagues who have questioned the use of why I have put that in the proposition.

[15:30]

The reason being is because I knew if we were to introduce a change and it was only going to be using the Social Security Fund that we could then be introducing a structural deficit. So the investment income could potentially be used to supplement the Social Security Fund, much like the estates grant is used to supplement the Social Security Fund, to increase the level of expenditure while using the investment income but also preserving the capital in the reserve as well. Obviously, that is something that you do not want to eat into. That was the reason why I decided to bring forward this proposition where an exercise that is a modelling exercise could be undertaken, firstly to ascertain the number of people who could be entitled to receive the Home Carer's Allowance. Then secondly, it would be about how do we then develop policy? I know, for instance, there would be a couple of options, and I know somebody mentioned this online about, for instance, a partial H.C.A. (Home Carer's Allowance) payment instead of it being made payable in full. Again, that would have been something that I would have been very much open to, but I think, again, you need to be basing decisions by using evidence. I think it is a shame that several colleagues feel that this proposition cannot be supported because I think it does provide the Assembly with an opportunity to be a bit more creative, to be a bit more expansive, and to also appreciate the work that carers do. I just wanted to also highlight what Deputy Barbara Ward mentioned in the debate when Deputy Gorst spoke. Obviously, people who provide their social security contributions, they potentially may be entitled, for instance if they are on sickness benefit for a time before they then recommence work but also later in life as well, they potentially can claim their pension if they do get to that age. I think the last point that I really wanted to emphasise here is the unfairness of the rule where individuals are placed in such an invidious position coming to retirement age and having to decide whether they take up the Home Carer's Allowance or the state pension. I mean for me, if you have worked all your life, you are entitled to receive your state pension, but I also understand why several pensioners have decided to take up the Home Carer's Allowance because they receive more income. Even just looking at the rate of income that those individuals receive, you can see why some pensioners are struggling unfortunately in our Island. For me, it is about also addressing inequality partly as well and

appreciating the care that those pensioners provide. Also rewarding them as well, giving them more disposable income because, at the end of the day, I think it is a high-cost jurisdiction. I think we are all very much aware of that and I think the States has an opportunity here to try and make a difference to try and improve people's lives because there are many pensioners out there who are struggling. I know it is certainly the case in my constituency. But we have also got to remember and appreciate the extent that certain individuals will go to, to care for loved ones and I just want to say a massive thank you to all of those pensioners who provide excellent care. Sometimes we do not really give them the appreciation that they deserve [**Approbation**], so I just wanted to place that on record. I must thank all my colleagues for taking part in the debate and I thank you, Sir, for giving me the opportunity to speak.

The Bailiff:

Is the appel called for?

Deputy M.B. Andrews:

I call for the appel, Sir.

The Bailiff:

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

POUR: 8		CONTRE: 31		ABSTAINED: 1
Connétable of St. Clement		Connétable of St. Lawrence		Deputy K.M. Wilson
Connétable of St. Saviour		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		
Deputy D.J. Warr		Connétable of Grouville		
Deputy B. Ward		Connétable of St. Mary		
Deputy M.B. Andrews		Deputy M. Tadier		
		Deputy S.G. Luce		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		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 L.K.F. Stephenson		

7. Political Parties and election expenses: online publication of information (P.28/2026)

The Bailiff:

The next item is Political Parties and election expenses: online publication of information lodged by Deputy Scott. The main respondent is the chair of 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 request the Privileges and Procedures Committee, in consultation with the Judicial Greffier and the Jersey Electoral Authority, to undertake the necessary legislative changes for debate before the next public election in 2030, to require the online publication of – (a) the register of political parties and the statements of accounts of all political parties; and (b) declarations of donations of over £500 in value relating to any public election, whether received by individual candidates or by political parties, any such declarations to be made a prescribed period from receipt and before such public election.

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

The purpose of this proposition is to increase the transparency of information regarding future electoral candidates. Owing to the timing of this proposition, it does not seek any needed legislative changes to the relevant laws before the public election in 3 months' time. It aims for them to be in place before the 2030 election, should the proposition be supported by this States Assembly and the next Assembly give its continued political support. Any candidate intending to stand on a platform of improving transparency in the next election, or who did in the last election, might be expected by voters to give this proposition their support and maybe, as a voter, they might be interested in supporting it too. The proposition would enable voters to find out more about the rules of political parties and significant financing of election candidates by this information being posted online and before they choose to vote for them in a public election. Two laws are relevant here: the Political Parties (Registration) (Jersey) Law 2008, which required political parties to disclose their constitution's annual accounts, and the Public Elections (Expenditure and Donations) (Jersey) Law 2014, which currently requires disclosure of information regarding donations to political parties and individual candidates, albeit in different amounts and in different ways. I thank the Privileges and Procedures Committee for their comments on my proposition and their support, and Members' support of paragraph (a) of my proposition. This is on the basis that providing information online should be pretty straightforward. Up to now, if a member of the public wished to take a look at a copy of the constitutional accounts of a registered party held by the Judicial Greffe, physical presence at the Judicial Greffe's office would be required, which would be limited to the opening hours of the Judicial Greffe. This obviously presents a difficulty with those with disabilities or whose working

hours mirror those of the Judicial Greffe. I welcome the P.P.C.'s (Privileges and Procedures Committee) support to this particular part of my proposition. Paragraph (b) of the proposition seeks to bring declarations of both independent and political party candidates in line, ensuring that substantial donations - in excess of £500 - are declared to the Jersey Electoral Authority in advance of an election for both individual candidates and independent candidates and political parties. With respect to the P.P.C.'s stated position on paragraph (b), it will not be the first time that I, and perhaps other Members of this Assembly, find the P.P.C.'s position on this matter a little perplexing or baffling. This debate does provide the chair of the P.P.C. with an opportunity to explain its reasons along the lines provided in its comments but also to respond to the position of response that I emailed to States Members over last weekend. In that email I pointed out the P.P.C.'s comments only address a duty of political parties and existing Members to declare certain donations before the election. The P.P.C.'s comments miss a point regarding the time period, within which political parties are required to declare donations in excess of £500 received before an election within 4 weeks of receiving the sum. If it is received less than 4 weeks before a public election, it is not required to be declared until after the election. The P.P.C.'s comments also refer to Standing Order 152, which requires Members to declare sponsorship money received to support their electoral campaign, but the Standing Order, which does not set a minimum amount, allows 30 days to declare the donation. Again, if the amount is received less than 30 days before an election, there is no obligation to disclose it before the election. Furthermore, the P.P.C.'s comments do not redress the position for candidates who are not existing Members. There is no requirement for them to declare significant sponsorship before the election at all. Why would the P.P.C. not support a proposition that aims to help voters to find out more about the rules of political parties and the financing of election candidates before casting votes in a public election, particularly when the proposition contemplates that the work would largely be developed by the next P.P.C., and particularly when a number of its Members may have stood on platforms advocating transparency in the next election? Why would Members seek political groups to be more transparent than themselves? I have my own answer to suggest there, but I will save disclosing it until my closing speech, after the chair of the P.P.C. has had the opportunity to speak to these questions himself. In the meantime, I invite Members to support the service to voters in this Island that this proposition aims to achieve. If voter disengagement is informed by an attitude that voters do not know what they are voting for, why allow information to be hidden away from them? I commend this proposition to the States Members and request their support.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Nobody wants to speak on the proposition. In that case ... Deputy Mézec.

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

I want to just very, very briefly speak in support of part (a) of this proposition. As the longest standing political party in Jersey, we have had to abide by the Political Parties (Registration) (Jersey) Law. That puts obligations on us in terms of what we have to declare and where we register that. We are all absolutely comfortable with that. If I may make one comment, I would have to say that I think the political parties register would be better off being sat with the States Greffier rather than the Judicial Greffier, but that is not the biggest issue in the world. I think it would make more sense, though, because the States is governing political matters on a day-to-day basis as opposed to the court, but we did not think it was worth pursuing that as a last-minute amendment to this proposition. But putting the documents that we have to file into the register online makes absolute perfect sense. We are happy to do so, and if I might brag for just a moment that when we recently approved our most recent financial statements, we did proactively send those to all of the media for their inspection so that they could look at them, scrutinise them and see if anything was interesting in them. They obviously concluded there was not because there was no coverage as a result of it, but we are happy to do that, and we are happy to set the standards. We are also happy to express our concerns at the involvement of others in politics who seem to be prepared to do everything they can to avoid having

to abide by that level of transparency, including claiming to be local movements but using U.K. structures, which is not how we ought to be doing things here in Jersey. That is a standard that we support, wish to see delivered in Jersey and so we are very happy to vote to part (a) on that basis.

The Bailiff:

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

7.1.2 Deputy M.R. Scott:

I thank Deputy Mézec for his comments. I happened to have originally agreed that it made more sense for the States Greffier to act as the registrar and originally did put that in the proposition and have just thought: “It is too complicated.” The Judicial Greffe has traditionally acted as the registrar for other things like intellectual property.

[15:45]

There are arguments why it should not be acting as the registrar but in the time available, I thought it was best just to consult. I note that the Deputy did not give reasons for not supporting paragraph (b), which just requires that candidates in election disclose sums of £500 or more that are being used to support their campaign before the election so that voters do know who is funding them. I remember when I was standing, a fellow Deputy had quite a strong position about anybody who was wealthy standing, and I think it is worth knowing, are people funding themselves from their own resources or from somebody else’s? Simple as that. This is simply about giving voters that information when you are standing in an election and by reporting those amounts. I have been asked if I am going to take this vote in blocks. I will. I will just put the proposition forward part (a) first and then part (b) accordingly.

The Bailiff:

The first vote is on part (a) of the proposition relating to the online publication of the register of political parties and the statement of accounts of all political parties. I invite the Greffier to open the voting. If all Members have had the chance to cast their votes, then I ask the Greffier to close the voting. Part (a) has been adopted unanimously:

POUR: 38		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. 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 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				

We now move on to part (b), declarations of donations of over £500. I ask the Greffier to open the voting. If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting. Part (b) has been rejected:

POUR: 15		CONTRE: 23		ABSTAINED: 0
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of St. Peter		Deputy G.P. Southern		
Connétable of St. Martin		Deputy M. Tadier		
Connétable of St. John		Deputy S.G. Luce		
Connétable of St. Clement		Deputy M.R. Le Hegarat		
Connétable of Grouville		Deputy S.M. Ahier		
Connétable of St. Saviour		Deputy R.J. Ward		
Deputy L.M.C. Doublet		Deputy C.S. Alves		
Deputy I. Gardiner		Deputy I.J. Gorst		

Deputy L.J. Farnham		Deputy S.Y. Mézec		
Deputy D.J. Warr		Deputy Sir P.M. Bailhache		
Deputy H.M. Miles		Deputy T.A. Coles		
Deputy M.R. Scott		Deputy J. Renouf		
Deputy T.J.A. Binet		Deputy C.D. Curtis		
Deputy K.M. Wilson		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		

8. Assessment of visual impact in green backdrop zone planning applications (P.31/2026) - as amended (P.31/2026 Amd.)

The Bailiff:

The next item is Assessment of visual impact in green backdrop zone planning applications, lodged by Deputy Scott. The main respondent is the Minister for the Environment. Deputy Scott, you have lodged an amendment, do you wish your proposition to be proposed as amended?

Deputy M.R. Scott of St. Brelade:

Yes, please, Sir.

The Bailiff:

If there is no objection, then it will be read as amended. I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Minister for the Environment to – (a) take the necessary steps to ensure that all planning applications for sites within the G.B.Z. (green backdrop zone), and likely to have visible impact on the G.B.Z., include both a text and pictorial assessment of the visual impact of the application on features requiring protection and enhancement, in accordance with Policy G.D.9 (General Development 9) – Skyline, views and vistas, in the Bridging Island Plan 2022-2025; (b) publish draft guidance, no later than the end of 2026, to support the application of Policy G.D.9 as set out in (a), including pictorial identification of those features requiring protection and enhancement as set out in (a); and (c) provide additional resources to support the application of Policy G.D.9 including maps of the G.B.Z. that include sight lines from each viewing location that takes in features identified in (b) and photographs illustrating those sight lines.

8.1 Deputy M.R. Scott:

They say that beauty is in the eye of the beholder and we want to protect the beauty of this Island but how can we when beauty is so subjective? We still need development to create homes for Islanders. The focus of this proposition is on the relatively low-density residential areas of escarpment in the

east, south and west of the Island that provide a green backdrop and setting to much of St. Helier, St. Aubin, Gorey, St. Brelade's Bay and Ouaisne Bay; thanks to the efforts of the Constable of St. Brelade in the last debate of the last Island Plan in the case of Ouaisne. They are particularly visible from the coast and the sea. The report accompanying this proposition shows their precise location. Owing to their low-density residential development, they are not offered the highest level of landscape protection in the Bridging Island Plan 2022-2025 that is offered to other parts of the coast designated as protected coastal area or Coastal National Park, such as St. Ouen's Bay, Beauport Bay and coastal area in St. Martin. Instead, they are designated as green backdrop zone or G.B.Z. Policy G.D.8 of the Bridging Island Plan sets out a presumption that the density of development in those areas will be increased while also setting out relatively vague rules that seek to protect their landscape values. This obviously creates a tension. Despite past efforts to improve the policy, successive Island Plans have noted these areas have been subject to overdevelopment or incentive development. Trees are felled to create sea views for new homes of wealthy residents of them and, in some cases, they have not been replaced with sufficient planting, even of shrubs to compensate for the degradation of this green backdrop. The difficulty boils down to this: if landscape plans are submitted by developers, what are they supposed to do exactly? What part of the landscape is development expected to preserve and what can it take away without excessively spoiling some of the Island's treasured beauty spots? Some former Ministers for the Environment have been alert to this problem. For others, it has not been a priority. The 2020 Jersey Integrated Landscape and Seascape Assessment commissioned by Deputy John Young of my Parish, when he was Minister for the Environment, has provided some guidance on how planning applications with an impact on scenic areas should be assessed. I will refer to that document in the rest of the speech as the J.I.L.S.A. (Jersey Integrated Landscape and Seascape Assessment). The rules for assessing planning applications are set out in the validation requirements for planning applications and other applications. When referring to the J.I.L.S.A., they only mention its relevance in the context of policies N.E.3 (National Environment 3) and G.D.9 and make no reference to policy G.D.8 that applies to green backdrop zones. Policy G.D.9 does have relevance to green backdrop zones because it seeks to protect and even to enhance skylines, views and vistas against adverse impacts. At this point, we have 2 problems. Firstly, as mentioned, the J.I.L.S.A does not cover all green backdrop zones and, as I have mentioned, part of that reason is that the Constable of St. Brelade brought within the scope of green backdrop zones Ouaisne Bay. It was not designated a green backdrop zone at the time the guidance was prepared. Secondly, it still is not entirely clear how the impact of development in these areas is to be assessed. The Planning Department now, thanks to the efforts of previous Ministers for the Environment, has a landscape officer who is involved in assessing applications, but the method by which he does so remains relatively opaque. The further work that needs to be done is relatively simple, but it would have significant impact in assisting those who wish to develop sites in the green backdrop zone and those who wish to ensure that the development is not incentive to their landscape values. Modern technology makes it relatively simple to compare visual representations of areas before and after development. It starts with a camera. Paragraph (a) of this proposition seeks the changes needed to be made to the validation requirements to ensure that such comparisons are produced when they are likely to have a physical impact on the green backdrop zone. Even then, it remains unclear what we are trying to protect unless we identify exactly what it is. The new paragraph (b) seeks this guidance, which is particularly important for areas like Ouaisne, of which there are no material representations provided in J.I.L.S.A. at all. For me, that would be views from publicly-accessible areas like the water's edge in the centre of the relevant bays or from viewpoints on cliff paths above them. I invite any States Member to just think of an iconic view of an area, like St. Brelade's Bay, and to imagine where they would be standing and what they would be seeing. I would not expect every viewpoint to be identified but surely the key ones should be. Islanders should have an opportunity to agree what the iconic views we wish to protect and enhance are - at least some basic ones - so that planning officers and developers can then discuss how. I thank the Minister for the Environment for accepting part (a) of this proposition, and my understanding is that he is going to accept paragraph (b). Paragraph (c) of my proposition exists because if a planning officer takes a photo of a view from a

specific place saying: “This is what I am trying to protect”, it would help developers to know from what point that picture was taken, described in this part of the proposition of the sight lines. Quite simply, if I am standing on the Portelet Common and I am looking at a view, I must be looking in a certain direction. It helps to say: “Where am I standing and in what direction am I looking?” That will identify my sight line when I am explaining where this picture has come from and how I made it. It would help developers. If a planning officer takes a photo of a view from a specific place, it would help developers to know from what point that picture was taken and described in this part of the proposition as the sight lines. This part of the proposition is about transparency. Yes, it may mean an element of survey, or maybe not, just a very basic description, but surely Government has those resources within that enable these viewpoints to be identified precisely, allowing both planning officers and developers to use the same song sheet to produce agreed architectural and landscape harmony. I would welcome the Minister for the Environment’s response to this matter, as he did not manage to respond to my emails seeking cost information and cost quantification. The comments have gone into some detail about (c), suggesting that what is required is very detailed. I am not sure that the proposition need be interpreted that way. In the meantime, I commend my proposition to the States Assembly to help produce clearer planning for the areas discussed and I commend the proposition.

The Bailiff:

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

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

This amended proposition now has 3 parts. I shall address part (a) first and then focus on parts (b) and (c) together. Turning to part (a), it is important to begin by recognising that the need to assess the visual impact of development within the green backdrop zone is entirely accepted. That is precisely what the Island Plan Policies G.D.8 and G.D.9, working in combination, are designed to achieve.

[16:00]

Their purpose is to offer additional protection to the sensitive landscape character of the landscape escarpment that is defined within the defined built-up area, and which forms a prominent green backdrop to St. Helier, St. Aubin, Gorey and St. Brelade’s Bay. But the key question is how we achieve this sensibly and proportionality. Not every proposal within or affecting the green backdrop zone will have a material visual effect. Many routine or modest developments simply will not change the skyline, the character of the escarpment or any meaningful view. What is needed is a pragmatic and proportionate approach. We can deliver this by reviewing and updating the existing validation checklist that sets out what applicants need to provide in support of their planning application. This checklist is managed by the Planning Application Team and is currently the subject of review. The checklist can be revised to define clear, practical triggers that identify when a visual impact assessment is genuinely required, for example where a proposal’s height, its position on the escarpment or its relation to key landscape features along the skyline indicates the potential for the proposed development to have a material visual impact. Revising the checklist in this way would provide professional planning officers with the tools to apply a rigorous, case-by-case assessment of both the need for visual information and the quality of what is submitted. This includes an ability to require the submission of a pictorial assessment of the impact of the development. This is most commonly achieved by the preparation and submission of photo montages from key viewpoints of the site as an integral part of any planning application. Planning officers already operate in this way. Enhancing the checklist will provide more specific advice to applicants about the requirement to provide appropriate information in support of their application. This will enable planning officers to better assess the visual impact of proposals in the green backdrop zone where it is appropriate to do so. Where greater scrutiny is warranted, they can request it. Where it is not, unnecessary requirements can be avoided. This approach ensures that meaningful impacts are properly assessed, that policies G.D.8 and G.D.9 are applied robustly and consistently, and that applicants are not

burdened with obligations that add little or no value, but which cost them time and money. In short, we can ensure the appropriate assessment of the visual impact of the development in the green backdrop zone, but only where it is likely to have one, by working with the tools that the Planning Applications Team already have to require their preparation and submission where it is proportionate and justifiable to do so. Where visual impact assessments are submitted, they are already routinely published as an integral part of planning applications. On the basis of the pragmatic and proportionate steps I have outlined, I am content to support part (a) of the Deputy's proposition. Turning to parts (b) and (c), the amended proposition asks the Minister to publish new supplementary planning guidance complete with mapped sight lines, pictorial identification of landscape features and catalogued viewpoints across the entirety of the green backdrop zone. On the surface, this might sound like a comprehensive and desirable outcome, but if we look more closely, does it really offer something that we need? We already have clear, robust supplementary planning guidance in place. In July 2023, the previous Minister for the Environment published the landscape and seascape character supplementary planning guidance that the proposer of this mentioned in her opening speech. This is based on the Jersey Integrated Landscape and Seascape Character Appraisal that the Deputy cites also. This provides structured advice on assessing the impact of development on views, key landmarks, skylines and landscape character. It explains how we select appropriate viewpoints and how to consider skyline impacts. In other words, the framework to do what Deputy Scott is asking for is already there. Creating additional highly prescriptive mapping enshrined in the new planning guidance would not only repeat much of this existing guidance, but it would also date quickly. That is because views change, vegetation grows, roots shift and the built environment evolves. Using a static set of map sight lines and a catalogue of photograph views throughout and into the green backdrop zone might look thorough on paper but would it remain accurate for very long? I am not sure. Would it genuinely improve decision-making on individual applications? I am not sure about that either. It is also right that we consider the effort and resources that would be required to produce this guidance. These would not be insignificant. Comprehensive G.I.S. (geographic information systems) modelling, extensive fieldwork and photography, drafting, consultation and the necessary periodic updates would all be necessary to maintain accuracy. This, at a time when professional resources are already committed to major pieces of work endorsed by this Assembly, including exploring the feasibility of a development levy, a revision and review of the residential parking standards, development of a framework for an ageing society, not to mention preparation for the next Island Plan review itself. Is it wise? Can we really afford it? Can we afford to divert limited professional capacity from those priorities? I think not. A more practical and reliable approach is to continue expecting developers to provide site-specific visual assessments that respond directly to the scale and context of each development proposal. This is consistent with how we assess other technical matters, such as the impact of development on heritage, ecology and drainage. Planning officers already have full authority to challenge submissions, to request additional material, including photo montages from key viewpoints and to ensure the policy G.D.9 is rigorously applied. While the intention behind part (b) is understood, the proposed method is neither necessary nor proportionate in my view. The tools to assess visual impact already exist and they already work within the existing level of resource that exists within the Planning Application Team. Creating a new layer of guidance would add considerable effort for limited practical benefit. Good planning is not always about doing more; it is about doing what is necessary and doing it well. In this instance, we already have the planning guidance in place to do this and the professional resources within the Planning Applications Team to assess this aspect of development in the green backdrop zone where it is appropriate and necessary to do so. I would urge Members to support my pragmatic and justified approach to this matter and to reject parts (b) and (c) of the Deputy's proposition.

Deputy M.R. Scott:

Could I ask the last speaker to give way ...

The Bailiff:

Are you prepared to give way to a point of clarification from Deputy Scott? Yes.

Deputy M.R. Scott:

Thank you. I just wondered if the Minister had details of the costs, if it is being supported by his department, of the local plan for Gorey Pier that is being developed.

Deputy S.G. Luce:

I do not have that to myself personally at the moment, no.

Deputy M.R. Scott:

Is that something that the department is helping to fund?

Deputy S.G. Luce:

My understanding of the residential ... can I ask her, Sir, if she is talking about the plan that is being developed ...

The Bailiff:

It is a point of clarification. You have not dealt with this in your speech, I do not think, at all. I do not think it is a point of clarification. Does any other Member wish to speak on this proposition?

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

I will endorse most of what the Minister said, although I feel in some ways his pragmatism is rather kind to be accepting (a). He made a very clear case that the existing validation checklist requires submission of information, and the minor tweaks are, as he says, minor. I would like to highlight a couple of things from the perspective of somebody who sits with the Planning Committee and makes many of these decisions, which is there is a risk to part (b) that is not just out of time and labour. Members will know, and especially those who helped draft the Island Plan, the Bridging Island Plan has 96 policies in it. While there is always challenge in assessing them, that is, as described in the plan, a place where conflicts and tensions do arise. It is the nature of a complex system. Part (b) not only talks only about the skyline zone, although we heard of listed settings and buildings, the importance of the setting of any building, whether it be into the natural environment, into the escarpment or the listed environment or any part of the built environment, is a material consideration for any decisionmaker. Importantly, where parts of the plan become too codified, there is a risk that you will see developers ... say, for example, the view of St. Aubin's Fort from one direction is considered. If that is codified in a document about a protected site, the omission of other views provides in some ways an implicit view to somebody to say: "Well, I am not working within a protected sight line, so I have less to worry about when it comes to proving this." It is far better, albeit it arises natural tensions, for the policies to assess in the broad and consistent ways, as they already do, and are worded that it is for the decision-maker to weigh up the relevant parts of them. We visited sites in the east of the Island around Mont Orgueil. The setting of Mont Orgueil is not defined by a box on a map. The setting is considered by the decision-maker relative to the scale and size of the development and how it impacts that. It is for professional planning officers to provide that advice in their recommendations and for Committee members to use their local and their long knowledge in assessing that. There is an infinite number of ways you can carve up the many facets of the Island Plan and its policies. I would significantly warn that unless we have a change in policy that described protected views, and I think that would be a new Island Plan policy, that trying to codify parts of this existing plan will bring more confusion when a developer comes forward or an applicant comes forward with a scheme that falls outside of this, and the decision-maker now has to justify that, notwithstanding them not falling into a protected area, the material considerations of that site, the setting, and the massing are material considerations that may lead to a negative determination. If Members are concerned that the balance of policy is not correct, that the built environment is taking on more than the natural environment, that landscape capture is inadequately assessed, it is on them to raise that. It is on the entire public to make sure they are keeping abreast

of plans in their local and the Island area. Their submissions are genuinely taken into account by the determining person and they help form that. If a lot of people talk about the importance of a view, that helps explain to the decision-maker the importance of it. It is incumbent on everyone, but codifying all of this to that extent will not help the decision-maker. It is, as the Minister says, going to be unfeasible. I would reiterate the way to solve the problem I believe the Deputy is going after is to continue to ensure that decisionmakers weigh the policies in a way that brings a balance that the Island expects.

Deputy M.R. Scott:

Could I have a point of clarification on that one, please, Sir?

The Bailiff:

Will you accept a point of clarification?

Deputy A.F. Curtis:

No, Sir.

8.1.3 Deputy J. Renouf of St. Brelade:

I would start by endorsing everything that the Minister and Deputy Curtis have said in terms of the balance of the arguments in relation to parts (a), (b) and (c). I do want to draw Members' attention to one other factor, though, because Deputy Scott's proposition does raise the question of visualisations and consistency of applications of information that is submitted in terms of visualisations. It is not in relation to G.D.9 but more generally across the determination of planning applications. This brought to my attention in relation to the current Strive application and the issues around G.D.7, which are tall buildings, and there are no visualisations of the Strive building in the application that show it from a distance, certainly that I have been able to find. I think that there is an absence of consistent application of standards around visualisations accompanying planning applications. In 2 areas I would say there is inconsistency in determining at what thresholds particular standards of visualisation might be required, for example sightings within distant views, size of application, and would it be appropriate for those to be provided for the public?

[16:15]

Those thresholds, I am not aware of those existing and I also think that the requirements, what kind of visualisations should be supplied with planning applications is something that the department might want to look at because, again, referencing the Strive applications, what are presented are freehand drawings. The main visual representations of the setting of that building are represented as freehand drawings; you might call them cartoons. They are not computer-generated images, even though it is a job of minutes to spit out a computer-generated image of a building such as that. I do think also, not just in the context of thresholds, when should particular types of visualisations be produced, which policies should that apply to, but also what kind of visualisation should be produced? Computer-generated, computer-real images or so on. I think it would be very helpful for the public in interpreting planning applications to have that addressed for future applications. It would avoid some of the debates that can happen around planning applications where these things can be disputed and there is this inconsistency: "Why was this not supplied in one application when it was supplied in another?" I think, for example, the hospital application was a good example of thorough and complete visualisations, and maybe that standard could be adopted more widely. I draw attention to that because I think it is related. Had I been aware of the issues around the Strive application at an earlier point, I might have been tempted to bring an amendment to this proposition in order to stretch it beyond G.D.9 potentially to G.D.7, and maybe elsewhere as well. I think on balance, it is probably best left to the Minister and the department to consider how they respond to that, but I do raise it as a serious issue because I do think that the public have a reasonable expectation that they would see relatively standardised visualisations of the potential impact of developments in

situ from long views and the near environment and that that would be helpful. I support the Minister's position on this, but I raise that as an adjacent issue.

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

I would just like to say that, as a member of the Planning Committee, we do look at the green backdrop zone every time if it is applicable. I respect Deputy Scott for bringing this, but I just worry that we are overcomplicating things. I think for a large application, like the hospital, it was really good to have all the views, and perhaps for Strive it would be good, but we have to just be mindful of people who are putting in planning applications of what we are asking them to do. I think sometimes we are asking them to do too much, and I think sometimes we just have to say: "Hang on. Let us not go any further."

The Bailiff:

Does any other Member wish to speak on this proposition? I call upon Deputy Scott to reply.

8.1.5 Deputy M.R. Scott:

Thank you for the different contributions. I think I need to just stress that currently - and it was a question I was going to clarify with Deputy Curtis whether he could accept this - what is known as the V.R. (validation requirements) do not refer to G.D.8. I challenge him to look at it and find them, unless they have been changed within the last couple of days, but they are just not in there; G.D.9 is. I am now hearing from members of the Planning Committee that they do regard this setting of green backdrop zones. Well, what do we mean by the setting? There is built environment and there is landscape environment. I do understand that the Planning Committee make many decisions based on their subjective judgment as to what is appropriate or not and everybody else in the community is meant to accept that but I do not see why there should not be some more transparency about that, why there should not be a little bit more agreement about that because it would help, as I have said, developers. Indeed, as Deputy Renouf was saying, it helps the public in interpreting applications and really whether there is even a basis of objection or not. We talk about not creating excessive red tape, but then what about the time spent by developers to whom it is not clear? What about the time spent by the public who do not understand? I think also we need to make it clear that the validation requirements are not necessarily requirements that planning officers produce information. It can be that the developers do. What we understand is that planning officers make their own assessments, but then you have to say on the basis of what? Paragraph (a) at least says: "Let us have these comparisons so that we can have some clarity about this." I was confused when the Deputy was saying, even though the Minister supported (a), that there was some sort of risk there. I am disappointed that the Minister perhaps could not give me a rough idea about the cost of identifying sight lines and, indeed, even with respect to (b), not just simply understand that the purpose of (b) is to identify the information that (a) seeks to protect, which is features requiring protection and enhancement. We are talking about features requiring protection and enhancement. What are we protecting? Why should everybody go into this blind? Just some general idea about what is being protected. One of the questions I was going to ask Deputy Curtis, which again he did not allow me to clarify, was: will he accept that J.I.L.S.A. does not include Ouaisne? There is no picture of it. It is not included in all these views, all this scenic stuff that the J.I.L.S.A. is trying to protect. I have looked. Maybe you have not or he has not. So, (b) I would say is necessary in order (a) to have some basic sense in terms of identifying. It can be a simple photo of Ouaisne. I know that because Ouaisne has not been within the green backdrop zone for a while, some people might think things like Les Ruisseaux Estate are not that attractive anymore and worth preserving, but that is the point. The green backdrop zone policy that now applies to it is meant to just say: "Well, what is it of this that we are still trying to preserve?" This point about sight lines. Now, we are talking about the green backdrop. This is a policy that unlike nearly every other policy in the Island Plan, is not land-centric. It requires you to stand somewhere where you can see, guess what, a green backdrop. It is not really like: "I will go and stand on the green backdrop and have a look at St. Aubin's Fort." You have got to stand somewhere that is open and where you can see a backdrop. I would again submit that the

actual points where you are looking at this vista that you want to identify for the purposes of G.D.9., which is the policy required in the validation requirements, it has got to basically be somewhere on the beach or on the headland, and that is publicly accessible. When I look at these different green backdrop areas, to be honest, what have we got? About 4, 5. How many points are we describing in each? 3? That is as many as you might be talking about - 15 points - and you have got to identify what views you are protecting and that will already have been partly covered by J.I.L.S.A. and in what direction you were looking. Again, I will take this proposition *en bloc*. I have attempted to explain why I think that it would not cost as much and could be done out of department resources, because it involves a landscape officer who is making assessments who just simply say what she is doing when she assesses it, where is she standing, where is she looking. I do not believe that is that complicated. For that reason, I would urge Members to support all 3 paragraphs. This is to do with scenic areas that do suffer much more by virtue of being subject to development than all those other scenic areas that are covered by green zone policies on the Coastal National Park policy. They deserve a little bit more love and attention. Thank you. I will take the proposition.

The Bailiff:

Deputy Scott, there are 3 subparagraphs, (a), (b) and (c). I think you will accept that if (b) is rejected, then (c) falls away. Yes. So, the first vote, Members, will be on part (a) of the proposition.

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

Deputy Scott I thought indicated she was not prepared to take them separately.

The Bailiff:

No. She wants them taken separately, yes. You are happy for them to be taken separately, are you not?

Deputy M.R. Scott:

I would rather they were not, but I believe somebody might.

The Bailiff:

It is your decision. Sorry, I thought you wanted separate votes on (a), (b), and (c).

Deputy M.R. Scott:

I will take them separately.

The Bailiff:

Yes. All right. We are dealing first with part (a) of the proposition. Members are asked to return to their seats, and I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce that part (a) has been adopted:

POUR: 28		CONTRE: 15		ABSTAINED: 0
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Brelade		Connétable of Grouville		
Connétable of Trinity		Connétable of St. Ouen		
Connétable of St. Peter		Deputy M.R. Le Hegarat		
Connétable of St. Martin		Deputy S.M. Ahier		
Connétable of St. John		Deputy L.J. Farnham		
Connétable of St. Clement		Deputy T.A. Coles		
Connétable of St. Mary		Deputy D.J. Warr		
Connétable of St. Saviour		Deputy H.M. Miles		

Deputy G.P. Southern		Deputy R.E. Binet		
Deputy M. Tadier		Deputy H.L. Jeune		
Deputy S.G. Luce		Deputy M.E. Millar		
Deputy L.M.C. Doublet		Deputy A. Howell		
Deputy R.J. Ward		Deputy T.J.A. Binet		
Deputy C.S. Alves		Deputy A.F. Curtis		
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

Now move to part (b) of the proposition. Again, 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. Part (b) has been rejected:

POUR: 2		CONTRE: 41		ABSTAINED: 0
Deputy L.M.C. Doublet		Connétable of St. Helier		
Deputy M.R. Scott		Connétable of St. Lawrence		
		Connétable of St. Brelade		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Clement		
		Connétable of Grouville		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Saviour		
		Deputy G.P. Southern		
		Deputy M. Tadier		

	Deputy S.G. Luce		
	Deputy M.R. Le Hegarat		
	Deputy S.M. Ahier		
	Deputy 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 D.J. Warr		
	Deputy H.M. Miles		
	Deputy J. Renouf		
	Deputy C.D. Curtis		
	Deputy L.V. Feltham		
	Deputy R.E. Binet		
	Deputy H.L. Jeune		
	Deputy M.E. Millar		
	Deputy A. Howell		
	Deputy T.J.A. Binet		
	Deputy M.R. Ferey		
	Deputy A.F. Curtis		
	Deputy B. Ward		
	Deputy K.M. Wilson		
	Deputy L.K.F. Stephenson		

The Bailiff:

Part 3 falls away.

9. Draft Elections (Electoral Registers) Amendment (Jersey) Commencement Act 202-(P.39/2026) - as amended (P.39/2026 Amd.)

The next item is Draft Elections (Electoral Registers) Amendment Commencement Act, lodged by the Privileges and Procedures Committee. Chair of P.P.C., you have lodged an amendment to the Act, have you not?

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

Yes.

The Bailiff:

Do you wish to have the matter considered as amended?

Deputy S.M. Ahier:

Yes, I would. Thank you.

The Bailiff:

Are Members content to have the matter read as amended? Thank you. I ask the Greffier to read the Act as amended.

The Deputy Greffier of the States:

Draft Elections (Electoral Registers) Amendment (Jersey) Commencement Act 202-. The States make this Act under Article 27 of the Elections (Electoral Registers) (Jersey) Amendment Law 2025.

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

This Commencement Act brings in the automatic voter registration system, replacing the current paper-based process with a database created from the People Directory. Instead of the public having to complete an annual statement to confirm the names of those who are eligible to be on the electoral register, people will be included automatically on the register if they are over 16 and meet the relevant residency criteria. The database comes from interactions with Revenue Jersey in relation to social security matters, the register of names and addresses and information held by C.Y.P.E.S. (Children, Young People, Education and Skills) for those still in full-time education aged over 16.

[16:30]

P.P.C. believes this system will be more accurate than the existing system and will better reflect the position closest to the election date, taking account of changes such as people leaving the Island or passing away. Members will recall that P.P.C. brought an amendment to the law so that a candidates' list will be provided to all candidates in an election once their nomination has been verified. Islanders will be able to check online to confirm that they are on the register using a special self-verification app, which will be launched next week. If they are not registered, they can approach their Parish to be added if they can prove they have lived in Jersey for long enough. The electoral administrators, the Parish secretaries, will still have power to add or remove a person from the register and retain overall responsibility for the register. The implementation is staggered. The first part comes into force on 14th March, and ensures that notification letters will not need to be sent out to households this month, saving approximately £30,000. The second part has been delayed slightly to come into force on 24th March, as per the amendment, so that final validation of the necessary data can be undertaken. As the end users of the system, it is vital that Parish officials are confident that the system is robust. I make the proposition.

The Bailiff:

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

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

I am grateful for the chair of P.P.C. amending the original proposition to change the date. Both the officers responsible for the electronic voting system and the Parish officials have been working hard to try and get this right, and it is pretty close. It is fair to say that a couple of weeks ago we had 5,000 addresses with question marks next to them. Now we are down to some 681, and I am confident that in another week that will be very much reduced. We are keen to get it tested, and these few extra days will enable the Parishes to do that in conjunction with the officials involved. So, I am grateful to the chairman.

Deputy H.M. Miles of St. Brelade:

I have a question for the Attorney General. I raised this issue at the original debate about electoral registers. Can the Attorney General advise whether there is any mechanism for a person to remove themselves from the list, other than by cause of risk of serious harm?

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

I am grateful to the Deputy because she gave me advance notice that she was going to ask me, which is always a helpful thing, as this morning demonstrated. Members will recall debating this amendment law, and I am just reading from the report to it. Members will know, as the chair of the P.P.C. has just said, the new register of electors will be made up of data that already exists on registers elsewhere, among them the Register of Names and Addresses. The purpose behind the amendment was always that there would be no opt out from that system. The report itself said: "As the electorate will not be able to opt out of this system, it is only right that public access to the register is removed, thereby negating the requirement for a separate register to protect the anonymity of those at risk. In the new system, the register will only be available to electoral administrators and the Judicial Greffe, with a copy provided to the archive on an annual basis as an historic record." So, the short answer to the Deputy's question is that there is no opt-out provision at the behest of the individual elector. If you are on the database, then you are on the electoral register. A person can make an application to be included on the register when by error they are not. This is what the amendments provide. The amendments provide that the electoral administrator, in certain instances, can remove a person from the electoral register, but there is no ability for the individual elector to apply to have their name removed. The other amendment that was made, to which the chair alluded earlier, is that where candidates are concerned - and not even they are given access to the underlying register - but they are provided with a candidates' list of voters, which is prepared by the electoral administrator, and it is in that instance that members of the public are able to opt out of having their names appearing on the candidates' list of voters. But that is as far as the opt out under these amendments goes. I hope that is helpful.

Connétable K.C. Lewis of St. Saviour:

I wonder if I may press the Attorney General. In the past, a copy of the voting list was held at the library. I take it that is going to be phased out, or has been?

The Attorney General:

That is not a question of law. I cannot answer it.

9.1.2 Deputy H.M. Miles:

I thank the Attorney General for the answer to his question, and I would just like to make a very quick speech, which is akin to the speech that I made when we debated it. I just really want to make the point that I do not believe we should be compelling people to do something without proper informed consent. This electoral register will not only be used as an electoral register, it will be used for other purposes, including jury service. I probably will be the only person that votes against this particular piece of legislation, but I just wanted to put on record why that is the case.

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

I am going to assure my fellow Deputy Helen Miles, she will not be the only person voting against this, because I am uncomfortable about the way in which personal details are published, and I sometimes believe that, with respect to the Privileges and Procedures Committee, sometimes we can be cavalier about this. I have come across situations where parliamentary privilege has been used to cover the disclosure of personal details in reports published by the P.P.C., which I have discussed with them. I know that we are beginning to get used to this changing culture where we do accept that people have a right of privacy, but I do not believe that, from what I have seen in terms of that particular attention, we are quite there yet. Because of that discomfort, I will not support this proposition.

9.1.4 Deputy M. Tadier of St. Brelade:

We have already had the main debate on this, is the starting point that I would come from. So, I get the fact that there might be Members who feel so strongly that they will also vote against this. I almost come at it from the other angle. While I do think confidentiality and data protection and opting in are all really important things, we do have to realise that there is something else at stake here, which is the wider democratic process. This is not just about elections; it is also about how people participate in the wider democratic conversation and dialogue that should be an ongoing thing that does not just happen at election times. It is entirely normal all around the world for activists to be able to consult an electoral role and to conduct political activity on a rolling basis, either as a party or as a campaign group, and as somebody who was involved as a campaigner before he got elected to this Assembly, I think that having access to the roll, especially for members of the public who are thinking about standing for election in the future, I think that this is going to be retrograde for those individuals. We know, for example, at the moment - probably should not reveal all the secrets - but it is possible to go to the library, as the Constable of St Saviour has said. I think it is a legal matter, because I think the law says that a copy has to be made every year and submitted to the library, and that an up-to-date copy has to be made available to anyone going to the Parish Hall. So, until 17th March, in less than a week, anybody in the Island has the right to go to their Parish Hall and ask to see an electoral roll, and they can ask to see that roll by name of person, or they can ask for it by street name. That will cease to be the case after 17th March. That means that those who wish to prepare for elections in the future, who may be wanting to dip their toes into a particular constituency, thinking: "Do I know enough people in this constituency? Are there names that I should go to?" They will not be able to do that anymore. I think that will favour incumbents, because the incumbents will have probably a list of 20 names, hopefully, that they know that they can go to, they know where people live. But if you are a newcomer, you will not have the ability to do that until, I think, you only get given the candidate's list after the nomination date, which is highly problematic from a democratic point of view. That is the other thing that is not being considered here. I also have a niggling question. Until we see the electoral roll, so to speak. We are not going to see the electoral roll, but until a candidates' list is published we are not going to get a feel for who has been missed off the register. I think that is going to be an issue potentially. We have to trust the automatic voter registration system, but are there people who are currently unknown to the system, for whatever reason, who are just not registered for whatever reason with Social Security or with their rates, they maybe rent a room off somebody but they have not had their name put on the form, but who have lived in Jersey for longer than a year, and maybe for a bit longer than that, in fact, who, when we knock on the door and they say: "I am not registered to vote." You say: "Well, how long have you lived in Jersey?" They say: "Well, I have been here 4 years." You say: "Well, you should be on the register." It is very difficult for the candidate to check whether that is the case. I am hoping that is not the case, but we might see that there are teething problems in the next few months. If that is the case, it will be necessary for P.P.C. and the Electoral Authority to respond to those points.

The Attorney General:

I apologise to the Connétable. He asked about the library, and I said it was not a question of law. It is, in fact. The requirement to place a copy of the register with the librarian of the Jersey Library is set out in Article 11, paragraph 2 of the law as presently enacted, but that provision is deleted by these amendments.

Deputy M. Tadier:

Could I ask a follow up? I do not know if this is a point of law, but given the fact that it will no longer be a requirement going forward, is it still in order for the library to keep the register for historic purposes? So, could one go to the library and see an out-of-date list, or would the library be required to also get rid of that for data protection purposes?

The Attorney General:

I do not think I can answer that.

9.1.5 Deputy J. Renouf of St. Brelade:

A full house of St. Brelade Deputies, and in case the good folk of St. Brelade are worried that the entire delegation of St. Brelade's Deputies have problems with this, I want to reassure them that I stand in full support of the changes being proposed. I want to make the point, I know that there are, in a sense, 2 classes of opposition here. Deputy Miles has a very clear position she articulated before, which is that the underlying data will capture people who will have to be on it, whether they like it or not, and therefore they will have to do things like jury duty. I have personally never found that a problem. If you are summoned to jury duty there are reasons where you may not have to do it, but it is part of the civic duty, and I do not have a problem with it being something that you cannot preemptively opt out of. In terms of the wider issues around it, I want to focus back on the issues that made us pass this in the first place, which is that this is a significant improvement in administrative efficiency around the conduct of elections. I have in mind somebody who, at the polling station, those long years ago, came from the polling station and said that they had not been able to vote because they thought a family member had filled in the form. I cannot remember now if they had not filled it in properly or whether they had failed to fill it in at all, but they had not in any case been able to vote and they were distraught about that because they were not able to support me. Had they done so, that would have been one more, and since, I think, Deputy Scott finished only a handful of votes ahead of me, that might have closed the gap a little. Who knows?

[16:45]

But I think that increase in administrative efficiency is welcome. It is saving us money. It creates a slightly different situation with respect to our knowledge of the electorate, but we are still able to canvass other databases, such as telephone directories and so on, to find out who lives in our area, and whether somebody we know lives in our area. So, I think that overall the wins are considerably greater than the perhaps slightly minor potential drawbacks. We have already voted it through, and this is the commencement date proposition, is it not, and, therefore, I hope we support it, and we really will have everybody on the electoral roll who should be on it?

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

It was just a follow-up question for the A.G. (Attorney General), just to clarify, regarding the access to the electoral roll in the library, or everybody having access to that. What about when in a domestic abuse situation and people are not wanting to advertise their addresses, how much information will be on this access information? I was a bit confused about what will be available to the public.

The Attorney General:

Nothing will be if these amendments are made. The list will be confidential. It will not even be seen by candidates. So, those issues will not arise if this is enacted.

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

I think an important point was made regards the fact that 16 year-olds, through their school data, will now automatically be on the register. We talk so much about encouraging young people to vote. This is a huge step forward for that. We can say publicly: "You are registered to vote, use your vote at 16, because it does not happen everywhere in the world." That is the next generation coming through of voters who hopefully will get into the habit of voting. That is the way in which we increase our turnout and get people to come to vote. I think it is very important.

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

As former chair of P.P.C. who brought this forward in the early stages, I am delighted that we have got this today. It is a great leap forward. We are often told in the Parishes that we are so behind the times, and everything is paper based. But then we go with the Government and we do this, which is fantastic. Nobody will be left off. I am glad Deputy Ward mentioned J.C.G. (Jersey College for

Girls), because I was on a panel with them last week, which was an amazing experience; terrifying, but amazing. We told them all there that they should go out and vote, and that they would automatically be on the register and they did not have to worry about their parents, carers, whoever, forgetting to register them. I think this is a great step forward and I would just like to thank everybody involved, and I just hope it works.

The Bailiff:

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

9.1.8 Deputy S.M. Ahier:

I would like to thank the Constable of St. Brelade for his kind words, and as I understand it, the Secretary of the Comité, after requesting this week’s edition, is satisfied that everything is now in place and the Parishes will be content with the way forward. I understand Deputy Miles’s concerns about not having the provision for an opt out. I am sure that future P.P.C. can investigate her concerns, and I am sure it will be debated in the next term, because once the register is set up those sorts of problems will be easily discussed. The Constable of St. Saviour, the library will no longer give that information to the public, that is absolutely clear, as has been confirmed by the A.G. Prospective candidates can currently access the register to check that their nominees are in their constituency, which obviously they will not be able to do. So, I tend to agree with Deputy Tadier that it will make it slightly harder for the new candidates, and this was something that I did raise at P.P.C. I cannot remember whether the Deputy was there with us on that occasion. The reason for making these changes are to make it easier for people to vote by automatically including anyone who is entitled on the base electoral register, and to increase the democracy of our electoral process by removing barriers to voting. A.V.R. (automatic voter registration) is widely used in the Netherlands, Poland, Portugal, Sweden, Germany, and Canada, and successful pilots were run last year in Wales, which now intends a full rollout in time for the 2027 local elections. The Welsh pilot saw expanded registers and improved youth inclusion. We expect that the register will be expanded here in Jersey to around 70,000 people and hope that a majority of those come out to vote on Sunday, 7th June. I maintain the proposition and call for the appel.

The Bailiff:

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

POUR: 43		CONTRE: 2		ABSTAINED: 0
Connétable of St. Helier		Deputy H.M. Miles		
Connétable of St. Lawrence		Deputy M.R. Scott		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				

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

10. Curbing growth of Public Sector: end-to-end review of Government processes (P.44/2026)

The Bailiff:

The next item is Curbing growth of the Public Sector: end-to-end review of Government processes lodged by Deputy Scott. The main respondent is the Chief Minister. 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 request the Chief Minister to commission an end-to-end holistic review by the Chief Executive Officer of executive Government processes, including – (a) pay and management structures; and (b) performance frameworks; such review to supplement the proposals for curbing public sector growth scheduled to be published by the Government of Jersey’s Chief Executive Officer in February 2026, and to inform the next Council of Ministers and the Budget (Government Plan) 2027-2030.

Deputy M.R. Scott of St. Brelade:

Has this proposition been seconded?

The Bailiff:

We get to that in a minute, I think. You have got to make your speech first.

10.1 Deputy M.R. Scott:

This proposition is something that I believe should already be happening. It is a full end-to-end review of a number of executive Government processes. It is essential if we are serious about curbing public sector growth and setting a credible foundation for the Government Plan 2027-2030. Let us be absolutely clear. This proposition is not about quick fixes or headline-driven cuts. Blanket pay freezes, recruitment squeezes, and ad hoc reductions do not solve systemic problems. They address symptoms, not causes, and in doing so, disrupt services, fail to tackle inefficiency, and they do nothing to address absenteeism or improve productivity. We have tried those approaches before and they do not work. What does work is examining how work flows through Government, where value is created, where it is lost, and where duplication and red tape have taken root. End-to-end reviews deliver exactly that. They strip out waste, clarify roles, align incentives, and give staff the tools and authority they need to do their jobs properly. Other jurisdictions have used these reviews to reduce bottlenecks, strengthen accountability, and make sustained savings without undermining services. Jersey should expect no less. We are not debating this in a vacuum. The Fiscal Policy Panel and the Comptroller and Auditor General have issued repeated warnings about rising expenditure and inadequate reserves. Public finances are under structural strain. Core staffing and absenteeism costs continue to rise. These pressures will not disappear on their own. The chief executive has been tasked with producing proposals on public sector growth, yet progress has been slow, and what we have seen so far focuses on organisational charts rather than process improvement. If a genuine holistic review were underway, this proposition would be unnecessary. But there is no evidence that such work has been commissioned, and nothing in recent Ministerial statements or comments suggest otherwise. Recent public comments from both the Chief Minister and the Chief Executive highlights the very issues this proposition seeks to address: the lack of prioritisation, the strain on resources, and the tendency for Government to take on responsibilities it cannot deliver effectively. But those comments must not be interpreted as shifting blame on us. The responsibility for fixing internal inefficiency lies within the system itself, and addressing internal bureaucracy is squarely within the remit of the chief executive. Members of the Public Accounts Committee will be familiar with the importance of refuse of processes. The Comptroller and Auditor General has been calling for systemic improvement for years, and that work remains outstanding. Consider the scale of the challenge. The public sector now costs over £670 million in staff alone. We did receive in a recent email about absenteeism, and I agree with the Assistant Chief Minister, Deputy Ferey, that it overestimated absenteeism costs. I have estimated them to cost around £26 million a year. At 8.8 days per employee, that is higher than Guernsey, higher than the Isle of Man, and even the U.K. public sector. The Health Insurance Fund will fall below safety levels by 2029 without intervention, and staff surveys show progress, yes, but also persistent uncertainty around roles and career pathways. These are not minor issues. They are symptoms of a system that has not been reviewed holistically, that has not aligned its structures with its objectives, and that has allowed inefficiency to become embedded. My proposition proposes that the review includes 2 core issues, pay and management structures, and performance frameworks that measure outcomes, not activity. These are areas where excessive management layers and concerns raised in Be Heard surveys can be

addressed that should have the effect of empowering staff while reducing absenteeism and reducing costs in a way that supports outcomes rather than frustrates them. There could be other end-to-end reviews and areas of weakness identified by the Comptroller and Auditor General, such as procurement Governance, grant and subsidy management, and organisational oversight arrangements. This sort of review is needed now, not later, and not for a headline, not for a political soundbite, but to ensure Government operates efficiently, sustainably, and in a way that delivers real value for Islanders. This proposition is not radical, it is responsible. This is overdue. It is a credible way to support the chief executive's proposals to achieve sustainable reform. I urge Members to support it for the sake of our public finances, our workforce, and the service the public deserves.

The Bailiff:

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

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

This proposition calls for an end-to-end holistic review of Government processes, but it does not fully explain what this is meant to include. Government is a very complex organisation and attempting to review every process in one exercise would be both a major undertaking and resource heavy, made harder by very broad and undefined scope of the proposal. It also refers to reviewing pay structures and management structures, which are not processes, but matters of policy and organisational design. Amending pay structures is very likely, in fact almost certain, to involve consultation with employees and unions. Combining a potentially broad range of very different areas risks confusion and makes effective reform far more difficult. We fully recognise the need to curb public sector growth, and we are already delivering on our efforts to do so. Savings of £47 million are in train. The external recruitment freeze has prevented around 500 additional posts being filled, avoiding some £31 million in annual costs.

[17:00]

Over 1,000 unfunded rolls have been removed, and spending on consultants and agency staff has reduced by nearly £21 million. As a result, growth has slowed significantly, and the workforce has reduced in real terms outside of essential front line services, which of course have been preserved. As I said earlier this week, it is a very easy thing for people to say that we should just go and take large numbers of staff out of the organisation, but that is simply not straightforward with employment law implications, and the implications for the economy of hundreds of people being made redundant overnight. These things have to be considered very carefully. I would also just like to add, we have to remember that discussions like this about staff, about workforce, about reduction really does create uncertainty and a degree of anxiety among our workforce, while a great many of whom work very hard. I think we need to avoid a sense of them feeling that they are not appreciated or indeed resented. Work on internal process improvement is also already underway under the Chief Executive, precisely the work the proposition seeks to mandate. To curb growth effectively, we need a targeted, well-planned and evidence-based programme, not a broad, undefined and potentially duplicative review. For these reasons, I believe that the proposition is unnecessary and overly prescriptive, and I would urge Members to reject it.

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

I agree with much of the Minister for Treasury and Resource's comments in her speech, so I will try to be brief. I also do agree with her that we respect the intention behind the Deputy's proposals here. However, over the past 10 years, there has been both workforce modernisation and the target operating model, both of which, as the Minister for Treasury and Resources has alluded, have caused great uncertainty for the many hard-working public servants in the Island as they went through those long processes and waited for the outcomes of the reviews. When we got to the target operating model, I heard from many people that they wished we had adopted workforce modernisation, because as difficult as they had found that, it felt once they had got to the target operating model, that it was a clearer and more defined process. I would be wholly against going through a situation like that

again. There is more than enough data that has been captured through those processes already and enough information for that work to be considered. Indeed, that work started back in 2022 under the former Chief Executive who was offering and considering improvements to the top level structures. The current Chief Executive is well aware of that work. In January 2024, we were told that this Government would be one of action. “No more reviews”, we heard. I am sure the Assistant Minister, in bringing this proposition, is well aware of those promises that this Government made to the public when they slammed on the brakes and put into reverse much of what was going on at the beginning of 2024, when we experienced a change of Government. So, the Deputy is right, progress has been slow. I would contend, however, that this is down to the distraction of changing Government and a failure to set clear and accountable performance measures. Reviews take time. As we have already mentioned, the 2 reviews, the workforce modernisation and the target operating model, took extensive periods of time, taking up the many hours of civil service time as well to conduct those reviews and to gather the information that they did, as well as causing a distraction. So, I cannot possibly support this proposition, although I do agree that more needs to be done to consider not just curbing the growth, but challenging the services that we deliver, what can be stopped, what can be simplified. In fact, going back to what officers were tasked with doing back in 2022.

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

I also was reminded of the workforce modernisation programme and target operating model work when I read this proposition. Both of those things, as the previous speaker has said, proved to be costly, inefficient, and definitely did not deliver the outcomes that were promised. In fact, I think that the outcomes out of those reviews have led to some of the issues that we now see in terms of our health workforce. I know in terms of some areas, sectors of our health workforce that accepted workforce modernisation, some did not, there was an awful amount of confusion. Some people that work in health ended up under civil service contracts that were inappropriate for the work that they did because of the workforce modernisation programme. Then we come to the target operating model, which caused so much upset, created so much work, and as a union representative, was one of the people that sat through, I think it was, every department’s target operating model presentation. I saw how much upset was caused. I saw the effects that it had on the Government’s ability to attract and retain staff. That is something that we cannot lose sight of because where there is lots of waste and unnecessary expenditure is when we cannot recruit and retain the right people, and that we are reliant on expensive agency workers, we are reliant on locums, we are reliant on people that come in on short-term contracts. So, we need to not fall down that particular rabbit hole again. I would like to ask the Deputy in her summing up why she thinks that what she is proposing will achieve a different outcome to what we have seen in the past, which quite clearly has not worked. But I will speak in terms of my own department. My own department at Employment, Social Security and Housing is incredibly efficiently run. My chief officer has done a lot of work to ensure that we are meeting our efficiencies as a department, and I do want to just say as a Minister how much I respect that work that our senior officers have been doing, and are doing, to drive efficiencies within Government.

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

I rise as vice-chair of the States Employment Board, and I am glad that the mover of this proposition cited the email that we received the other day with lots of inaccurate statements about the cost of absenteeism. So, I want to focus my speech on that. Hopefully Members have had a chance to read that response. But basically, we have lots of campaigns in place to support people who are off either short-term or long-term ill or sickness, and support them in their return to work, and remind staff that we are a family-friendly employer. We can provide flexible working solutions, particularly for working parents. Not only does the legislation demand that we do, we actively have policies to make sure that parents are properly supported in the workplace, and if they are returning to work after maternity leave or parental leave, then they are properly supported in doing so. At our last States Employment Board meeting we received a paper concerning performance and management

structures. There is lots of good work which is going on in this area to make sure that our workforce, we are getting the most out of them, they are working together. I still get the feeling when I walk around Union Street building that people are really glad to work there, they feel that they are supported, they enjoy working in that environment, and what they like most of all, particularly as we are predominantly in one building, is the fact that they can interact with each other rather than having to email or call; they just go up or down the floor. They are working better together than they probably ever have in the past. I just want to say that there is lots of good work going on in this area. We have received a lot of that information through the States Employment Board. I have a habit of not voting for propositions where the work is already in train so, as a consequence, I will not be supporting this proposition.

The Bailiff:

Does anyone else wish to speak on this proposition? No one else wishes to speak. I call upon Deputy Scott to reply.

10.1.5 Deputy M.R. Scott:

Thank you for all Members' contributions. I think that there have been some contradictions in terms of some of these speeches, but let us just focus on the actual work that is being done. It is important to celebrate success. It also has been helpful for contributors to highlight some of the positive work that is being done. I am not denying that any of that is taking place. The real question is whether that is enough. I hear what Deputy Moore and Deputy Feltham have said, this aversion, and I was asked to specifically speak to this. That a previous Chief Executive introduced a target operating model and did things in a way that did not work. But that does not mean that just because something has been done the wrong way does not mean it cannot be done the right way. So he introduced a target operating model. I think States Members have seen the proposals, or at least some flavour of what is being proposed, and I invite you to consider whether those proposals are more structural organisation, or whether that could be compared in that way, rather than some of the things which I think are evidence of a concern that something may not be working quite right. Now, I could skip the bit about pay structures and these things on the basis of what are the concerns, and I understand the concerns about not wanting to upset the applecart and all those things. It could also be regarded as not addressing what is a potential issue of there being excessive management layers, which indeed could create red tape for people. I mean, people who are employing our organisation and do not really feel that they have access to people as efficiently as they might. Indeed, I did have a conversation with the Chief Executive saying: "Why do we not just collect these ideas? How can the organisation be improved? What are the innovative things members of staff could say could be done?" I did not hear anything about that work being done, by the way. But the other thing that we have talked about, and Deputy Ferey referred to, was he was mentioning the Government as a great place to work, and I do believe that for many it is. But then that does not explain these higher rates of absenteeism. That does not explain the lack of morale that is being identified in the Be Heard surveys. I believe that Deputy Moore referred to, if I read my notes, that what was important was clear and accountable performance measures. Well, hello, the proposition does mention that there could be a focus on that particular area; performance frameworks. Are they working? For example, I have come across an inconsistency in terms of people's performance, and whether views are sought on people's performance in different departments. Why is that inconsistent, and would it not be helpful? If that feedback is not being sought and dealt with in an appropriate way, then how are people being informed? Similarly, I have in the past submitted a written question: "Which departments are even giving performance reviews?" There is an inconsistency in different areas. What is going on there?

[17:15]

I am going to conclude, because I know that it has been a long day, I am going to bring it back to the core question, that has enough been done? Yes, progress has been made, but does more need to be done and has that been identified in terms of that particular element of performance frameworks?

Now, I do not know whether I can just say, right, with this proposition and propose an (a) and (b) separately. I will seek advice there. I certainly want to also say that I was not trying to be overly rigid, it was an inclusion thing. I was not saying: “You can only do this.” It was inviting a bit more transparency when the Chief Minister is presenting his proposal to the next States Assembly to say what work he is doing, and do some work that comes with suggesting in terms of process. I will just wait for your response.

The Bailiff:

I think it needs to be taken as a whole, this proposition, Deputy Scott.

Deputy M.R. Scott:

So, shall we just get on with it?

The Bailiff:

Do you call for the appel?

Deputy M.R. Scott:

Yes, thank you.

The Bailiff:

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

POUR: 2		CONTRE: 42		ABSTAINED: 0
Deputy M.R. Scott		Connétable of St. Helier		
Deputy M.B. Andrews		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 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 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 I.J. Gorst of St. Mary, St. Ouen and St. Peter:

I am mindful that the chair of P.P.C. had suggested we break at 5.30. I am in 2 minds of whether we should just start, or we should break early. I do not know what Members think.

The Bailiff:

If you are in 2 minds, there is no proposition, is there?

Deputy I.J. Gorst:

I was hoping that your wisdom may intervene.

The Bailiff:

Do Members want to carry on? There are lots of yes.

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

I would like to propose the adjournment.

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

The proposition that we are about to discuss, I would rather that we break and then come back promptly.

The Bailiff:

Shall we do that, shall we? Do Members want to come back in half an hour or in 40 minutes? Half an hour. In that case, the Assembly is adjourned until 5.50 pm.

[17:18]

ADJOURNMENT

[17:50]

11. Assisted Dying - Unbearable Suffering (P.46/2026)

The Bailiff:

The next item is Assisted Dying - Unbearable Suffering, lodged by Deputy Southern. The main respondent is the Minister for Health and Social Services. May I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to agree that the Draft Assisted Dying (Jersey) Law 202-, if adopted and once in force, should be extended to include persons suffering from an incurable physical medical condition (which is not terminal) that is giving rise to unbearable suffering that cannot be alleviated in a manner the person deems to be tolerable, and to request the Minister for Health and Social Services to undertake the necessary changes to the Law.

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

I have got: “Less is more” inscribed at the top of my paper, but what I find is that if you promise to have a short speech, it rarely happens. Twenty-odd years, my first proposition on school milk. Well I remember it, although nobody else in the room ... yes, would remember it. To dive straight in and talk about the comments made by the Minister about assisted dying. In May 2024 the Minister voted in favour of route 2 proposals presented as part of P.18/2024, i.e. voting in favour of permitting assisted dying for persons with non-terminal incurable physical medical conditions who are experiencing unbearable suffering on the grounds that he believes it is a humane and compassionate response, subject to all the necessary safeguards. I have to ask the Minister, is it no longer humane because what you are replacing it with is more of the same? Members will remember that back in May 2024 they voted on the 2 routes put forward for assisted dying; route 1 to be made available to those who were terminal within 6 months and experiencing unbearable suffering, and route 2 to be made available for all those experiencing unbearable suffering. Route 2 was rejected, but not overwhelmingly. A vote of 19 to 27 with 3 absentees. I do not intend to recap all the discussions at the time - we have had the debates - or the arguments presented then. This proposition seeks implementation of route 2 in due course, and not only because it is the right thing to do for those experiencing unbearable suffering, but because the current law - while a major step forward - leaves us open to potential claims of discrimination under the European Convention on Human Rights. That is what the Assisted Dying Law does. The law differentiates clearly between patients who are experiencing unbearable suffering, dividing them into those who are terminal and those who are not. The question is whether that division is justifiable. I would argue that it is not. The relevant Articles under the E.C.H.R. (European Convention on Human Rights) are Article 8, right to respect for private and family life; and Article 14, prohibition of discrimination. Importantly, read when in conjunction with Article 8. So we ask first, is Article 8 engaged, is the right to respect for private and family life maintained? Is, for example, a refusal of an assisted death a breach of Article 8? Does the fundamental right to choose how and when you will die fall under Article 8 of the E.C.H.R. There are many judgments on this and references, and they have developed over time. Even those judgments that do not consider there has been a breach of Article 8 do not debate that a person’s end of life decisions engage Article 8, as is clearly detailed within the judgment, in this case of *Mortier v Belgium* in 2022 where it says: “An individual’s right to decide by what means and at what point

his or her life will end, provided he or she is capable of freely reaching a decision on this question and acting in consequence, is one of the aspects of the right to respect for private life within the meaning of Article 8 of the Convention.” More significantly, updating that to a gentleman called *Karsai v Hungary* in 2024: “The decision by a terminally-ill patient not to live until the natural end of a life that is characterised by suffering is part of the patient’s right to self-determination ... the right to decide upon one’s own death is to be enjoyed by all persons, irrespective of whether they are healthy or ill, whether terminally, as the art of medicine currently stands, or not.” Please note there then that is one of the arguments that I put forward: the right to decide upon one’s own death is to be enjoyed by all persons, irrespective of whether they are healthy or ill, and whether terminal as medicine currently stands. The next Article which we need to look at, Article 14, is the prohibition of discrimination. It is important that Article 14 is considered in conjunction with the case law of the European Court on Human Rights, namely that in order for an issue to arise under Article 14 there must be a difference in the treatment of persons in analogous or relevantly similar situations with regard to the enjoyment of the rights and freedoms. Such a difference in treatment is discriminatory if it has no objective or reasonable justification. Again, this gets a bit tricky. Does the law treat people differently? I would argue the answer is yes. Terminal or non-terminal; keep making that same decision. Are we treating a group of people, all of whom are experiencing unbearable suffering, differently with an objective and reasonable justification? I would argue that we are not. We have spent considerable time over the last almost 10 years now, I believe, debating and discussing the safeguards that need to be in place for patients, their concerns, and additional processes that will be implemented. For me, these safeguards represent protection for all and, therefore, a level playing field for all. These safeguards remove the reasonable justification for treating non-terminal patients in a different manner to terminal ones. Where does that leave us? It leaves us wide open for an appeal through the E.C.H.R. under Article 14.

[18:00]

Here I would like to quote Alasdair Henderson. Who, you say? The Commissioner of the Equality and Human Rights Commission and adviser to the Lords and the Commons. Alisdair Henderson, Commissioner of the Equality and Human Rights Commission. Why is he important? That same Commissioner - the States Minister behind me states - does not raise human rights concerns about the U.K. Bill or about our Bill, for that matter. From his oral evidence given at the Terminally Ill Adults (End of Life) Bill Committee in the House of Lords says: “The argument would go on something like this. If you have more than 6 months to live is a personal status for the purposes of Article 14. The law on assisted dying discriminates against people who have more than 6 months to live, contrary to Article 14. There is no obvious reason for setting the limit at 6 months as opposed to 9 months, 12 months, 24 months or whatever, particularly because someone who has longer to live might suffer more and, therefore, you need to justify that somehow.” He continues: “It is important to say that there is a wide range of views on whether that argument will succeed. I know that the Government’s memorandum, for example, said the Government’s view is unlikely to succeed because of the wide margin of appreciation given by the Court on all issues to do with dying, so that is important to say. No one can tell you whether that argument will succeed. It is important for me to say that the argument could be made” and listen carefully, “and almost certainly will be made by somebody. It cannot be guaranteed that whatever parliament says” remember this is a political decision as well as a social one, “it may not be expanded by the courts. It almost certainly will be made by somebody.” This is the commissioner saying somebody is going to look at that door we have left open and try and open it more by running a Bill past the courts. I return to the end of the statement from the Minister, item 10: “The Minister notes that, as referenced in P.46/2026, there are arguments and counter-arguments related to the application of Articles 8 and 14 to assisted dying legislation, however, it is nevertheless the case that it cannot be asserted that the draft law is non-human rights compliant because it only provides for persons with a terminal illness, nor should a decision be made to extend the eligibility criteria on the basis of a speculative E.C.H.R. challenge.” A speculative E.C.H.R. challenge. But that remains the case that we are implementing a 2-tier

system, and the decision we need to make is whether it is justified or whether it is open to appeal under E.C.H.R. We do not know what the findings of such an appeal might be, but we should not be leaving ourselves open to acting in a discriminatory manner, and I believe we are. In conclusion, I will repeat one of my earlier statements. This proposition seeks the implementation of route 2 in due course, not only because it is the right thing to do for those experiencing unbearable suffering, because the current law - while a major step forward - leaves us open to a claim for discrimination under the E.C.H.R.

The Bailiff:

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

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

Where to begin? I have had the privilege of being in this Assembly for 21 years now, along with colleagues the Constable of St. Lawrence and Deputy Gorst. We are the last of the 2005 intake. Over the years many people have said to me: "What do you think of Deputy Southern?" and I always say the same thing: "Good researcher." It is a compliment there; they will not be coming very often. I did support the milk, by the way; free milk for schools. This is a tricky one for me because it is in the middle of the paragraph: "Agree that the Draft Assisted Dying (Jersey) Law 202-, if adopted and once in force, should be extended to include persons suffering from an incurable physical medical condition (which is not terminal)." There is a stumbling block there for me. It is something I have a big problem with. I think the pain clinics and the hospice do a fantastic job with pain relief. My own mother in her late 80s had cancer and in those days people were allowed to administer their own morphine. I went in to see my mother and we were chatting away, and she had a little wince and: "Just a minute" clicked the dial a bit: "That is better." Good pain relief is out there. The last vision I have of my mother is sat down smiling and waving with 2 hospice nurses by her side, and I cannot praise them enough. Good medical care is out there but sadly I cannot support this proposition as it is, as they say, the slippery slope and one step too far.

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

It will come as no surprise to Members that I rise to speak against this proposition, which in my view is most unacceptable and coupled with poor timing as the ink is not yet dry on the recent agreement for the Assisted Dying Law. The whole concept of widening the recently agreed Assisted Dying Law, which includes the waiver element, is a clear demonstration of the drift and extension that I warned about in my previous proposition speech, which was on the removal of the waiver aspect. This, by introducing route 2, is purporting to be likened to the Canadian and some of the European models, which is really worrying. Do we know what diagnostic illnesses, diseases and the age range would fit the criteria of "unbearable suffering"? Would the list be for people with mental health issues like depression, dementia, stroke, head injuries, people with disabilities, the homeless person, people with an eating disorder? Where would the list start and where will it end? I am really very concerned. I am unsure why this proposition has been put forward at this time. Sir and Members, thank you for listening, and I urge you to vote against this proposition.

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

We have moved into different territory from the debate that we recently had on the Assisted Dying Law. The main issue for me that I would be considering is this question: can pain be managed, and should you keep people in pain; is it ethical to do that, to keep them indefinitely in pain? There are 2 things I am going to raise in that context because I do believe that you do not need to keep people in pain, you can put them in comas, you can find solutions in the meantime. Pain does not necessarily have to be totally enduring. But one thing that impressed me a lot, or at least it made a huge impression on me, and many I suppose who worked in areas of psychology, is a book called *Man's Search for Meaning* by Viktor Frankl. I do not know how many States Members have read this book but it was written by a German psychotherapist who had the unfortunate situation of being a Jew during the holocaust. He was basically rounded up by the Nazis and at the time that happened he had

a manuscript of a book in his pocket. His first thought when they took his coat away: "I am going to have to write that manuscript again." When you read the book you realise - and I promise this is not a dystopian story - that this individual was taken from concentration camp to concentration camp, and there comes a point when you think: "How is he surviving that?" He asked himself the same question. That made him explore why were some people surviving and some people dying, and that gave the title to the book, *Man's Search for Meaning*. The whole basis of modern psychology is based on the discovery he made, which was that the actual ability of people to endure experiences came down to the meaning that they gave them. When he eventually left this concentration camp he indeed treated people as a psychotherapist and people in pain, exploring what new meaning they could give to pain, and they found it was different. Also, I have not made this admission to States Members because enough of them avoid me already, I am a trained hypnotherapist and have learnt to manage pain myself. Now, I am not saying that everybody is going to be able to manage pain but what I am going to say is that I think we have to try a lot harder - very hard - in order to help people endure that. So it is with that hesitation that I feel uncomfortable with extending assisted dying to this category, even though I did support the original proposal at the time the Minister for Health and Social Services made his original propositions, which of course the States Assembly too felt that unbearable suffering was perhaps just a bit too far for us to work through at this stage. It would indeed be perhaps better to see how this current system works now.

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

Before I start I would just like to apologise to Members, and particularly to Deputy Southern, for the interruption. I thought I had turned everything off but this was an alarm call to take my medication. I must apologise. I think Members will probably appreciate that this proposition puts me in a pretty difficult position. It is no secret that I fully support the principle of allowing assisted dying for those with unbearable suffering, and I campaigned for it very actively before becoming involved in politics.

[18:15]

However, we are now in a very different position to the one that existed at that time. Over the course of the past 5 years much discussion, consultation, and debate has taken place resulting in the comprehensive new law we passed only a few days ago. During the course of that process the issue of unbearable suffering was discussed throughout, and this Assembly decided not to support it. This was disappointing to me personally but it was our collective democratic decision and it is that by which we are obliged to abide. I think it fair to assume that the majority of Islanders were supportive of the law that we did pass, but there was a sizeable minority for whom the decision was difficult to accept. Concerns were expressed about safeguards and references were made to the new law being the start of a slippery slope. While from a personal perspective I do not share either concern, I think it is important that we respect the decision that has been made and, at the very least, allow time for the new law to be introduced and to demonstrate that the safeguards work and that overall it is fit for purpose. Indeed there is to be a review 3 years from now, and to me this would have been a more appropriate time for this to be considered. I acknowledge the sincerity and compassion that underpins Deputy Southern's proposition, but to me this was not the right time for this to be debated. Indeed, I am almost certain that it will result in a much stronger vote against and not only will that set back the argument for it but, to some extent, it threatens to undermine public confidence in what has otherwise been a thorough and positive process. I am also reliably informed that it is likely to cause a great deal of confusion in obtaining Royal Assent. For all of those reasons I would urge Members at this stage not to support this proposition.

Deputy M. Tadier of St. Brelade:

Sir, would the Minister take a point of clarification?

The Bailiff:

Will you take a point of clarification, Minister?

Deputy T.J.A. Binet:

Yes.

Deputy M. Tadier:

Could the Minister explain why it is that he thinks this would frustrate the Royal Assent being given?

Deputy T.J.A. Binet:

It was a point that was raised to me only during the tea break, and I am just informed of that. I cannot elaborate on that but I was informed by the person that has spent 5 years drafting all of this that it would. So I have to say I have taken that on trust and you have to make of that, at this stage, what you will. Could I just say that perhaps the Attorney General might be able to advise on that.

The Bailiff:

Well, if he is asked, he will I am sure answer a question on that point.

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

I had put my light on before I realised that the Minister himself was going to speak. My main point of reference was the final words of his statement containing his comments. The Minister does not support any proposal to extent the criteria at this particular time, it will only serve to confuse and may well undermine the integrity of all the work done to date. It is that aspect which I emphasise. By general account, the debate we had a matter of weeks ago was viewed very well in the international press elsewhere as having been conducted with great sensitivity. Even those who were not in favour of the assisted dying process acknowledged that. I would like to finish on that note. One of the platforms of those who were in favour of assisted dying within the limitations was that there is no slippery slope. That was one of the main fears put forward by various people, and here we are a matter of weeks away embarking on that slippery slope. It will terrify certain sections of society if this is allowed to go through. The question of coercion comes into play. Coercion when you have a maximum of 6 months to live is one thing; when it is open-ended that will be a permanent fear, and I really think that we are jeopardising the respect that we had in passing assisted dying in the first instance if we do not reject this and reject it with a substantial majority.

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

I have to say I really do not think the suggestion that this proposition would complicate Royal Assent being given for the Assisted Dying Law that we have just passed carries much water. That law is a law in and of itself, and the Assembly went through its normal constitutional process to approve that, send it on, and we await for the next stage in that constitutional process to be completed. That being completed, in and of itself, does not somehow undermine any potential constitutional safeguards for going further on assisted dying at some point in the future because when it comes to that - if it comes to that - we would have to go through a substantial process all over again to do that. So I am very confused by the suggestion that an approval of this would in any way complicate the approval of a law that is a definitive law in and of itself, and can only be amended through the same constitutional processes anyway. I am disappointed that argument has been raised. But the reason I wanted to stand up to speak is because the suggestion of the slippery slope has now been mentioned in this Assembly. It is one that has been mentioned in some of the correspondence that we have had from members of the public. In the past, whenever I have spoken in support of assisted dying, I have never mentioned the slippery slope argument because I have always considered it to be a complete misnomer and ignores that this Assembly - as the lawmaking body of the Island - is sovereign, is not bound by what a previous Assembly decides to do, and it cannot bind what a future Assembly chooses to do. We decide what laws we want as and when we want them. We can go forwards if we like, if we can go backwards if we like. The idea that making some decision today makes another one inevitable and you go down a slippery slope is just not correct. If that were a reason for not adopting laws or policy that would be an antidemocratic thing because we can choose to go further or we can

chose to roll back in the future. That is our right as a democracy. That is a good thing and it is as it should be. If there is a majority among the public and then, therefore, among their elected representatives that a different form of assisted dying is one that is preferable to the one that has just been adopted then that is entirely legitimate and democratic. I do not think that it is right to criticise that as a prospect, because that is how our democracy works and it is absolutely fine. If you do not like a proposition or a proposed law you vote against it. But I will not vote against this; I will vote in favour of it because it accords with what I believe. I believe in what Deputy Southern is proposing. I do not think it harms the work that has already been done that has been approved by the Assembly and can go on. The reason I am in favour of it, just to take the kind of middle phrase in the proposition, it refers to a condition that is giving rise to unbearable suffering that cannot be alleviated in a manner the person deems to be tolerable. Opposing it is to ask to bear the unbearable and tolerate the intolerable, and I simply cannot get over that. I cannot see why others ought to impose unbearable and intolerable suffering on people who have the complete capacity to decide that they would prefer something different. It goes back to the arguments that we had about agency in the debate on the Assisted Dying Law. They are as applicable for what we previously called route 2 as they were for the route 1 that we adopted. Deputy Southern is within his rights to bring that and ask us to reconsider it. I lamented the decision to reject route 2 at the time, and nothing in my mind or heart has changed on that. I would like to see an assisted dying service that does not force people to go through unbearable suffering and make them tolerate it when a humane and well put together process, with appropriate safeguards that will come later in the process, could theoretically be on offer to them. I think that it is not the right thing to do, to treat another person. It is for all those reasons that I strongly support the proposition.

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

I recently came across a story about a young man called Samuel who is 21. He is an Austrian man who was diagnosed with M.E. (myalgic encephalomyelitis), also known as chronic fatigue syndrome, who chose to pursue an assisted death. I am just going to read what I read about him. Twelve days before his death he posted on an online forum explaining his condition and speaking about the lack of recognition for this illness. Samuel was confined to his bed 24 hours a day in complete darkness. He wore double ear protection because light and sound caused what he described as unimaginable pain. Suffering from extreme fatigue he could no longer speak, look at a screen, or listen to music or podcasts. Even the most basic daily tasks like showering or using the bathroom had become impossible. He was unable to interact with his mother; instead communicating using a pen and notepad. He wrote: "Even lying in bed alone with my thoughts I have to be careful. Thoughts that are too positive or too negative can trigger a crash." Sam's neurologist said that during these crashes he would feel like he was burning and drowning at the same time. Chronic fatigue syndrome is a little known neurological disease that is difficult to diagnose. Symptoms include extreme exhaustion that does not improve with rest, muscle and joint pain, sleep disturbances, cognitive issues, and heightened sensitivity to light, sound and other stimuli. Many patients struggle to be taken seriously. There is currently no cure for this. Samuel died on 30th January. Samuel's case is not unusual. He does not have a terminal illness; he has a long-term illness. This is something I can personally relate to. I struggled for many years to get the diagnoses that I have now. I have spoken openly with Members in the past and many of you know that I have endometriosis and an autoimmune disease. Members also often witness how much I struggle sometimes being here. Some Members have spoken about pain relief; well, I can tell you something, pain relief often comes with side effects. Impaired cognitive ability being one of them, and an inability to work properly. As much as I would love to be able to take medication - and sometimes I do - sometimes I often avoid it because I want to work. [Interruption]

The Bailiff:

Can you mute that person?

Deputy C.S. Alves:

That was actually quite helpful. Often I avoid taking pain relief because it does affect my cognitive ability and it affects my ability to work. So I would rather suffer than take the pain relief. There are nights that I pace in pain, that even the strongest pain relief that I could be prescribed does not even touch the sides. I would not wish that pain on anyone. However, I am a lucky one because I have more good - or should I say bearable - days than unbearable days. I hope that I never get to the point that Samuel did, or that if I do, and this is not adopted, that it is not at least for 3 years, as the Minister said that is when the next review would be. Based on that, I will be supporting this because what is the alternative for somebody who does not want to experience that anymore? Do they try and do it themselves? What happens if that potentially fails and causes more damage and suffering? I want that choice and I believe that others should have that choice too. **[Approbation]**

[18:30]

11.1.8 Deputy M. Tadier of St. Brelade:

I thank the Deputy for that speech, which I think is helpful when it is so personal. I do have an issue with the slippery slope argument. I would say that we do have a slippery slope here, but we are thinking about it in the wrong way. It is not a slope that goes down; it is a slope that goes up. What do I mean by that? I will explain. When women were given the vote in 1918 and 1919 in Jersey there would have been many people around saying: "This is a slippery slope." You can see cartoons around. There was one in America warning about not just a slippery slope but a slippery staircase. There is a famous photo I can send around of a child on the bottom step, and the first few steps are all fine, it is about marriage, love, and aspiration. But then as soon as suffrage gets that step, the woman then gets higher and higher up the steps and it becomes all negative, loneliness, and the child is left behind. The point I am making there is that if there is a slippery slope here it is the fact that the slope for progress going up is so slippery that it is difficult to make any progress in this because there are just problems that are put in the way. What we need to start to think of with assisted dying is not of a slippery slope but how do we include more people in the future. The opponents of assisted dying per se are the ones who are saying: "This is a slippery slope, this is just going to get widened and widened." I think they are absolutely correct in that. It will get widened because there is a historical imperative and there is a philosophical imperative which is about inclusivity. We know that when it comes to human rights when this becomes established it will have to expand at some point. It happened with same-sex marriage. I remember asking the questions when civil partnerships were being introduced and saying: "Why do we not just allow same-sex marriage, because that is what is going to happen anyway?" I had people who were campaigning for it sitting in front of me, politicians, saying: "No, no, this is the way it has got to be done because it is different." I said: "But we are going to get to same-sex marriage anyway so let us just do it now. It is going to waste all this time, all this money with these laws, and we need to get to a point where we treat people equally." Sure enough it happened, and then we had all the fuss of debating do we repeal same sex partnerships because are they going to be replaced by marriage. I am making these comments, by the way, in the context that I am still undecided on whether I will ultimately be supporting this, but what I have not heard today is nobody is putting the other side of the argument. We cannot simply say because this is an inconvenient time and because there are some people in our community who already do not like assisted dying, and this feels instinctively emotionally like it is going too far. We are not debating the issue of whether this is right for people themselves. We do have recourse in this Assembly to legal advice, and we often use that. What we do not often have access to, I would say, is ethical and moral advice, save for that we can get that from the Dean when he is here. But, necessarily, that will come from a particular perspective, that comes from a Church of England perspective because that is the church that he represents, the established church. But we can ourselves turn to other secular moral philosophers, and that is what I would like to do here. There is a Professor called A.C. Grayling who is currently the Professor of Philosophy in Principal of the New College of Humanities at Northeast University London. I know he used to be the professor at U.C.L. (University College London) and has written many books on moral philosophy. He made a submission to the Commons' call for evidence, so he put his written evidence in. He is called Anthony Clifford, if anyone

wondered. I did not know that until today: Anthony Clifford Grayling. He makes the following case. It is quite brief: “At the heart of the case for assisted suicide is the argument that says (a) individuals have a right to choose the time and manner of their deaths, subject to the latter not causing unreasonable harm or inconvenience to others, and (b) that if they cannot themselves administer the means of ending their lives, they have a right to assistance to do so.” I think most of us would probably agree with that. Certainly the majority have already passed in this Assembly a form of assisted dying that is open to some. He goes on to say: “Arguably the decriminalisation of suicide in the Suicide Act of 1961 implicitly recognised a right of individuals to terminate their own lives.” I think that stands on its own 2 feet, and I would also acknowledge that we have also decriminalised suicide in Jersey too: “Such implicit recognition is inconsistent with refusal of assistance to individuals who cannot themselves administer the means to ending their own lives. This refusal is discriminatory. The argument for the legitimacy of assistance to die in voluntary euthanasia does not rest on the point in the preceding paragraph, however. It more powerfully rests on the entailments (that is, not merely the implications) of 3 rights enshrined in the European Convention of Human Rights and the effect given to it in the UK by the Human Rights Act 1998, as follows.” Of course, we have got our own equivalent of that in Jersey that recognises the E.C.H.R.: “The 3 pertinent Articles of the E.C.H.R. are 2, 3 and 8, respectively the right to life, to protection from inhumane and degrading treatment, and to privacy.” He goes on to say: “Article 2, a ‘right to life’ cannot mean a right to merely bare existence. It must at least mean a right to a certain minimum experienced quality of life. For example: if someone were confined in a small cage and provided with nothing more than bread and water in perpetuity, this would scarcely be to accord him a life in any acceptable sense. The conception of a ‘right to life of a certain minimum experienced quality’ entails that when a life of suffering or disability has come to be experienced as below that level of quality - a level that an individual feels and society can rationally recognise as minimally acceptable - then in the light of the individual’s right to terminate his life, he should be accorded assistance if he cannot himself implement the means of doing so.” Members will realise I am reading this out, so I would probably use more inclusive pronouns myself. “Dying is an act of living. In the process of dying, an individual’s rights are as fully engaged as at any other time in normal life. The right to a minimum quality of life, that is, to a minimum quality of experience in any living act, *ipso facto* applies to the experience of dying. Shortening the dying process, and making it easy and peaceful, expresses consideration for what is meant by a ‘right to life’ in the fullest sense of ‘a right to a minimum experienced quality of life’.” I would ask Members to consider that in the context of unbearable suffering, which is what Deputy Southern and others have been talking about. Then consideration turns to Article 3, where he says: “To deny assistance to someone with a mature, considered and settled wish to die but unable to implement the means himself, is to subject that individual to inhumane treatment. To require that such an individual should exist in conditions of e.g. pain, incontinence, dependence and/or indignity when he does not wish to do so, is to subject” and I am putting in my own pronouns now, “him or her to degrading treatment. One understands that Article 3 is intended to apply principally to prisoners or those at the bar of law, but if these are to be protected, the more so are the rest, and chiefly anyone suffering so intolerably as to have a settled and considered wish to die.” Turning to Article 8: “Whereas the right to privacy is intended to protect individuals against undue surveillance and interference by public or private agencies, it likewise carries a more general entailment: to a sphere or margin of essential self-determination and autonomy. Such matters as choosing one’s domestic partner, having a family, enjoying privacy in one’s affections and sexual life, are integral to selfhood. Among these key self-determining liberties, and arguably the most fundamental of them, is that of choosing whether one continues to live or not. If an individual (a) has the ultimate right to decide this, (b) chooses to end his or her life and has the implicit right to do so, but (c) is unable to enact the means of doing so, it is a denial of his right to self-determination, as entailed by the privacy right, to deny him that assistance.” I will pause there for a moment before I just read out the very short paragraph because that has triggered something in my memory. Somebody who was opposing assisted dying *per se* said to me: “We do not need this now; people can already commit suicide.” I found that really problematic as a statement because I think it

completely disregards the fact that suicide is such an ailing thing to happen because it is seen as the only way out for an individual so often, that they get to a point where they may have made a rational or irrational decision to end their own life, but it is their right to do that, but it leaves consequences for those who are left behind. I think for somebody to say that not only shows a lack of compassion but also a disregard for what suicide entails. The last paragraph that I am going to read out is: "The foregoing should be understood as applying to cases where an individual has what is rationally recognisable as a considered case for ending his or her life which fully engages our sympathy and understanding. Terminal illness, intolerable suffering, a profound contrast between a life enjoyed ... identifying cases where it is not merely transient depression or emotional upset following less severe life events such as divorce or business failure. We understand that a clear-minded and settled intention to end life must be present, and must survive careful examination by those from whom help is solicited." I think those arguments have been put forward probably better than I could, but I fundamentally believe that if we believe in autonomy then we have to believe in the corollary of that. If we believe in compassion and that somebody is in intolerable suffering, suffering that cannot be relieved by the administering of medication, and they have got to a point where they know that suffering is never going to go away and they cannot live with it anymore, what solutions do we as an Assembly and as a society wish to allow those people to have? It pushes me in the direction of compassion and respect for people's rights. It does not make it an easy decision but I have yet to hear of any argument that would persuade me at the moment of why we should not be voting for this, apart from the fact that this is not the right time but that this may come later down the line. If there are other Members who are simply voting against this on the argument that this is not the right time, but they do think that it is the right thing to do ultimately, I would like to hear from them and ask when is it going to happen and how do we get to that point? Because I do not see it as a slippery slope where we are slipping down the bottom. I think it is a slippery slope which is stopping us from getting to the top of where we want to be. We need a staircase, we need a route map and perhaps we need an elevator to get there, but I would like to just turn that slippery slope argument on its head.

Deputy J. Renouf of St. Brelade:

Sir, can I raise a point of order?

The Bailiff:

Yes, Deputy Renouf.

Deputy J. Renouf:

Can I ask for clarification around the invoking of Standing Order 84. Standing Order 84 I would like to invoke at the earliest opportunity. I understand that it requires an hour of the debate but you have to give half an hour's notice. I do not know whether that half an hour notice can start at half an hour into the debate, if you see what I mean, or whether it has to start after an hour.

The Bailiff:

It starts now.

Deputy J. Renouf:

In that case I would just like to give notice that if the debate continues ...

The Bailiff:

You are giving notice of your wish to propose a guillotine under Standing Order 84 in 30 minutes time, and at that stage I will rule on it?

Deputy J. Renouf:

Yes.

The Bailiff:

Who else wishes to speak on the proposition? Anyone else wish to speak on the proposition? In that case, I call upon the Deputy to reply.

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

Was my request noticed in the chat?

The Bailiff:

Sorry, do you want to speak, Deputy Doublet?

[18:45]

11.1.9 Deputy L.M.C. Doublet:

Yes, please, Sir, just very briefly to remind Members that the Assisted Dying Scrutiny Panel did not scrutinise this particular point of principle, that our scrutiny was focused exclusively on the draft law as presented by the Minister. Therefore, we do not have any conclusions as a panel on this particular principle, and also to remind Members that one of our amendments was for a review within 3 years of the service operating, which could take this point into account. Also just to very briefly make a personal point that I have voted in favour of route 2 in the past, but I am going to abstain on this one today because while I still very much believe in the principle of this, I think that we need to let the service bed in and follow the same procedure that we did for ... any further extension needs to have the same additional, detailed, in principle debate like we did with the route 1, so I am going to be abstaining today.

The Bailiff:

Before Deputy Southern responds, I think I have a duty to ensure there is no risk of the Assembly being misled in relation to a constitutional matter. The Bailiff, as regarding the constitution, has a very limited role in this Chamber but I am going to ask the Attorney a question because something has been raised about Royal Assent. Attorney, ought the fact and outcome of this debate have any bearing on the giving of Royal Assent to the Assisted Dying Law recently adopted by this Assembly?

The Attorney General:

No. The Privy Council will consider the law that has been adopted and submitted for Royal Assent and will advise His Majesty on the merits of that law, not on the merits of any possible future legislation.

11.1.10 Deputy G.P. Southern:

Thank you to Members for staying on at this late hour in order to have yet another discussion about assisted dying. I thank every Member who contributed to the debate, even those who talked about the slippery slope, which I do not believe in either. It seems to me that it is appropriate to discuss this particular issue. I think we - not me, because I will not be here - the members of our community will see this issue again because I do not believe it will necessarily go away. One of the analogies that I have that I often use with my colleagues is: "Do not be afraid to lose. All that means is sooner or later you will see it again in a slightly different form." I think that day is to look forward to.

The Bailiff:

Is the appel called for? The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the chance to cast their votes I ask the Greffier to close the voting. I can announce the proposition has been rejected:

POUR: 8		CONTRE: 34		ABSTAINED: 1
Deputy G.P. Southern		Connétable of St. Helier		Deputy L.M.C. Doublet
Deputy M. Tadier		Connétable of St. Lawrence		
Deputy R.J. Ward		Connétable of St. Brelade		

Deputy C.S. Alves		Connétable of Trinity		
Deputy S.Y. Mézec		Connétable of St. Peter		
Deputy T.A. Coles		Connétable of St. Martin		
Deputy B.B. de S.V.M. Porée		Connétable of St. John		
Deputy L.V. Feltham		Connétable of Grouville		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Saviour		
		Deputy S.G. Luce		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy K.L. Moore		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		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		

12. Rent Tribunal: appointment of Chair, Deputy Chair and Members (P.50/2026)

The Bailiff:

The last item is P.50 Rent Tribunal Appointment of Chair, Deputy Chair, and Members, lodged by the Minister for Housing. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to appoint, in pursuance of the relevant provisions of Part 4A of the Residential Tenancy (Jersey) Law 2011, as amended by the Residential Tenancy (Jersey) Amendment Law 20251 (“Residential Tenancy Law 2011, as amended”), the following persons to act in the roles of either Chair, Deputy Chair or Members of the Rent Tribunal for a term of up to 3 years. Chair: Rose Colley. Deputy Chairs: Jonathon Barham and Tim Hart. Members: Samantha Ainsworth, Matthew Beddoe, Luciano Brambilla, Joseph Carney, Stephanie Constantine, Sarah Gaudion, Samuel Putka, and Sabrina Stewart.

12.1 Deputy S.Y. Mézec of St. Helier South (The Minister for Housing):

Can I thank Members for allowing me to take this at the end of this sitting, which I hope will not take too long and I hope it helps lighten the load for the next sitting as that is going to be extremely busy, as we know. This proposition seeks to appoint membership for the new Rent Tribunal, which Members will recall was approved in the new Residential Tenancy Law, which we debated and approved in September last year. Under Article 13A of that law a Rent Tribunal is to be established. The Jersey Appointments Commission went through a thorough process to identify candidates for that to have a long list, then a short list, then interview process, and I was very pleased at the end of that process to be able to agree completely with their recommendations to me for the membership that is proposed, which I will come to in just a moment. But just a reminder for Members that the Rent Tribunal is to have a very narrow remit, which is to consider whether a proposed rent increase that a tenant has received from their landlord is in line with the provisions of the Residential Tenancy Law. That is it. It is not to decide any other matters other than that. It is not the intention that this Tribunal is to be an overbearing body that makes these processes difficult; we are hoping that it will be an easy thing for tenants and landlords to engage with and engage with very rarely hopefully, because the mere existence of the Tribunal and the law hopefully will see both sides know when the writing is on the wall and when cases are not worth proceeding with. Members will be able to see from the details of the membership that is proposed for this that there is quite a wide variety of experiences there. It was proposed that there be 11 members. Among those are people who are tenants, who are landlords, who are neither, and who have experience in property matters in some shape or form. I will not go through every single member on that because Members can read that in the report to the proposition, but if I could single out the proposed chair, which is Rose Colley - a person that I am sure several Members of this Assembly will be familiar with, but who is eminently qualified for that position as you can see from her role as Jersey Advocate but also some housing matters that she was involved in outside of the Island too. I am very grateful that she and all the rest put their names forward to serve on this. Having such a breadth of people who will serve on the Tribunal is also really useful for managing potential conflicts of interest because we obviously will not need all 11 to sit for any Tribunal hearing but there being a breadth of members to it means that the Judicial Greffe can compile a smaller number of members to sit for a hearing, making sure that any perception of conflict of interest can be avoided because there is plenty of people to choose from who will sit on that. In summary, I am extremely grateful to the Jersey Appointments Commission for their work on this, and very grateful indeed to those who put their names forward and those who have been successful, who I am very pleased to recommend to give Jersey’s Rent Tribunal hopefully a really good start with memberships that both landlords and tenants will have confidence in and will be impartial. Here is to hoping that the Tribunal does not get used much because relations between landlords and tenants end up going well under this new law, which I was very pleased to sign the enactment order for yesterday morning. I make the proposition.

The Bailiff:

Thank you, Minister. Is the proposition seconded? **[Seconded]**

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

It just occurs to me that I should declare an interest as a landlord.

The Bailiff:

It is just the composition of a Tribunal, I do not think people need to declare an interest in relation to this matter. Does anyone wish to speak on the proposition? Is the appel called for? The appel has been called for. Members are advised 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. I can announce the proposition has been adopted unanimously:

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 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 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				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes Public Business for this meeting and I invite the Chair of P.P.C. (Privileges and Procedures Committee) to propose the arrangements for the next meeting.

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

The next meeting obviously begins on Tuesday, 24th March and there a number of continuation days. These will run until Thursday, 2nd April, that is the week after. We have done a questionnaire given to Members about how they would like to approach shortening the lunch periods and I have decided to make a proposition - since we have plenty of time - that we shorten the lunch period so that it runs from 1.00 p.m. until 2.00 p.m., saving half an hour each day, and also that the meetings will no longer finish at 5.30 p.m. but will finish at 6.00 p.m. on each day. Hopefully that will reduce the length of the sitting by a whole day over that period. I would like to propose that now.

The Bailiff:

Do you want to make that in 2 parts so Members can vote on ...

Deputy S.M. Ahier:

No, it comes as one. It comes as one. **[Laughter]**

The Bailiff:

It comes as one? Does it really come as one, does it? Take it or leave it, all right. Is the proposition seconded? **[Seconded]** Does someone want a debate on this or just straight to the vote? Connétable of St. Saviour, you are entitled to speak if you wish to.

Connétable K.C. Lewis of St. Saviour:

Just very quickly, would it benefit the Assembly if we sat on the Monday afternoon to get questions out of the way?

The Bailiff:

That is a different proposition. We will start with this proposition. We will go straight to the vote. The appel has been called for. We are voting on lunch 1.00 p.m. until 2.00 p.m. and the afternoon finishes at 6.00 p.m. I ask the Greffier to open the voting. I ask the Greffier to close the voting. I can announce that the proposition has been adopted:

POUR: 42		CONTRE: 0		ABSTAINED: 2
Connétable of St. Helier				Deputy R.J. Ward
Connétable of St. Peter				Deputy S.Y. Mézec
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
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:

Are there any other propositions?

The Connétable of St. Saviour:

I do not think Members would approve, Sir. **[Laughter]**

The Bailiff:

No. Are Members content now to adjourn until 9.30 a.m. on 24th March?

ADJOURNMENT

[18:58]