

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 22nd JANUARY 2026

PUBLIC BUSINESS – Resumption	4
1. Draft Cyber Security (Jersey) Law 202- (P.107/2025) -	4
1.1 Deputy M.R. Scott of St. Brelade (Assistant Minister for Sustainable Economic Development - rapporteur):.....	4
1.2 Deputy M.R. Scott:	4
1.2.1 Deputy K.F. Morel of St. John, St. Lawrence and Trinity.....	4
1.2.2 Deputy M.R. Scott:	4
2. Draft Limited Partnerships (Jersey) Amendment Law 202- (P.108/2025).....	6
2.1 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):	7
2.1.1 Deputy M. Tadier of St. Brelade:.....	7
2.1.2 Deputy I.J. Gorst:	7
2.2 Deputy I.J. Gorst:	9
2.3 Deputy I.J. Gorst:	9
3. Draft Register of Names and Addresses (Jersey) Amendment Law 202- (P.109/2025)	10
3.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources - rapporteur).....	11
3.1.1 Deputy H.M. Miles of St. Brelade:	11
3.1.2 Deputy M.E. Millar:.....	12
3.2 Deputy M.E. Millar:.....	13
3.3 Deputy M.E. Millar:.....	13
4. Draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- (P.110/2025)	15
4.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):.....	15
4.1.1 Connétable R.P. Vibert of St. Peter:	18
4.1.2 Deputy C.D. Curtis of St. Helier Central:	19
4.1.3 Deputy L.M.C. Doublet of St. Saviour:	19
4.1.4 Deputy R.J. Ward of St. Helier Central	20
4.1.5 Deputy K.M. Wilson of St. Clement:	21
4.1.6 Deputy M.R. Le Hegarat:.....	21
4.2 Deputy M.R. Le Hegarat:.....	23
4.2.1 Deputy L.M.C. Doublet:	23
4.2.2 Deputy M.R. Le Hegarat:.....	24
4.3 Deputy M.R. Le Hegarat:.....	25

5.	Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025)	27
5.1	Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):	27
5.1.1	Deputy M.R. Scott of St. Brelade:	32
5.1.2	Deputy A.F. Curtis of St. Clement:.....	33
5.1.3	Deputy Sir P.M. Bailhache of St. Clement:	36
5.1.4	Connétable A.S. Crowcroft of St. Helier:	37
5.1.5	Deputy I. Gardiner of St. Helier North:	39
5.1.6	Deputy A. Howell of St. John, St. Lawrence and Trinity:.....	40
5.2	Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025) - Reference back	41
5.2.1	Deputy A. Howell of St. John, St. Lawrence and Trinity:.....	41
5.2.2	Deputy R.S. Kovacs of St. Saviour:.....	42
5.2.3	Deputy M.R. Scott of St. Brelade:	42
5.2.4	Connétable A.N. Jehan of St. John:	42
5.2.5	Deputy M. Tadier of St. Brelade:.....	42
5.2.6	Deputy J. Renouf of St. Brelade:	44
5.2.7	Deputy Sir P.M. Bailhache of St. Clement:	44
5.2.8	Deputy A.F. Curtis of St. Clement:.....	45
5.2.9	Connétable M.K. Jackson of St. Brelade:	45
5.2.10	Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:	45
5.2.11	Connétable R.D. Johnson of St. Mary:.....	46
5.2.12	Connétable P.B. Le Sueur of Trinity:.....	46
5.2.13	Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....	49
	LUNCHEON ADJOURNMENT PROPOSED	52
	LUNCHEON ADJOURNMENT	52
5.2.14	Connétable D.W. Mezbourian of St. Lawrence:	52
5.2.15	Connétable A.S. Crowcroft of St. Helier:	53
5.2.16	Deputy D.J. Warr of St. Helier South:	54
5.2.17	Deputy G.P. Southern of St. Helier Central:	54
5.2.18	Connétable R. Vibert of St. Peter:.....	54
5.2.19	Deputy A. Howell of St. John, St. Lawrence and Trinity:	54
5.3	Draft Alcohol Licensing (Jersey) Law 202- (P. 112/2025) - resumption	57
5.3.1	Deputy T.A. Coles of St. Helier South:	57
5.3.2	Connétable M.K. Jackson of St. Brelade:	57
5.3.3	Deputy J. Renouf of St. Brelade:	58
5.3.4	Deputy S.Y. Mézec of St. Helier South:	58
5.3.5	Deputy M.E. Millar of St. John, St. Lawrence and Trinity:	59
5.3.6	Deputy M. Tadier of St. Brelade:.....	60
5.3.7	Deputy S.M. Ahier of St. Helier North:.....	61
5.3.8	Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....	62
6.	Registration of Political Groups (P.115/2025)	66
6.1	Deputy R.J. Ward of St. Helier Central:	67
	Deputy J. Renouf of St. Brelade:.....	68
	Mr. M. Jowitt K.C., H.M. Solicitor General:	68
6.1.1	Deputy S.M. Ahier of St. Helier North:.....	69
6.1.2	Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....	70
6.1.3	Deputy M.R. Scott of St. Brelade:	70

6.1.4 Deputy J. Renouf of St. Brelade:	71
6.1.5 Deputy S.Y. Mézec of St. Helier South:	73
6.1.6 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:	75
6.1.7 Connétable M. Labey of Grouville:	75
6.1.8 Deputy R.J. Ward:.....	76
7. Draft Elections Amendment (Jersey) Commencement Act 202- (P.118/2025)	79
7.1 Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):	79
7.1.1 Connétable A.N. Jehan of St. John:	80
7.1.2 Connétable M.K. Jackson of St. Brelade:	80
7.1.3 Deputy M. Tadier of St. Brelade:.....	80
7.1.4 Connétable D.W. Mezbourian of St. Lawrence:.....	81
7.1.5 Deputy Sir P.M. Bailhache of St. Clement:	82
Deputy A.F. Curtis of St. Clement:	82
The Solicitor General:	82
7.1.6 Deputy C.S. Alves of St. Helier Central:	83
The Solicitor General:	83
The Connétable of St. Lawrence:	84
7.1.7 Connétable K. Shenton-Stone of St. Martin:	84
7.1.8 Deputy A.F. Curtis:.....	84
7.1.9 Deputy R.J. Ward of St. Helier Central:	84
7.1.10 Deputy J. Renouf of St. Brelade:.....	85
7.1.11 Deputy S.M. Ahier of St. Helier North:	85
8. Draft Customs and Excise (Jersey) Amendment Law 202- (P.3/2026).....	87
8.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):.....	87
8.2 Deputy M.E. Millar:.....	88
8.3 Deputy M.E. Millar:.....	89
9. Draft Customs and Excise (Jersey) Amendment Law 202- (P.3/2026): Acte Opérateur	91
9.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):.....	91
ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS.....	92
10. Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):	92
ADJOURNMENT	92

[9:30]

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

PUBLIC BUSINESS – Resumption

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

The Bailiff:

We return to the debate on the Draft Cyber Security Law. Assistant Minister, how do you propose the Articles in Second Reading?

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

This law has over 40 Articles which work together as a whole to implement the necessary aspects of the functions, including formalising the Jersey Cyber Security Centre, designating operators of essential services, enforcement provisions and clarifying information-sharing provisions so they are very much interlinked and, on this basis, unless any Member wants me to take them in their detailed parts, I propose the law *en bloc*.

The Bailiff:

Are the Articles seconded? **[Seconded]** Does anyone wish to speak on the Articles in Second Reading? All those in favour, kindly show. The Articles are adopted in Second Reading. Assistant Minister, do you propose the matter in Third Reading?

1.2 Deputy M.R. Scott:

I do, Sir.

The Bailiff:

Is the matter seconded? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Second Reading in Third Reading? We may need to stop in a moment. There is a problem with the sound, but I think we should finish this law. Does anyone wish to speak on the Articles in Third Reading?

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

It looks like this is going to pass unanimously. I am grateful to the Assembly for that; very grateful. I am pleased the Assembly takes issue of cyber security as seriously as I think it needs to. I just want to go back to where I started my speech yesterday in the First Reading, that is to thank Deputy Scott for all the work that she has done, and the Economic and International Affairs Panel for the work that they have done. **[Approbation]** I also want to thank Deputy Alex Curtis for the work that he did starting off this when he was an Assistant Minister beforehand as well. As well as the work of the J.C.S.C. (Jersey Cyber Security Centre), which has been developing at pace over the last few years, it is now no question Jersey is in the leading position as Jersey's guiding light on matters cyber security and, as I said yesterday, is working with all sorts of organisations across the Island to advance cyber security and helping to respond to incidents. I just wanted to get those matters of thanks on record.

The Bailiff:

Does anyone else wish to speak in Third Reading? I call upon the Assistant Minister to reply.

1.2.2 Deputy M.R. Scott:

I thank the Minister for his words. I also thank Members for their support in the First and Second Reading, and Deputy Alex Curtis indeed for his work on the law, which has been a team effort. Among the people who have shaped it are Islanders who have a professional interest in cyber security, and many of them lose sleep at night quite regularly. They get sidelined by people who think that cyber security is not that important, that it is not anything to do with them, and they get ignored when

making reasonable requests when what they need is support. So I am very grateful to Members for their support of the law. Now that cyber security has been brought into the spotlight, I hope that we all can endeavour to become good cyber-security practitioners, because these experts, and champions, need every one of us to champion their cause and show leadership. I am going to give a particular mention to the J.C.S.C. and the Channel Islands Information Security Forum. The soon-to-be director and the chair of the Channel Islands Information Security Forum are in the public gallery today and have done some amazing work. **[Approbation]** They are a resource for us all. The Channel Islands Information Security Forum is run by volunteers who are professionals in cyber security, and they host a really inspiring annual conference. I have been to it and I have listened to people whose job is to just penetrate buildings and systems. My God, the tricks that people can do, it is really quite ...

The Bailiff:

“My God” is unparliamentary, so you need to withdraw.

Deputy M.R. Scott:

It is really quite incredible. So, those conferences and their workshops have been highly informative for me, and I thank the sponsors of those too. Thank you to all these people who have helped shine a spotlight on our cyber-security needs and all those who have provided their feedback as part of the law drafting process. I also acknowledge and am grateful for the hard work of the officers both within Government and also within our non-Ministerial departments who have worked together to bring forward this draft law. I call for the appel.

The Bailiff:

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

POUR: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				

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

The Bailiff:

Greffier, has the sound issue been resolved?

[9:45]

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

I am informed that it has now been resolved and has improved, but unless the Greffier knows otherwise.

2. Draft Limited Partnerships (Jersey) Amendment Law 202- (P.108/2025)

The Bailiff:

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

The Greffier of the States:

Draft Limited Partnerships (Jersey) Amendment Law 202-. A Law to amend the Limited Partnerships (Jersey) Law 1994 to make provision for eligible foreign limited partnerships to continue in Jersey as limited partnerships and, in consequence, to repeal the Limited Partnerships (Continuance) (Jersey) Regulations 2023. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I am sorry to inform Members that, unlike my first bit of legislation at this sitting, which was exciting, this is not exciting. It is a simple housekeeping measure. Members will be aware of the triannual regulations, the Limited Partnerships (Continuance) (Jersey) Regulations 2023. What this amendment to the primary law does is, in effect, take the legislation that is in the triannual regulations, place it into the primary legislation and repeal the triannual regulations. Therefore the legislative change ... there is no legislative change, it is just that it will now be in the primary law by way of this amendment, and I commend the amendment and the repeal to Members for their support.

The Bailiff:

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

2.1.1 Deputy M. Tadier of St. Brelade:

Just on behalf of the Economic and International Affairs Scrutiny Panel, to say that the panel welcomes the initiative to incorporate the existing regulations into primary legislation. We think this makes more sense to give it more permanency, more certainty, and we know that it will strengthen the Island's competitiveness and align it with other international finance centres that offer comparable continuance regimes. We are happy to support and encourage Members to also support the draft law and its objectives.

The Bailiff:

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

2.1.2 Deputy I.J. Gorst:

I am grateful to the Scrutiny Panel for their work in scrutinising this change in approach, which, as I say, has the same legal effect. For all their work, there is more work coming they will be pleased to know between now and the election hopefully, but as ever, I am grateful for their scrutiny of this important work. I commend this amendment, the principles of which, to Members and call for the appel.

The Bailiff:

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

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				

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

The Bailiff:

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

Deputy M. Tadier:

We do not wish to scrutinise it any further, thanks.

The Bailiff:

Minister, do you propose the Articles in Second Reading?

2.2 Deputy I.J. Gorst:

Indeed, I do so, and I propose them *en bloc*. They are, as I just said, in the First Reading, and I ask for Members' support. I will endeavour to answer any questions, if they may arise.

The Bailiff:

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

2.3 Deputy I.J. Gorst:

I do, and I thank my officials for the work that they have done in this regard. The original continuance legislation, as I said, were triannual regulations and they were brought forward during COVID. It goes to show the long influence that COVID has upon us, as we are aware in other fields as well. I commend the amendment to Members in Third Reading.

The Bailiff:

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

Deputy I.J. Gorst:

Please, 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. I ask the Greffier to close the voting. The law has been adopted unanimously in Third Reading:

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

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

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

3. Draft Register of Names and Addresses (Jersey) Amendment Law 202- (P.109/2025)

The Bailiff:

We now move on to the Draft Register of Names and Addresses Amendment Law lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Register of Names and Addresses (Jersey) Amendment Law 202-. A Law to amend the Register of Names and Addresses (Jersey) Law 2012. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Deputy Millar will be acting as rapporteur.

3.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources - rapporteur)

I think this amendment is also back firmly in the exciting category because it should help finally resolve one of our biggest issues around credit card availability in Jersey. Members of the Assembly will already be aware of ongoing efforts to enable the supply of information to U.K. (United Kingdom) credit reference agencies with the aim of improving access to credit products for Islanders. In 2023, the Register of Names and Addresses Law was amended by the Register of Names and Addresses (Amendment) (Jersey) Law 2023, “the 2023 amendment”, to allow the Minister to share information with credit reference agencies. Significant progress had been made towards implementation. However, it was later identified that the strict processing limitations in that amendment would prevent legitimate use of information for law enforcement purposes, specifically the ability for a U.K. credit reference agency to respond to a U.K. police request. This type of processing is standard in G.D.P.R. (General Data Protection Regulation)-compliant jurisdictions and is reflected in the Data Protection (Jersey) Law. The restrictive provisions introduced in the 2023 amendment, however, close the door to this and have since prevented the supply of information to credit reference agencies, as we are aware that law enforcement access is built into their automated processes in line with G.D.P.R. legislation. This proposition seeks to reopen that door and permit processing for law enforcement purposes. Adopting this legislation will enable the supply of information to U.K. credit reference agencies, which is planned for quarter 2, subject to the timelines of the Privy Council. In summary, this proposition amends the specific purposes for which the supply of information to credit reference agencies is restricted to include for a law enforcement purpose, as defined by the Data Protection (Jersey) Law in 2018, and it makes a minor amendment to layout in line with current drafting standards. I move the principles.

The Bailiff:

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

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

I rise to speak on behalf of the Corporate Services Scrutiny Panel just to assure the Assembly that the panel has considered and questioned the Government's work to facilitate the credit-checking processes undertaken by credit reference agencies and to address obstacles to the provision of credit card services in Jersey. We have sought assurances that the amendment law satisfies key governance and data protection considerations, and this assurance includes engagement between the Government and the Information Commissioner for Jersey, the data governance officer within Employment, Social Security and Housing, and the completion of a data protection impact assessment. While the implementation of this amendment law will include the automatic extraction of government data, a knocked-out process has been developed, and a communications plan is being developed by Government in relation to the proposal. The panel acknowledges that the current provision of credit card services in Jersey is limited by the current administrative arrangements regarding the sharing of names and addresses. However, the panel is satisfied that in making these proposals the Government has taken adequate steps to satisfy important data protection and governance considerations with an opt-out for Islanders from the proposed changes, and that a communications plan regarding the proposals is in development. The panel consider that the amendment law is a practical step to support the credit checking and due diligence undertaken by credit reference agencies and facilitate the expansion and improvement of credit card services in Jersey, which will be very welcome to many of our citizens.

The Bailiff:

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

3.1.2 Deputy M.E. Millar:

I thank the Scrutiny Panel for their review and for their words in support and for supporting this legislation. I think the position has slightly improved, in any event, since 2023. I think there is a new banking entrant, which is offering credit cards to Islanders, and another of our more established banks is offering them. I think others who were less certain are now reconsidering their position, so I think the landscape generally within the Island is better, but this piece of legislation will certainly help all of us if we are looking for credit products, particularly from U.K. providers. I propose the Articles. Sorry, I call for the appel.

The Bailiff:

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

POUR: 42		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. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy 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 Miles, can you confirm that your panel has scrutinised this matter?

Deputy H.M. Miles:

Yes, we have, Sir.

The Bailiff:

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

3.2 Deputy M.E. Millar:

I would be grateful if they could be taken *en bloc*. There are only 3 of them.

The Bailiff:

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

3.3 Deputy M.E. Millar:

Yes, please, Sir.

The Bailiff:

Are the Articles seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Is the appel called for?

Deputy M.E. Millar:

Yes, please, 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 opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the draft law has been adopted unanimously in Third Reading:

POUR: 42		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. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				

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

4. Draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202-(P.110/2025)

The Bailiff:

The next item is the Criminal Justice (Young Offenders) Amendment No. 2 Law lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202-

[10:00]

A Law to amend the Criminal Justice (Young Offenders) (Jersey) Law 2014 to provide for the early or temporary release and supervision of young offenders serving youth detention in secure accommodation, a young offender institution or the prison, and to amend the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016, the Criminal Procedure (Jersey) Law 2018, the Prison (Jersey) Law 1957 and the Prison (Jersey) Rules 2007 for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

I ask the Minister to propose the principles.

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

I am pleased to bring this amendment before the Assembly today. I am pleased because, if the Assembly approves this amendment, I can say it will make a significant difference to young offenders, and particularly to those serving sentences of youth detention within the secure accommodation or, in other words, Greenfields Secure Children's Home. I say that because the main purpose of this amendment is to allow for under-18s serving youth detention in secure accommodation an ability to gain both temporary release and early release or, in other words, remission. Currently they have no entitlement to this under the law, unlike their counterparts and adults within the prison estate. I would stress that without this amendment we are, as an Island, treating children and young people within our secure children's home more harshly than their peers, and even adults serving their sentence within the prison estate. This cannot be right and is a position I am sure the Assembly will want to correct. By passing this amendment we will also be making sure we treat male and female young offenders equally in respect of where they must be remanded or serve their sentence of youth detention. We will ensure greater parity for all young offenders and make Jersey a more compliant jurisdiction with the U.N.C.R.C. (United Nations Convention on Rights of the Child), which I know is something we all are committed to. Before going into the detail of this amendment, it might be helpful to provide Members with some context. The current position is that if you are a child, 10 to 14 years, or a young person, 15 to 17 years, that has committed a crime that warrants a sentence of youth detention from the court, it is up to the placement panel to make the decision as to where the best place is to serve their sentence. The choice ultimately is between Greenfields, our secure children's home, or La Moye Prison in a designated area for young offenders. The difference between the prison and Greenfields is significant, and the placement panel will always inevitably choose Greenfields as it is the most child-friendly environment and managed by Children's Services care staff. As Minister for Justice and Home Affairs, I believe this must be in the best interests of children and young people. This is certainly a view supported by others, including the authors of various inspections and reviews. While secure accommodation is considered the most suitable environment for under-18s to serve youth detention, there are some significant issues that this amendment addresses. If I may, I will explain to Members the provisions of this amendment and start with that of temporary release. Temporary release is perhaps best described as an assessed opportunity that allows for a young offender to have, for example, a family visit, access to educational training or therapeutic opportunities in the community. This we know will help a young person gain opportunities that are pro-social and provide a better transition for them to reintegrate back into the community. This helps reduce their risk of reoffending, and if they are not offending we, of course,

have fewer victims. The goal we have for temporary release was an action highlighted by the Greenfields review undertaken in 2019. That review said that we should work on a way for children and young people to access education, work and opportunities in the community. This is what this amendment will provide. Without doing this, a young offender will be deprived of their liberty for the whole of their sentence and released back into the community without transition. This can be overwhelming and certainly not the best way to help our young people go on to lead a pro-social life where they can put their offending behind them and be an absolute asset to our community. I would again highlight that in context young offenders and adults within the prison estate are and do gain temporary release. To assure Members of any concerns they may have, I would say that the use of temporary release is common practice in many jurisdictions that is given as a privilege only after they have been assessed as suitable. Temporary release is also time-limited and offenders can be recalled if needed, for example if they were not complying with a condition such as not attending an appointment. If a young offender were not to return after a period of temporary release or were recalled, they would also, this amendment, be unlawfully at large and the police would return them to Greenfields or the prison estate. The decision whether to allow a young offender to be temporarily released for what period and under what conditions, will be taken by the placement panel. For those young people serving their sentence within the prison estate, that decision will remain with the Governor. Regardless of location and to be human rights compliant, a new provision is made that allows them or someone with parental responsibility to appeal against a decision made to modify the conditions of temporary release or recall, and this would need to be on the grounds that a decision was unreasonable. The most significant part of this amendment is that of allowing for early release or, in other words, remission. This is another right that is an option for young offenders and adults within the prison estate but not yet for children or young people within Greenfields. When looking at the Prison Law, the grounds for early release are stated as being for industry and good conduct. In practice, prisoners are always customarily released at the two-thirds point. For under-21s, under the law, they are then supervised by a probation officer and must comply with written requirements, such as letting the probation officer know of any change of address. Under the draft law, provision is now made for all young offenders, including those within secure accommodation, to gain early release at the two-thirds point of their sentence. The law is however changed so early release is the presumption. There is provision within the law for early release to be delayed, if necessary. The Prison Governor, in the case of the prison estate, and the panel, in the case of secure accommodation, will be the ones to make that decision. However, they could only do this if they had good grounds, such as there was significant risk of that person that could cause someone harm. I would envisage that it would be rare that any young offender would be denied early release under the new amendment, and this will be in line with current customary practice for their counterparts in the prison estate, which is well-established. As in the case for young offenders currently under law, when they are sentenced to 4 months or more they are released with supervision by the Probation Service, receiving what I believe to be good support and oversight. The amendment, if passed, introduces a set of standard conditions that every young person must comply with. They include conditions such as be of good behaviour, not to commit an offence, and to reside at an address approved by the probation officer. These are very similar to current conditions after release. I believe these standard conditions should be enough to allow for release and to provide sufficient intervention and support. However, I am aware that for some young people they may have risks or needs that require more intervention or support. To deal with this, the law will allow for additional conditions to be made by regulations. These are currently being drafted, and it will be for the next Government to approve. However, the standard conditions will cover the foreseeable requirement and it will be harmful to delay these new release arrangements for 6 months for all details to be completed. Those additional conditions will be extensive to cover a range of needs and risks. For example, not have contact with a victim, to undertake programmes of activities that address specific offending behaviours, or receive home visits from a mental health worker. Some conditions will impinge on a young person offender's lifestyle, and therefore there are safeguards in this amendment, namely that they can only be imposed

if they are necessary and proportionate, for the purposes of supplementing the standard conditions and for the purpose of protecting the public, preventing reoffending and/or securing successful reintegration into the community. Those additional conditions will be able to be imposed or cancelled by the Governor or the panel at any time during the supervision period. But before the conditions are made there must be consultation with the young offender and the probation officer. Under the amendment, communicating these conditions must be done in writing and in appropriate language. They must also be given copies in appropriate language that is understood. It should be noted that adults have never been subject to any statutory post-release supervision. In my opinion, that cannot be right and so a law is in the process of being drafted. The intention is that adult prisoners will also be subject to standard supervision conditions with a suite of additional conditions that can similarly be made to address any specific needs or risks. If passed today, this law will come into force with transitional provisions in respect of supervision of young offenders who would already be under supervision before the commencement of this law. This includes provision that a transitional young offender must continue to comply with the original written requirements of their supervision until the end of their supervision period, and that the original written requirements cannot be modified or cancelled but the panel or Governor could impose additional supervision conditions. As with temporary release, it is important that this amendment introduce an appeal process that can be made by the young offender or on their behalf by a person with parental responsibility. The grounds for appeal introduced in that additional conditions were unreasonable in all the circumstances of the case. Under the amendment any appeal must be made to the Judicial Greffier and that appeal heard by the chair of the youth panel. The court may then confirm or overturn the Governor's or panel's decision to impose additional conditions or order that they consider their decision and have regards to the opinions expressed by the Youth Court. While the amendments' primary intentions are to ensure temporary and early release is available to children and young people serving attention of youth detention in a secure accommodation, there have been other necessary and consequential amendments. These have included amending the placement panel court and Ministerial powers. To facilitate early and temporary release, the remit of the placement panel under the law has been extended for them to carry out the role as decision-maker for temporary and early release of young offenders within the secure accommodation. As I have already outlined, appeal processes have also been introduced to improve human rights compliance. In doing this, provisions have been made for the chair of the Youth Court to hear those appeals. Changes have been made to Ministerial responsibilities, most significantly to transfer of functions in respect of children and young people sentenced to youth detention or remanded into custody, moving from the Minister for Justice and Home Affairs to the Minister for Children and Families. This change is made on the basis that while children and young people are young offenders, they are firstly and primarily children, and when in secure accommodation they are in a secure children's home managed by Children's Service staff and, under the law, looked-after children. These amendments therefore take a child-first approach, which I know is an approach shared by the Minister for Children and Families. Our secure accommodation is in its management subject to care regulations. While these are seen to be currently appropriate, there is an awareness that those children and young people who present particularly challenging behaviours are, as a last resort, accommodated within the prison estate where they fall under prison rules, which are address specific areas for custody. The environment of the prison estate, as I have already highlighted, is not the most appropriate environment for children and young people so, as a future-proofing measure, provision has been made to make regulations for the purposes of regulating and managing higher security secure accommodation instead of prison for the assessment, treatment, discipline, control, care and integration back into the community of young offenders, if that is required in the future. This amendment also now makes the treatment between male and female young offenders equitable. In the past when a female young offender had to go into the prison estate, they entered the adult wing, whereas a male would be accommodated in a Young Offender's Institute, or Y.O.I.

[10:15]

The Y.O.I. in the prison is no longer a permanent part of the prison due to the low numbers of young offenders. If a young offender enters the prison estate now, an area will be delegated as a Y.O.I. This is the same for both males and females, and so the amendment reflects this position, bringing parity across the genders. Finally, this amendment ensures that communication and written notifications to young offenders takes account, as far as practicable, the young offender's age and maturity, whether English is their first language, and whether they have a mental, physical or sensory impairment, learning disability or difficulty, or a condition affecting their ability to communicate, understand or process information. Similarly, communication to a person who has a parental responsibility for the young offender must also be given in a way that takes account, if practicable, their needs. In concluding, this amendment allows for children and young people serving a sentence of youth detention an ability to gain temporary and early release from secure accommodation. It also brings greater parity for young offenders, regardless of whether they are serving youth detention within secure accommodation or within the prison estate. I would also like to add that the amendment is, in my view, in line with recommendations of the Greenfields review, Youth Justice review and prison inspection. The amendment is E.C.H.R. (European Convention on Human Rights) compliant and, in addition, will improve the Island's compliance with the U.N.C.R.C. I therefore ask the Assembly to give full support to bring this amendment into force. I propose the proposition.

The Bailiff:

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

4.1.1 Connétable R. Vibert of St. Peter (Minister for Children and Families):

I thank the Minister for Justice and Home Affairs for the very comprehensive speech, which means that I can considerably abridge mine now. It will come as no surprise that I strongly support the Minister for Justice and Home Affairs in bringing forward this amendment. I do so as the Minister with responsibility for children and young people in our Island, ensuring that their rights, welfare and best interests are upheld at every stage, including when they are deprived of their liberty. What is proposed is a child-first approach. At the heart of this amendment lies a single truth. A child in custody is still a child. They do not stop being a child because they have committed an offence. They remain entitled to care, protection, education, family life and the rights set out under the U.N.C.R.C. As the Minister said, Greenfields is a secure children's home staffed by residential care practitioners. Their work is rooted in safeguarding and development, and this amendment aligns our youth justice legislation with the lived reality. It ends unfair disparity. But currently we are inconsistent with Article 37 of the U.N.C.R.C. and this amendment aligns us with that ,which requires detention to be used only as a last resort and for the shortest appropriate time. It also supports reintegration. It is very important that someone coming close to release should have the opportunity to gradually return to education or training and be safe and supported with further family contact. It also strengthens our U.N.C.R.C. compliance: Article 3, best interests for the child as a primary consideration; Article 12, ensuring the child's voice is heard; Article 37, detention is only used when necessary and for the shortest possible time; Article 40, supporting the rehabilitation and reintegration. As Minister for Children and Families and Assistant Minister for Justice and Home Affairs, I work closely with the Minister and support the transfer of responsibility for children in secure accommodation to myself. These children are looked-after children and their welfare should sit within the department, built on safeguarding and child-development principles. It also brings to an end the current workaround, which has been used recently and which is very cumbersome, which has allowed, in effect, remission to be given, but under a very complex procedure. This amendment is fair, proportionate and child-centred. It restores parity, strengthens rights, improves reintegration pathways and ensures that every child deprived of their liberty is treated with dignity and supported

to succeed. For these reasons, I fully support the amendment and commend it to the Assembly and ask you all for your support.

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

I just speak as chair of the Children, Education and Home Affairs Scrutiny Panel. I will just summarise some points from the panel's comments paper. I am not sure if all States Members have seen this, as we submitted the paper later than usual due to workload. But this is a very straightforward amendment law. It is to enable children and young people to have access to temporary or early release, which can already be accessed by over 18-year-olds who are serving a sentence at the prison. As well as the equality to access, this change to the law allows for a more gradual transition back into the community. The Jersey Probation and Aftercare Service have been consulted throughout the process and are confident that they can manage this work within current resources. This amendment law will also result in a change to the main Ministerial responsibility to the Minister for Children and Families, which aligns with the child-first principle. The panel did note a lack of data in this area, and the Minister responded that this would be better managed in future through the Building a Safer Community work. Just to conclude, the panel supports the amendment law.

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

I read the panel's comments and, in fact, he answered several of the questions that I had down to ask the Minister, including one about how many children had been remanded. What I am not entirely clear on from that table is whether that was on each occasion a child was remanded or whether that is the individual children, if that makes sense. If the Minister could clarify that. I think for the latest number it was 7, but it looks like it has been reducing; it is on a downward trajectory. I listened with interest to the Assistant Minister's comments as well about the U.N.C.R.C., and what I wanted to remind Members is that actually we are still not in the place where we have fully incorporated the U.N.C.R.C.. I think part of the reason for that ... one reason is that it takes time to do so, but another reason is that we are simply not compliant with it as yet. I think the Minister made it very clear that this is a step towards Jersey being compliant with the U.N.C.R.C. My query to the Minister really is what are the following steps after this, how close does this bring us to being fully compliant with the U.N.C.R.C., and do we have an estimate of where we are in the steps of working towards that full compliance? How many more years or how many more amendments will it take for Jersey to arrive there? Something I picked up on in the Minister's speech, that she spoke about Greenfields as a child-friendly environment and I just wanted to gently challenge that. I have been to Greenfields, it was a few years ago now, but the staff do an amazing job and they do the very best they can, but the bones of that building is not a child-friendly environment. It is an incarceration environment and, I think, there is no getting away from that. Recommendations have been made for smaller, homelier, therapeutic care environments, that should be where those children who are committing crimes should be placed. I would like the Minister to comment on where we are in terms of establishing those alternative environments because it is my belief that Greenfields should not be used at all. A previous speaker has mentioned Article 37 of the U.N.C.R.C. and the deprivation of liberty. I am really hopeful that this amendment might result in no children going to our adult prison. Does the Minister think that this is enough to prevent any children being incarcerated in our adult prison? Will she expect that number to be zero for the adult prison? As I sometimes do, I want to cast Members' minds back to the Care Inquiry because incarceration of children, not just in Greenfields but also in some of our care homes, was something that was raised by the Care Inquiry. As far as I am aware, much progress has been made in terms of our care homes. But the children, and I think the Minister and the Assistant Minister both did a good job of reminding us, that actually we must not think of these children as criminals; that they are children. Some of the children who when they are looked-after children in these institutions, we are legally their parents and we are responsible for them, and for some of those children that will have been the case that States Members will have been their

corporate parent for most of their childhood or a huge chunk of their childhood. Therefore, we are responsible for the way that they have grown up and for the failures, I think. I think that we need to own that, and that word “failure” does need to be used because these children are children who have been failed by the culture and the system and the services that we have in our Island. I think that we ought to feel sorry about that and feel regret about that and continue our resolve to eradicate the incidences of children experiencing similar trauma today in our Island. I have been a States Member for 11 years and there are some Members in the Assembly who may have been a States Member for the entire lifespan of some of these children, who are in that Assembly, and I think this is an opportunity for us to restrengthen our resolve that no child should experience trauma in their lifetime that leads to them committing criminal acts and for us to take responsibility for that. I think that is everything that I wanted to say. But the big thing that I really would like to hear from the Minister is the pathway to full incorporation and where does this put us on that pathway? How much closer are we to that full incorporation? Is that still a strong commitment of the Government? I am hoping that commitment will carry through to the next Government so that we can achieve that. Is it feasible that that can be achieved in the next political term?

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

It is interesting to follow because I do agree, no child should be ... when we get to a position where a child has to go into any form of - I do not know what the word is - custody, then of course we have failed as a society. However, there is a reality that we do fail as a society too often for all sorts of reasons; poverty being the main one of those reasons, I believe. Poverty of opportunity, poverty of housing at home, the poverty of all sorts of things. That is a wider social issue that I think we should all be addressing, and I hope it is a main issue in the next election. But there is a reality that it does happen. I think what this law, this change, does is make a step forward. A lot has been said about the right things that are happening. We must do everything to break cycles as best we can. I think one of the important parts of this law that is perhaps hidden a little bit is the importance of supervision, because in supervision - whatever word you use - you have to use a word in a law, but I think the idea that reintegration, that care, that recognition that if a young person ends up in a situation where they are in some form of custody, it is not about punishment, it is about reintegration and giving that person a chance again after what has happened. I think that supervision is really important. It is important for anyone who goes to prison. For anyone who loses their liberty that afterwards there was an opportunity to rebuild a life. Young people, we can break those cycles if we get that part right. I think that is the point I would like to point out, the importance of that part of rebuilding young people’s lives once there have been mistakes. I have encountered many young people in my years who I see them now and they say: “I was not too great at school but I am doing OK” and they have rebuilt their lives. When I was younger there but for the grace of a greater deity may go ourselves, and that did not happen.

[10:30]

We all have to be realistic about what we do. I think this is a step forward. Of course there is a lot further to go; of course there is. Let us bear that in mind, and I agree with that. But I think this is a definite step forward.

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

It is just that I wondered whether or not the Minister had considered, when describing the issues around detention, the interface with young people’s mental health services. Really it is a plea to ask whether or not, in considering what kind of environment detention takes place, that the needs of young people who experience mental health issues during a period of, shall we say, criminality, can also be considered, and whether the law is able to make any provision for how people who also have a criminal history as well as a mental health problem can be accommodated under these arrangements.

The Bailiff:

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

4.1.6 Deputy M.R. Le Hegarat:

Firstly, I would like to thank those that have participated in this debate and thank for their support. In relation to the questions asked by Deputy Doublet. It is identified that there is a lack of data or good data in this actual domain. Therefore, that is why a Data Partnership Group has been established, under the Building a Safer Community, to better co-ordinate that particular information. Because of course the only way that we can identify how we are progressing and doing things is by being able to exactly know what are the circumstances. The only sort of information that I have in relation to those numbers is that between 2023 and 2025 2 youth detention orders were made against the same individual during that year, and of course we count it as 2 separate things. There is no data in relation to the Royal Court numbers. I think that is clearly something that needs to be worked on in order that we are able to achieve that. The Deputy also asked about moving forward in relation to our compliance with U.N.C.R.C. I think the thing is, it is like a lot of things and I fully understand the Deputy’s concerns because I, like her, think that we need to address a number of things in relation to young people in order that we do not end up with young people in any of our facilities and taking away their liberty. We, as I said, are working this forward and I am not able to give her a total timeline of where we will be in relation to the U.N.C.R.C. at this particular time. This is obviously work that is going on in relation to the Minister for Children and Families, whereas my responsibility in relation to this, although it is involved across the piece, it is obviously more aligned to this in relation to them coming into a custodial situation. In relation to what Deputy Wilson is asking about mental health, I think it is imperative that in any situation where young people are coming into our care, they will be or should be, I should say, assessed in relation to their mental health condition. When they come in, particularly if they are arrested, they would be assessed at that point, or one would hope that they ought to be if all of the things under the police and detention was all looked at and assessed. I fully agree that sometimes our facilities - and it will be both in the prison estate and in somewhere like Greenfields - that a lot of the people that come into those facilities will have mental health issues, they will have addictions, et cetera, et cetera. I think all we can do is continue to invest and make sure that those facilities that those individuals have got availability to are as best as we can provide. I am hoping that I have answered those questions that people asked, but obviously if I have not I am happy, should they wish, to speak to me after this debate, that I can answer their questions more fully. Sorry, I propose the principles, and I 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 can announce the principles have 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. 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 S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				

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

The Bailiff:

Deputy Catherine Curtis, can you confirm that your panel has no wish to call this in? Thank you very much. Minister, do you propose the Articles in Second Reading?

4.2 Deputy M.R. Le Hegarat:

Yes, Sir, please. I thank the Assembly for agreeing to the principles and I would like to propose the Articles *en bloc*.

The Bailiff:

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

4.2.1 Deputy L.M.C. Doublet:

Very briefly. I think I did not make it clear enough among all my questions how grateful I am to the Minister for bringing this, and I think it is an excellent proposition. I did have one more question though. Can I ask how this is being communicated to the children in question? Also, I think one of the previous speakers mentioned that there is always going to be a need for this. I partially accept that but one thing I wanted to make clear was that the U.N.C.R.C. states that it should always be a last resort and that there are other options that would include care and therapeutic settings, rather than simply a punitive setting.

The Bailiff:

Does anyone else wish to speak in Second Reading? I call upon the Minister to reply.

4.2.2 Deputy M.R. Le Hegarat:

I thank Deputy Doublet. She has just reminded me of something that I probably did not respond to in relation to it. I think, when the Deputy talks about detention as being the last resort, I 110 per cent agree with that principle. I think it should only be as the last resort. I think we need to identify as an Island that we need to start the work early, and that is why we need to invest in children and young people from when they arrive in our world. We should not be waiting until we come into contact with them later in life when they are facing challenges. I fully agree 100 per cent. I think in relation to the situation of secure accommodation, secure accommodation, in my view, is always going to be not an ideal from the point of view that for it to be secure it means that somebody has had their liberty taken away. We must always work towards avoiding that situation at all costs. I maintain the proposition.

The Bailiff:

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

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

Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 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 S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				

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

Minister, do you propose the matter in Third Reading?

4.3 Deputy M.R. Le Hegarat:

Yes, Sir, I do. In conclusion, I believe the amendment before the Assembly today is proportionate, fair and necessary. It balances the needs of children and victims. It will improve rehabilitation outcomes and strengthen compliance with international standards. Because it includes allowing children and young people serving youth detention within the secure children’s home the ability to gain temporary and early release. This is a provision already afforded to their contemporaries and adults within the prison estate. I was reminded that I had failed to answer the question in relation to, how will this be communicated to the young people? I think it is clear that they probably will find out fairly swiftly, but that I will give to the Minister for Children and Families to convey to the team who look after these young children so that they are fully aware of what their new rights will be. I, therefore, ask the Assembly to give their full support in bringing this amendment into force, and I call for the appel.

The Bailiff:

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

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

Deputy M.B. Andrews				
---------------------	--	--	--	--

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

The Bailiff:

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

The Greffier of the States:

Draft Alcohol Licensing (Jersey) Law 202-. A Law to make new provisions regulating the sale and consumption of alcohol, to amend and rename the Gambling Commission (Jersey) Law 2010, to make minor amendments to the Gambling (Jersey) Law 2012 and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Sorry, Sir.

The Bailiff:

Yes.

Deputy S.M. Ahier:

Just before we start, may I make a declaration?

The Bailiff:

Yes, of course.

Deputy S.M. Ahier:

I am the holder of a gambling licence and I know this does not directly affect the alcohol licences but they will be joining the Gambling Commission, and I would just like to make that clear to you, Sir.

The Bailiff:

Thank you very much.

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

It is a real pleasure to bring this Draft Alcohol Licensing Law to the Assembly today. It is also a pleasure to say that my understanding is - and I am pleased the chair has just walked in - that before the Second Reading the Scrutiny Panel are going to be calling this in for review. I think that is absolutely the right thing to do. Because I think, as the States Assembly, we have an opportunity, it is a once-in-a-half-century opportunity to amend the Alcohol Licensing Law so that it is fit for purpose in a modern world. But there is, as many Members will know, and there has been a difference of opinion from the Comité des Connétables, which is their right. I am pleased that I feel it is appropriate parliamentary process and appropriate for the States Assembly to decide that difference of opinion. Going through Scrutiny and the appropriate parliamentary process is really the right way to do that, rather than here on the floor of the Assembly today, particularly when so little consultation was done with regard to the Connétables' amendment. I am pleased that I am introducing this as the principles in the First Reading and in this speech today I will be asking all Members, Connétables, Deputies, to support the principles and to leave the discussion about the administration of the law to another day. Why should States Members support this law? This law makes life simpler, it provides

certainty to businesses and other organisations. It makes it fairer and, most importantly, this law brings alcohol policy to the purview of this Assembly. For the first time in history Jersey's alcohol licensing policies will be democratically decided by a democratically-elected Assembly in the States Assembly.

[10:45]

That answers a proposition from Deputy Ash, I believe, back in 2021, which asked for that to be done and was supported strongly by this Assembly. Just reading through the main features of the law, the law provides for a single independent regulator operating at arm's length and providing consistent Island-wide decision-making, something which industry has long asked for. It provides clear, simplified licence categories aligned with how modern hospitality businesses operate. It preserves the existing role of the Parishes and provides the Parishes with new powers, as it does for the police and the fire service. It provides for a faster more predictable application process that reduces time, cost and uncertainty. It allows for the transparent publication of licences and conditions, improving clarity for businesses, residents and enforcement. It is proportionate. The civil-based enforcement addresses issues quickly without criminalising compliant operators. It creates a fee structure that is far more fair, transparent and proportionate to scale and usage, resulting in no significant increase for businesses and, in many cases, a reduction. Unlike some of the commentary that has gone before, under this proposed law the Alcohol and Gambling Commission will not be setting its own fees; that will remain the purview of the Minister because that is an order-making power that will come before the States that can be called in. I think it is appropriate that it is an order-making power, rather than a regulatory power because fees by regulations are a problem that many laws suffer from. But at no point will the Gambling Commission be setting its own fees. You will no doubt be aware that this is not the first time the States have considered reforming alcohol licensing. Successive Governments have attempted to reform this law without success. In developing the legislation before the States today, we have relied heavily upon previous work and past experience to develop a single streamlined law. I am grateful for everyone who has contributed to feedback during the law-drafting process. Many, many people have been involved. This is a multiyear project which has seen consultation ongoing since 2024, with dozens of people and organisations involved in that, including the Comité des Connétables, the police, Public Health, the fire service. Key stakeholders have all been involved in deciding this law. I believe we have found the right mechanism to ensure that Government and the Assembly can direct alcohol policy according to the priorities of the Assembly. The law provides for faster applications, more flexible and proportionate enforcement and removes unnecessary red tape. The core aim of the new law is to make it an enabling one, which allows businesses to obtain licences that suit their operations in a timely manner. It will also bring the control of licensing and related policy matters into the hands of Government and this Assembly. The regime under the new Alcohol Licensing Law would look similar to this current position but with some important changes. I understand, and we see this from the amendment laid by the Comité, it is the administration of the law which is proving to be the point of discussion and debate, which is a shame on the one hand because of the administration, but the good side is that the principles appear to be something that we are all aligned upon. But I will, first of all, talk about the planned Licensing Assembly, as planned in this law but, as I said, that is to be discussed in the Second Reading rather than now. The role of the Licensing Assembly, as drafted in this law, has been replaced by the Gambling Commission, which will be renamed the Alcohol and Gambling Commission. The reason we have done this is because it achieves a number of things. It ensures we keep the consistency of approach across the Island and between Parishes. It will speed up the licensing process; rather than licensees waiting for a meeting with the Licensing Assembly, decisions will be made in real time all 52 weeks of the year. It will create a clear appeals process with appeals able to be referred to the court, which for the first time will be separate from the body that has provided the licence. Whereas the situation we have today is that the court determines whether a licence will be granted in the first instance and then determines the appeal. When I say "the court" I mean the Licensing Assembly as part of the Royal

Court. Most importantly, it will enable the Government and this Assembly to shape policy, to instruct how the law is to be enforced and to advise what conditions should be attached to licences. The process will also be digitised, meaning the administration greatly simplified, with the Commission handling and centralising all of the information to be submitted. This will be far better than the current situation where especially for businesses with premises in multiple Parishes, there are a number of different stakeholders to be engaged, often requiring the same information to be submitted and shared multiple times. Under the proposed new regime, businesses would only need to submit information once to the Alcohol and Gambling Commission, who would then do the liaising with other stakeholders, including the Parishes and the States of Jersey Police. With regard to policy, any guidance which the Minister intends to provide to the Commission will first need to be approved by the Assembly. For example, the draft law retains the requirement that licences may only be provided to an individual who is a fit and proper person, whereas this is currently up to the courts to determine. The intention is to bring forward a definition to make this far more transparent. In this case such a definition could mean someone who has completed the relevant industry qualification, for example, holds a basic first-aid qualification, has had a D.B.S. (Disclosure and Barring Service) check, who has been interviewed by the relevant Parish; these are all just things that the new policy could put into such a definition of a fit-and-proper person. Members may disagree with that definition or may wish to see things added or removed; that is the virtue of this law. Members can change these things. This law does not set our alcohol policy in stone. It allows future Governments to take a flexible approach and to make targeted interventions where they are needed, but it brings that power into the hands of this Assembly. In addition to reforming how decisions are made and informed, this law also removes old provisions. Businesses will not be required to have a physical copy of the law printed out to be kept behind the bar anymore but they will have to publish their price list; but a digital copy will be acceptable. Licensees will not need to renew their permit every year. Restrictions on residency status will be brought into line with the Control of Housing and Work Law. A person who is in Jersey legally cannot be denied a licence simply because they have not spent the last 3 years in the E.U. (European Union) or the Commonwealth. Businesses will no longer need to hold multiple overlapping licences for the same premise. Instead, licences will be bespoke and issued in accordance with the alcohol guidance that this Assembly approves. One of the reasons this is important is that various premises in Jersey have to have multiple licences just because of the way the premises are designed, not for any other reason. There is a fairly well-known example where one premise in Jersey has a corridor that has to have its own separate licence because it joins 2 different areas of the premise, a bar with a nightclub, and, therefore, a corridor has had to be awarded a licence. This means rather than the current 7 different categories of licence, the new law will have 3. It will have an on-licence, it will have an off-licence and it will have a temporary events licence; far, far simpler and far easier to understand. With regard to fees, this change will also allow us to simplify the fee model. This will help us to create greater fairness. For example, businesses will no longer need to complete several applications and pay separate fees just to operate a bar within their restaurant or to provide a takeaway service. Under the current model, for instance, there is one supermarket that pays £114 for each of their supermarkets, totalling £342. A medium-sized hotel is paying nearly 10 times that in licence fees. One well-known café, Beresford Street Kitchen, pays nearly 5 times what a very large supermarket pays in Jersey today. It shows that today's fee model is completely out of kilter with the reality. This is not fair and does not reflect either the cost of enforcement or the impact that each establishment makes to levels of drinking in the Island, particularly at a time when we would prefer to see people drinking in licensed premises rather than behind closed doors at home. I want to be clear that none of this means that fees will automatically rise. By using an already established regulator, costs will be low, and we will not be increasing the total fee income beyond where it stands now. The fee envelope of £260,000 remains exactly the same. All we are doing is shifting the burden from those smaller enterprises to the larger ones. Those enterprises have been consulted on that. They understand the need for the changes and that they, whether they are supermarkets or cafés, have bought into that. With regard to the Parishes, I made it very clear when I set out on this road 3, 4

years ago that I did not want to see the role of the Parishes diminished in any way, and that is the case with this law. I will not go into detail about the Comité's amendment, as we will cover that in a later debate. But I will emphasise again that the Parish roles will not change, except to be enhanced. Alongside the States of Jersey Police, one new power that the Parishes will get is new enforcement powers. New powers to review the legislation and they will also be included in the proposed Ministerial Oversight Group so that they are able to input on any proposed guidance from day one. The Parishes have been regularly briefed on this process and understand how it will affect them. Before we launched our full public consultation in December 2024, before even we briefed the Bailiff and his predecessor at the end of November 2024, we began this process by setting out our proposals, including the Gambling Commission, to the Parishes. With regard for the need to change, the current Licensing Law is the same age as I am. Although some Members are probably too young to recall, much has changed in the hospitality industry since the early 1970s. We have seen changing drinking habits, particularly among our younger Islanders. We have seen new business practices which have struggled to navigate the existing law. We have seen online sales which were not even anticipated in the existing 1974 law. The new law takes all of this into account. It is a law that is ready to be fit for purpose for the next 50 years, and that can evolve through the use of policy, which will remain in the hands of Government and this Assembly. It is designed to be flexible and enable not only businesses but the needs of future Governments, Parishes, our public health considerations and our enforcement agencies' considerations to be taken into account. This is genuinely a fantastic opportunity for the States Assembly to show how, as a whole working together, we can break down some of the barriers to business in this Island, how we can give a vote of confidence to our hospitality industry in this Island, which has been suffering some tough years, particularly since COVID. With the view to putting forward this proposition in the First Reading, to have the principles voted on, I do ask all Members to fully support the principles, to enable Scrutiny to go off and do their work with the full 4 sittings at their disposal to do that. They can look at the Connétables' amendment, look at the proposal that I have lodged, but also to look at any other potential routes for the administration of this system. I think it would be incredibly sad to stop this going forward to that Second Reading just for the sake of a part of the law which is about the administration. I think all parties, including the Parishes, are content with the idea of the policy and the licences; the real key parts of this. We just need to work out the way forward on the administration of the system, then we will be able to bring this back, hopefully, at the end of 4 sittings. I do ask all Members to strongly support the principles and then allow the parliamentary process to take its time. I urge support for this motion.

Deputy M. Tadier of St. Brelade:

Ma'am, may I ask for a point of clarification, please?

The Greffier of the States (in the Chair):

Are you willing to give way for a point of clarification, Minister?

Deputy S.M. Ahier:

May I also ask for a point of clarification, please, Ma'am?

Deputy M. Tadier:

I would like the Minister to confirm why he is seeking to speak for my panel by saying that we are going to call this in, where he got that information from because we have not decided to call this in. I think our position is that we want to listen to the debate, and I am slightly put out that he seeks to speak on behalf of the panel. Could he confirm his comments?

Deputy K.F. Morel:

Absolutely. It was my understanding from my last meeting on Monday, so I apologise profusely if I got that wrong. It was totally unintentional. I understood from our meeting on Monday that it was

going to be called in, and that is where I got that from. I did not feel that I was speaking on behalf of the panel, I thought I was passing on information that I gained on Monday. I personally would like the Scrutiny Panel to call this in. I think that would be incredibly helpful to the whole Assembly.

Deputy S.M. Ahier:

Yes, a point of clarification for the Minister, please. In his speech he said: “At no time will the Gambling Commission be setting its own fees.” I presume that is under Article 9. But when he gave the briefing to Members and I asked him the specific question, he said that they would determine the fees for the alcohol licensing but would not determine the fees for the gambling on licences. Could I have just confirmation and clarification of that aspect?

[11:00]

The Greffier of the States (in the Chair):

Are you able to clarify?

Deputy K.F. Morel:

Absolutely, Ma’am. In my speech here I am talking about alcohol licensing. I am not talking about gambling fees. This is solely about alcohol licensing, and that is what I was referring to in this. One of the views that has been put forward is that the new Alcohol and Gambling Commission will put fees up. What I am saying is the Alcohol and Gambling Commission cannot decide its fees with regard to alcohol licence fees. They are decided by the Minister who will do that by order and place that order before this Assembly for 14 days, as is the normal process. Any Member would be able to call that in, should they be unhappy with those proposed fees. My point is that the Alcohol and Gambling Commission will not be setting alcohol licence fees and, therefore, cannot put those licence fees up.

The Greffier of the States (in the Chair):

Very well. Are the principles seconded? **[Seconded]** Deputy Kovacs, I understand you wish to make a declaration of interest, is that correct?

Deputy R.L. Kovacs of St. Saviour:

Yes, I want to declare that my husband is a holder of an alcohol licence for our restaurant.

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

The same, we have one alcohol licence on one of our cafés as well, declaring an interest in that.

The Greffier of the States (in the Chair):

Thank you, Deputy Warr. The Constable of St. Clement, you are making a similar ...

Connétable M. O. Troy of St. Clement:

Yes, I need to make a declaration. I have 2 businesses with alcohol licences. I need to declare that and have a ruling from you whether I can take part in the debate.

The Greffier of the States (in the Chair):

I think you are able to take part in this debate because there is no pecuniary interest to be gained from you participating. Deputy Curtis, do you also want to make a ...

Deputy A.F. Curtis of St. Clement:

Could I declare I have one business that has a licence under the 1974 law?

The Greffier of the States (in the Chair):

Thank you. There are a number of Members who have already indicated that they wish to speak. I will read them out so Members know in advance where they are in the pecking order. First up I have Deputy Scott, then Deputy Curtis, Deputy Bailhache, Deputy Ahier, the Constable of St. Helier, the Constable of St. Clement and then Deputy Warr. Starting with Deputy Scott.

Deputy S.M. Ahier:

Sorry, Ma'am, mine was for the clarification.

The Greffier of the States (in the Chair):

Right, fine, I will delete you then, Deputy Ahier, thank you.

Deputy D.J. Warr:

Mine as well, Ma'am.

Deputy I. Gardiner of St. Helier North:

Ma'am, I ask online.

The Greffier of the States (in the Chair):

Sorry, I did not catch that, sorry.

Deputy I. Gardiner:

I have put request online to speak, please.

The Greffier of the States (in the Chair):

Thank you, Deputy. Deputy Gardiner, I will add you to the list. Starting with Deputy Scott.

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

I do not really want to add much to what the Minister has said about the reasons for bringing this law, partly constitutional, partly to reduce red tape, to give support to the hospitality industry; all those things. The point I want to home in on, because I think that it is relevant to the amendment that is brought by the Constables, who I have generally admired in terms of alerting the Assembly to constitutional issues; the point I want to emphasise is the regulatory one. I believe that part of the controversy that is being associated with this law has been the identification of the Gambling Commission as an appropriate body to regulate under this law. I am saying this because in the course of the work, and I believe that within this States Assembly there have been a few teasers from my report on the ombudsman. But one thing that has come out has been in the area of complaints and really distinguishing what kind of complaints can be pursued and what is really appropriate? In this kind of respect I do want to say that there needs to be a clear distinction between regulatory decisions and how regulatory authorities perform and what the public should expect in this regard and why that might be distinguished from more general administrative roles. I am aware that the Parishes do administer certain things. Licences are involved; you might say that issuing licences is regulating, although we know that when it comes to the regulating of dogs perhaps there is some more work to be done, perhaps there is more enforcement to be done. I also want to let Members know that I have asked quite a few questions of the Gambling Commission to satisfy myself that it could be an appropriate regulatory authority. Because I am very conscious that some people in this Assembly almost have got a knee-jerk reaction to the idea of arm's length authorities; they will be runaway trains, they will cost lots of money. Never mind that some parts of this administration ... I do not mean to name names but we have got non-Ministerial departments, we have got the Government itself, also have issues, I believe, when it comes to the controlling of costs, which means that overall there is a lot of work to be done in terms of financial management. I do believe that there have been, let us just say, some sort of protocols, some sort of processes that perhaps have not been ideal here and they do need to be worked on. But simply saying you are going to be involved in arm's length

organisations and we do not like them because we think they are runaway trains, I do not think is reasonable thinking. It is not really focusing on what is at the heart of the issue there. I come back to the Gambling Commission because I have asked them questions about the manner in which they regulate because I think they should be asked questions. I am not sure who else has asked them questions about how they regulate. I have asked them for certain things; that includes things like their complaints-handling process, which they have produced to me. I thought that it was a lot better quality than some I have seen. In fact I am aware of one so-called regulator who did not even have one, and let us say that has been alerted to the relevant Minister, along with some associated problems there. I have also asked for things like how it makes decisions. It has got rules about how it does its decision-making. I asked a lot of regulators about this because I have found that there are people making decisions who do not have these rules. You expect justice, you expect fair treatment when you deal with regulators. That is where the courts have a key role to play in this society because they follow very, very well-crafted rules in terms of decision-making and that can be appealed on to High Courts, all that sort of thing. It is really important that we have got a clear understanding about what rules they apply when they make decisions. I have that document; you can ask for that document. I do not think it is a bad document and, believe me, I do tend to go into things in depth. Then the code of conduct of course, that is really important. All these things, and I have been doing a lot of this around the whole complaints and regulatory landscape because I have tried to understand what is it that people need to engage with in order to ensure that they have their business handled, decisions made in what I can feel comfortable with as a States Member and feel - yes, I think that is appropriate - and I think that there is a chain of ultimate accountability and things that us, as States Members, can perhaps in ourselves challenge? It is not always easy when you have got things in different constitutional areas. I do not know whether or not the Scrutiny Panel will be calling this in, and it is very much their decision. But should they call it in, I would very much ask them to consider these issues. If they do not, I would ask States Members to do so and to approve the principles. I indeed am happy in approving the whole of it.

The Greffier of the States (in the Chair):

Deputy Bailhache. Sorry, Deputy Curtis, I misunderstood, I thought that you were making your declaration of interest. You want to speak as well; sorry, apologies, Deputy Curtis first.

5.1.2 Deputy A.F. Curtis:

No, I wanted to get the declaration in early but the light was for a speech. I have made my first declaration, my second one is more personal. It is that I have a deep care about a well-functioning hospitality sector and I think that is one far more Members in this Assembly can share a declaration for. I will take a few minutes on this, closer to the 15 than 5, if Members are looking at the doors. But the first place to start is that in looking at alcohol licensing and the conditioning of hospitality premises in particular, we should ensure that we keep an eye on the fact that Islanders and visitors who go to these licensed sites do so for all manners of hospitality. An alcoholic drink is one, sure, but this is just part of the picture. For some licence-holders alcohol is a very small part of their trade, like cafés hoping to slightly diversify their offering. For our visitors it forms a slightly greater part, such as restaurants. But many still frequent these - pubs, clubs and hotels included - without ever purchasing an alcoholic drink. How we regulate these spaces because they serve alcohol impacts every user, and we must bear that in mind. Turning to this part of the debate, the principles, I do think there are some key questions we should ask, and I will work through them in turn. The Minister has been keen to stick to the principles but I think it is not beyond us to have to discuss administration and other matters within this, as they form a key element of modernising the law in his view. Those I want just to talk about are, first, does the law need changing? How does it need changing? Is one of them to deliver a more vibrant hospitality sector? How will the law achieve this, if indeed it does? Is the new proposed regulator set up for success to achieve this? Are there any other risks in this legislation? First, does the law need changing? The simple answer to that is yes. I think the Minister

gave a few examples. The existing law is showing its age in several areas, such as policymaking not sitting with the Assembly, although that may be a double-edged sword, and the complexity of licence categories. Other areas are minor but could easily be changed, such as highlighted, the definition of a fit-and-proper person requiring 3 years' residency or a reference from someone in the trade where they lived prior and restrictions on where that was. Other areas are perhaps not ideal but they do serve a time and cost-efficient system; that includes quarterly Licensing Assemblies. They inherently save time, they group work together and in reality those who follow court listings will note that extraordinary Licensing Assemblies dealing with matters often occur when those matters require more rapid resolution; the system has shown flexibility. Much might be made that the current system rests in the courts but, short of the licence categories and policy direction, the existing system is well-established and businesses continue to trade across all hospitality sectors. Members will no doubt have their own small examples. The law could benefit from change, the extent to which is what we should debate as well. But how does it need changing? We have to ask what it wants to achieve, not just through administrative process improvements. But we must look to the feeling of on the street and the reality in venues. To this the Minister should be more visionary in explaining to Members what the hospitality sector could look like should we approve these changes. Are there venues that cannot exist under the existing law that will now be made possible, save for the events and moveable bars the law covers under the third category offered? Will opening hours change to encourage calmer late-night spaces? Is there an emergent policy direction to assure Members that we are signing up to a principle we agree or are we at risk of a draconian policy emergent, albeit requiring approval from the Assembly? The Minister pointed to flexibility and policy being directed by the Assembly, but are there safeguards in place that give venues confidence that they continue to trade as before and not see key features, such as our opening hours or conditions of trade, change Assembly by Assembly where they have known consistency for decades? In particular, could the Minister address how the former taverners and club licences will exist in the new legislation? Previously a taverner's first-category licence permitted sale from a bar rather than table service. It is fair to say we have seen a shift in the emergence of more hybrid venues where the tone is less than that of a tavern - and it is a shame to lose that word - but it makes perfect sense to go and purchase one's own drink from a counter. How do conditions in practice under this legislation achieve that balance of self-service at a bar? How does that differ to the reality? We see that many traders almost perform this under third-category licences now.

[11:15]

The 1974 law defined a public bar by virtue of being a first-category tavern as licensed as one by the bar and be able to stand at it. The new law removes this explicit definition with one that must be defined by the Commission. Where does this really create certainty at this stage? Secondly, how will clubs be managed in this model, not just existing clubs whose conditions may be more simply mapped from the old law but to new clubs who now face a blank slate, perhaps carving out a bespoke range of conditions and requirements, the length of which we do not know? Is this simplicity? It may well be but currently we do not know. If process and simplicity is the main aim, there is a risk that this draft legislation proposes too many changes to achieve the desired result. It is on the Minister to assure us that it is proportionate. Before turning to the second element in this legislation, the principle of amending the Gambling Commission and forming the Alcohol and Gambling Commission, it might be worth framing the scale of the licensing, which I could not find in the report, although the Minister has now shared income is circa £260,000. The most up-to-date data I could find on this to assist Members was a full list of licences published in 2024 by F.O.I. (Freedom of Information). It does show, however, that licences are transparent at the moment and that the new system does not deliver technically greater transparency. From this, I have compiled the following statistics: 566 locations held licences, across these 734 licences were held; 360 sites held one or more licences. Of these, there were 143 first category taverners licences, 25 residential licences, 252 restaurant licences, 23 comprehensive licences and 30 club licences. There were 233 off-licences,

37 of which were held by venues that held one or more on-licence. This is helpful in understanding the scale of licensing. At this point when I wrote this I said we did not know the current revenue generated by these licences nor the workforce, including courts, currently used to provide the existing service. We do not know whether what is proposed by the Gambling Commission will require greater or lesser staffing than for the current system. The Minister is assuring us this is a simpler and more responsive system and it would be good to see this reflected in leaner staffing or the same, not more. The Minister has published some very draft numbers on licence fees for venues and I did my own calculations showing that the on-licences would generate £182,500, off-licences would generate around ... the short of it, now the Minister has given us the data, is that my prediction of £250,000 income per year is £10,000 off what is current, so I am pretty glad that the numbers stack up from both sides. The Minister does need to confirm that he has understood the staffing levels he thinks the Gambling Commission will operate at and whether he has any or to what extent confidence that the amended Commission will deliver its functions within this. If there is a risk that the draft and very draft fees published could be higher than published, the principle of the law may not achieve its aim. I believe one principle of the law should be not to increase financial burden on businesses. Given we are approving a commission with no enactment date, costs or staffing, we need that information. The Minister has guaranteed that this is a fairer system, but I should point out that the proposed licensing structure would see some businesses increasing their fee from £114 to £500, namely those being off-licences of a square metrage of greater than 50 square metres. Many off-licences hold only a very small section of their businesses - garden centres come to mind - and this is a huge increase the Minister must think about when he describes this as fair. In respect of the Commission, there are further questions to be asked. None of these are meant against the Commission, but if we are to hand a new function to a body and, as such, amend it, I believe we should only do so when we are satisfied it is the best body to deliver this. A read of the 2024 annual report shows the current Commission generates a turnover of £859,000, comparing it to the £260,000 that will be given to it for alcohol licensing. Staff salaries including pensions, were £478,000 and fees to the 3 commissioners that year were £80,400. The accounts for the previous year and previous years before that do not provide any further breakdown on expenditure such as rent, C.E.O. (chief executive officer) pay and commissioner pay, all the things we expect from bodies that provide the functions and transparency we see from bodies like our utilities and our arm's length organisations. Before we provide a new revenue service to a body, we must ensure their accounting is transparent. The tenure of commissioners is also not in line with the practice of many other organisations. Commissioners can be appointed for 5 years at a time, the lower limit removed by these laws, and this does not align with more common best practice of a 3-year term and a 10-year maximum does align with maximum periods of 9 years. These are not addressed in this law. It is not clear to me on who makes a lot of the decisions on licences in practice. Is it, as in all likelihood, the Commission staff or do commissioners convene to form an assembly themselves? Under the current system, decisions on conditions and the debate therein happen at publicly-attendable Licensing Assemblies. This appears to be lost and it is not clear how a neighbour or interested party may make submissions to the Commission on a statutory footing in the same way one can speak to the Parish Assembly and then address the Licensing Assembly. One more thing, as we have heard now, is that the Commission will have a dual fee model, gambling fees set by the commissioner under their law with many thousands of pounds of licence, typically, and alcohol fees set by the Minister by order. Each must cover their own respective costs but, at the same time, it must only be expected that to achieve efficiencies, resources at the Commission will be shared between both functions. The principle of this dual setting is not addressed. Lastly, risks beyond those stated. The first I would argue is obvious. The existing system is well understood and, short of some niggles and quirks, operates well and has fostered to date a robust hospitality scene, something not all regions can support and say they can. Changes would introduce a new body, move the complexity of categories into the complexity of conditions, to name a few. Those could all be addressed and could be genuine simplifications, but we are taking a giant leap of faith in how the law is figured in the detail the Minister gives in his

report, but then there are more fundamental ones. The law introduces wide-ranging new important powers. The most challenging of those I think are certain penalties. The starting point in enforcement should be to ask whether the sector is well regulated and well managed to date. I would like to think Members agree we have a well-functioning, well-managed industry. Serious challenges are rare, the serving guidance is high. You can just look at how seriously the industry took the decades-long ban on drink promotion, and that was honoured. Issues with licences are dealt with by Parishes and the Licensing Assembly. Constables may wish to talk about how they are able to deal with matters already; rather than retain existing powers, civil penalties at a further level of complexity rather than simplicity. By default, penalties would be receivable by the Commission and only through a raft of orders would fix a scope of their use and limit amounts. This does not appear simple to me. If civil penalties should remain, and I do not think they should, payment should be to general revenue of Government to ensure separation of concerns in applying any fees. To summarise, despite that 13 minutes of speaking, I am not against the principles and I will be supporting them at their highest level, but at this time I do not think we have the information in front of us to vote on the Articles, and I do not think it is just on Scrutiny to provide that information. In particular, I ask, and to summarise, from the Minister: clarity on how on-licence conditions will enable appropriate operation of various parts of venues, including clubs and public bars; whether the alcohol policy group should have guiding principles in statute to provide a statutory steer in primary legislation and avoid instability in policy that would affect the businesses' trading; staffing requirements and the forecast cost requirements, including whether fees are truly fair before we choose the regulator; the operation of the Commission; the recourse to statutory rights of interested parties; the suitability of the body as configured now; and the need for more numerous enforcement routes, including civil penalties. Last and perhaps most importantly is how this law will truly improve and enable the hospitality sector for all and what that might just look like.

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

I hope that the Scrutiny Panel will call this law in because I think there are important issues for consideration. There are obviously - and Deputy Curtis has mentioned them - important changes that are made by the proposed law, including the shrinking of the number of different licences, the taking in of policy development and policy articulation to Ministers and to the Assembly. There are a number of other good things in the law as well, but I have 2 particular reservations. The first is that no compelling reason, in my view, has been given for the abolition of the Licensing Assembly. The Licensing Assembly is not a court, even if it is composed of the same people. It is an administrative body. Members do not robe. It has an entirely different feel from the court and decisions of the Licensing Assembly can, of course, be judicially reviewed by the court. It works well. The jurats are experienced in reaching difficult decisions, balancing competing interests, reaching fair judgments on controversial issues. Perhaps the Gambling Commission will be up to it as well, but they certainly lack the experience of the jurats. The Minister spoke of a speedier process, but I must say I have some doubt about that. Exactly the same reports from the chief fire officer, from the police, from the Public Health Department will be required. It will still be required, applications will still go to the Parish Assembly. The bureaucracy attached to the granting of licences will be much the same. The only difference will be the body that ultimately gives the decisions. My question really is: why try to fix something that ain't broke? The second point relates to the first in that there has always been in the Licensing Assembly a subliminal tension between the interests of commerce and the interests of public health. Businesses want to sell more alcohol because there is more profit in it. There is no secret in that and there is nothing wrong with that either. That is the nature of business. On the other hand, however, Public Health officials seek to moderate consumption of alcohol. I do not have the figures available for me at the moment, but in Jersey I am confident that we consume considerably more alcohol than in most other places and come close to the bottom of various scales in that respect. That has consequences for public health. Perhaps one of the Ministers for Health will speak to this during the course of the debate. The draft law gives the Minister for

Sustainable Economic Development exclusive responsibility for giving guidance and directions to the Commission. This is new. I appreciate that the Minister is obliged to consult with other Ministers in the Policy Ministerial Group but the person who actually gives the guidance upon which the Commission will be bound at is the Minister for Sustainable Economic Development. As I say, this is different. It is not surprising, in my view, that the licensed trade has welcomed the draft law with enthusiasm. The Commission, as I say, takes guidance from the Minister for Sustainable Economic Development but does not take any guidance from the Medical Officer of Health. How the Commission will approach the task of granting licences will be different from the approach of the Licensing Assembly.

[11:30]

I have one other observation that I might make in the hope that it might be taken into account if the law is called in by the Scrutiny Panel, and that is this rather curious creation of a licensing appeals court, which is actually the Royal Court. I do not understand why it is necessary to include this nomenclature in the law. It is much more straightforward and understandable to refer to an appeal to the Royal Court.

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

It has been very interesting listening to the opening speeches and the phrase “it ain’t broke” or “is it broke” has been used at least once. I particularly valued Deputy Alex Curtis’s searching questions about the industry, his points about the industry and his questions about the proposed new law. I have been chairing the Parish Assembly’s Licensing Assemblies and I have been attending the Licensing Bench in the Royal Court for nearly 25 years. If I can perhaps pick up on the opening speeches, I have to say that the system works really well. It works well from the point of view of being responsive. There are frequent extra assemblies called when a licensee forgets to renew their licence or other entrants want to come into the business. The Parishes do a lot of the legwork and just holding the assembly but Parish office officials examine the premises that are due to be licensed. In the case of St. Helier, which holds roughly ½ of the several hundred licences in the Island, that involves my officers in a great deal of work and they are extremely experienced because they have been doing it for so long, they know what to look for. The other statutory consultees, the fire service, Environmental Health, they also are extremely scrupulous. Their reports go to the Parish, they are run past the prospective licensees. The Licensing Bench, when it goes into the Royal Court, is sure to make sure that these things are being followed up. One of the, I think, interesting safeguards that the current system provides is that where a Parish Assembly has been stacked, if I could use that word ... it has been known to happen. A licensee is very keen to get their proposal through. They have heard that there might be nearby residents concerned about a particular licence and so they bring all their friends and relations who have the right to vote to the Parish Assembly. The ability of the Parish Assembly to function in this way of course is something that is a matter for another day and I know that a review of the role of the Parish Assembly is under way. Again, in nearly 25 years of chairing these meetings there have occasionally been times when an assembly has been persuaded by the sheer numbers of people coming to approve something that clearly has concerned residents. I have always been reassured by the fact that the Licensing Bench, when it gets to them, know that, they pick up on it. They invite concerned residents to speak, and it works both ways. The Licensing Bench, having the final say, is both there to protect the residents of the Parishes from potential nuisance, particularly where a licence may involve loud music, for example, or lots of traffic, but they are also there to protect the licensee whose very legitimate application has been turned down because a group of “not in my backyard” kind of protestors has turned down the licence. I can think of several licences where I thought they were perfectly reasonable, my staff have thought they are reasonable, but they have been voted down in the Parish Assembly and along comes the Licensing Bench that says: “There is nothing wrong with this” and they have given it a licence. The system works in that way. It works really well. I did also want to point out that we have an extraordinarily

successful hospitality industry in respect of licences. When you think of the changes that have taken place in Jersey in the last 50 years, quite good changes in the sense that you can no longer drive back from L'Etacq having had several beers and, of course, lots of other changes such as the great increase in the cost of having a drink on licensed premises. So many changes have happened and yet in St. Helier at least we see new licensed premises opening almost every week. It is a testament to the resilience of the industry, the adaptability of the industry, the vigour of the industry that so many people are putting their time and money, importantly, into opening new licensed premises. Jersey is, I think, so lucky, so fortunate to have the hospitality industry that we do. To say that somehow the licensing regime is stopping that is not really borne out by the facts. The facts are that we have a very, very successful licensing trade. Hospitality, in spite of all the problems, is doing, I believe, really well in Jersey. The Minister in his opening remarks sort of steered away from ... I think the Assistant Minister used the word "controversy" and the Minister suggested that there had been absence of consultation in the Comité's amendment. That is not borne out by the facts. As the Minister acknowledged, the changes to licensing have been talked about and researched and previous bodies have tried to bring them through. There has been a lot of consultation. It is not true to say, as some have said recently, that there has been no consultation with the industry. Indeed, the concern of the Comité that putting the administration of this function in the unlikely arms of the Gambling Commission ... the Comité has been saying for quite a long time that the Parishes are already doing the lion's share of this work. Why would you hand this role to somebody who, on the face of it, has really nothing to do with licensing at all? The only link I can find between gambling and alcohol licensing is that when we drink we gamble with our health. The Parish system is, of course, extremely transparent. One of the great things about the Parish role is that every year parishioners, ratepayers, get the chance to scrutinise the Constable's accounts and to change them, to change the budget if they wish to. I have said before in this Assembly that if the taxpayer had the same ability to put the States of Jersey and the Minister for Treasury and Resources in the dock, if you like, to say: "Why are we paying this money for this particular thing? Let us cut income tax because you do not need that money, Treasury Minister", I suspect we would be paying lower taxes than we do at the moment, but that is another matter entirely. I am certainly not convinced that what is being proposed is in the best interests of the Island. In a way, it does not matter because we know that nothing is going to happen anyway for at least a year because the alcohol policy has got to be developed and brought back to the States, so in some ways this whole debate is a little premature, because there is a lot more work to be done. There are all the questions that Deputy Curtis raised, and others that I am sure will be raised, that need to be answered. I am not going to get too concerned about the outcome of this. I do think it should go to Scrutiny because I think there is a lot of work that needs to be done but for me the key question remains: is the current system doing such a bad job that it is not fit for purpose? If it is going to be replaced, why not take the opportunity to enhance the role of the Parishes? The Minister says that it will be enhanced by these proposals but it could be enhanced a jolly sight more if the Gambling Commission was not involved and if the Parishes were to be given even more responsibility. I refer Members back to the administration of welfare. Until - I forget what the date was - 2008 I think - the Parishes did welfare, they administered welfare and we then passed that matter on to the States. Again, I am not going to get into that because I do not want to set lots of hares running, but with the benefit of hindsight, I wish that I had argued that the administration of welfare should stay with the Parishes and the funding of it should go to the centre, to the Government, because I think that would have cost less and I think it would have delivered a more responsive welfare system than we have at the moment, but that is, as I say, not technically relevant. What I am concerned about is that the more that is taken away from the Parishes, what will go next? We already know that there are those who would like to take away firearms administration from the Parishes. I think we should be growing the role of the Parishes and not weakening it and so I would ask Members to think very carefully before they support the principles.

Deputy K.F. Morel:

Ma'am a point of clarification, please.

The Greffier of the States (in the Chair):

Are you willing to give way, Connétable?

The Connétable of St. Helier:

No, Ma'am, I have made my speech. Thank you.

The Greffier of the States (in the Chair):

Connétable of St. Clement, I had you on my list but was that simply to make a declaration of interest? OK, then the next person to speak should be Deputy Warr. Was yours to make a declaration? We are doing well.

5.1.5 Deputy I. Gardiner:

I am pleased to follow my Constable. I really was grateful for Deputy Curtis's speech because he raised a lot of points that I put in mine, so I do not need to duplicate. Let me begin by saying that clearly I think we do have a broad agreement that the current licensing law needs to be updated. It is complex, outdated, frustrating sometimes for businesses and administrators alike, so reform is necessary and it is welcome. As the Minister mentioned in his speech, the question before us is not whether to reform but how we do so and for me, following my Constable, the Constable of St. Helier's speech, it is the relationship between local communities, Government and industry. It is not the reform. It is about the proposed structure where I have concerns, and concerns were raised, and what is the most effective and proportionate way of achieving it. I believe the concerns that I heard are practical rather than ideological and they basically relate to the decisions, how they will be made, by whom they will be made, how operational matters will be taken into account, how systems will operate day to day for applicants and communities and obviously if the Alcohol and Gambling Commission is the right place. I also would like to acknowledge concerns raised by the Jersey Hospitality Association. They have emailed us and they argued that businesses need a licensing system that is predictable, handy and consistent. Those concerns are valid and deserve to be taken seriously. The suggested clear guidance, transparency in decisions and proper right of appeal can provide consistency while allowing local context to be taken into account. What matters most to the industry, I think, and I have heard Deputy Curtis, is to understand how decisions will be made, feel confident and to be cost effective. Now, cost and fees, interesting that Deputy Curtis raised it through the numbers. When I wrote my speech I thought how if we operate the Alcohol and Gambling Commission that we do not know exactly the cost and it will be more work for them and it will then have to pass through several systems. It is for me just common sense that it looks like that the cost might increase for the businesses. If the process can be managed entirely through the Parishes it should stay. Parish administration - and the Constable of St. Helier presented it really well - already deal with licences and rates, have assemblies. It works. The process is established and it works well.

[11:45]

If we are seriously thinking about proportionality and keeping costs down for businesses, that consideration should weigh heavily in our decision-making process. Now, going to the structure, if Members look ... and I looked at page 7 of the report accompanying the draft law. When I look at page 7, there is a table on page 7 and when I look at this table the question that I ask myself is: why could this process not be delivered through the Parishes in its entirety? Why do we need a commission? Under the draft law, policy development sits with the Ministerial group and the States Assembly, appeals sit with the court and clear guidance exists, so this provides consistency, oversight and accountability. On table 7 there are 3 areas where Parishes are not involved, and I believe that Parishes can be easily involved and can be a place where the decision is taking place and simplifying the system. So what the draft law basically will mean is States level control over the policy, judicial oversight over appeals and clear, transparent decision making with the Parishes. This is why I really

welcome the Minister's openness work with Scrutiny as a substantial piece of legislation that will affect applications, regulators, enforcement by the entire hospitality sector, and it is for the next 50 years or so, maybe more. It is a ½ century decision. I believe that really Scrutiny is important, which will allow detailed examination of how it will work and operate in practice, with the Comité des Connétables and hospitality industry, reassurance for all parties before the framework is finalised. It will take into account proper governance and not delay, so for these reasons I support the principles and I welcome Scrutiny if they decide to call it in to ensure that the final will enhance confidence across the Island.

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

I think I understand that the Minister has brought this proposition because he feels passionately that we do probably need updating of the law. It is 50 years old and I can understand that, but unfortunately, having read it very carefully and listened to all the arguments we have had so far, I unfortunately do not think that this law is quite ready for us to vote on yet. Deputy Curtis has raised a great deal of questions: how on-licence conditions will enable appropriate operation of various types of venues, including clubs and public bars; whether the alcohol policy group should have guiding principles in statute to provide a statutory steer and avoid instability in policy, which would affect businesses; staffing requirements and forecast costs, including whether fees are fair, operation of the Commission; the recourse and statutory rights of interested parties; the suitability of the body. When did we decide as an Assembly that it is a good idea to combine the Alcohol Commission with the Gambling Commission? I have not had a say on that. My concern is that scrutiny of this would be rushed because of the timeline and the very heavy workload of legislation we will have to scrutinise at the end of this political term. So I am of the strong view that I would like to call for more work for a reference back, for all those various reasons that I have just mentioned, a reference back. Also the fact that I would also like the role of the Parishes to be taken into consideration because I think they do a very good job at the moment. Also the role of the court, because I think that needs to be looked at again. Whereas I think we probably do need to cut down on the number of categories, I do think this needs further work.

The Greffier of the States (in the Chair):

Is the proposition for a reference back seconded? **[Seconded]** Before allowing a reference back, I need to ascertain what it is exactly that you are hoping to gain in terms of further information or the ambiguity or inconsistency of information that is being provided to the States. It is further information that you are seeking?

Deputy A. Howell:

Yes, Ma'am, and also how it will actually work and how it will improve things for the alcohol licensing and also whether we should be doing this through the Gambling Commission.

The Greffier of the States (in the Chair):

Looking at Standing Orders, Deputy, I think it is allowable. My concern was whether or not to allow this would prevent the debate resuming at a future meeting, but as we do still have 4 States meetings and it would be possible potentially for the Minister to bring this back at the next meeting or the meeting after that then I think that a debate on a reference back is allowable. So, do you want to speak further now or ...

Deputy A. Howell:

I think probably I have asked enough questions, Ma'am, thank you.

5.2 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025) - Reference back

The Greffier of the States (in the Chair):

Very well. Does any other Member wish to speak on the debate for a reference back?

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

Sorry, Ma'am, can we just a clear definition of the reference back? I was listening and I am not entirely sure.

The Greffier of the States (in the Chair):

Well, the Deputy is seeking further information as to how this legislation would actually be applied in practice and the implications of that, which she feels have not been appropriately outlined by the Minister.

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

Ma'am, that is a very, very wide definition of what the Deputy is looking for. I do feel that definition needs to be somewhat refined because how something will work is not something you can just bring back.

The Greffier of the States (in the Chair):

Deputy Howell, can you assist?

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

First of all, clarification on how on-licence conditions will enable appropriate operation of various types of venues, including for clubs and public bars; (2) whether the alcohol policy group should have guiding principles in the statute to provide a statutory steer and avoid instability in policy that would affect businesses; (3) staffing requirements and forecast cost requirements, including whether fees are fair; (4) operation of the Commission, the recourse and statutory rights of interested parties and the suitability of the body; (5) the need for more numerous enforcement routes, including civil penalties; (6) how this law would truly improve and enable the hospitality sector at all; and (7) the role of the Parishes, which I believe has not been properly voiced in this legislation. I think we have to be careful. We know we do need to change but we have to be careful what we are changing and how we are doing it.

Deputy J. Renouf of St. Brelade:

Point of order, if I may. Is it possible or appropriate to ask the chair of the panel whether he is planning to call this in, because I think that might have a bearing on Members voting?

The Greffier of the States (in the Chair):

It is a matter for Deputy Tadier if you wish to speak in this particular debate, because we have now moved on to the debate on the reference back. It would be helpful, I think, for the Assembly to know if your panel is intending to call this in because it does impact on the timing.

Deputy M. Tadier of St. Brelade:

I will put my light on but I think I am not first in the queue to speak. I cannot answer a point of order. That is for you, Ma'am. I will put my light on and I will speak on this part of the debate but I can speak earlier if Members wish to give way for me to speak earlier.

The Greffier of the States (in the Chair):

I have listed to speak in this debate now Deputy Kovacs and Deputy Scott. I do not know if any other Members want to indicate that they wish to speak on the reference back. The Constable of St. John and Deputy Renouf.

5.2.2 Deputy R.L. Kovacs of St. Saviour:

I would also be interested to hear from the panel and if others want to hear the panel first, I am happy to do that, but I will be very short anyway on what I want to say. I am not very sure, to be honest, about what is the best approach. From a business point of view, I see value in the main proposal in the principles but the amendment also makes good points and Deputy Alex Curtis's questions on licences, consistency and the venue staffing impact are still very relevant. The Parishes should still continue to be engaged in the process in some form and all those questions raised about is the best place on the Gambling Commission. The questions that were raised from the other Members do need further clarification to make sure we do implement the best system. I would appreciate more views on these and that is why I support the reference back.

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

I felt a bit uncomfortable about the reference back but I do not really think that I had heard ... more people had to speak in turn, so the fact that the reference back is based on very specific information that has to be asked and reported back from the panel and prevents the panel, in a sense, from just calling it in after we have approved the principles was a reason why I felt uncomfortable with it. Then I was informed that perhaps the chair himself had suggested it was not, which was motivated by the actual proposition of Deputy Howell. I think I will leave it to Deputy Tadier to take up.

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

I do not support a reference back because I do think we need further information, and I think Scrutiny is probably best placed to do that. We have got an industry that has been asking us to modernise the laws for their industry for decades and here we have got an attempt to modernise those laws. I do not agree with all of it but I do agree with supporting the principles and then proposing that it goes to Scrutiny. So I will not support a reference back; I would strongly support, as the Minister said in his opening, the proposals going to Scrutiny for further information. I would urge Members to not support a reference back but to support this being referred to Scrutiny.

Deputy J. Renouf of St. Brelade:

I would be happy to defer my speech to hear from Deputy Tadier.

5.2.5 Deputy M. Tadier:

Thank you. That is kind. The reason I have held back now is because I wanted to hear as much of the debate as possible from Members. There are a few things I think I do need to put on record, speaking on behalf of the panel initially. This is a brand-new law, so this is not a small thing that is coming to the Assembly. It is a complete overhaul of a system that has had mixed feedback. It is true that some in the hospitality industry say that they want a modernised system but it is also equally true that others say that the system currently works very well for them. They know it, and I have not heard any criticism of the current system and the way it is operated from a judicial point of view. There might be some things that are antiquated but others have told me that it is very easy under the current system to pick up a phone because you know that in the Parishes themselves, there is always somebody at the Parish Hall - well, not all the time but 5 days a week they tend to work - and that the Bailiff's Chambers work 5 days a week. There is a contention on the one hand about the urgency of this law versus the fact that it is working quite well, and if this law is not passed today or even during this term, that nightclubs, pubs, off-licences are not going to go anywhere, they are still operating. The second point I would make is that we are now into a very busy period of the political term, the very last few weeks, where we have a very shortened meeting period, so instead of the usual 3-week cycle, we are pretty much moving to a 2-week cycle, which also coincides with parliamentary business being much more rapid.

[12:00]

As the Minister for External Relations said, acting as the finance Minister, effectively, which is his dual role, he acknowledged that there is going to be much more legislation coming down the pipeline

for his department to move and for our Scrutiny Panel to scrutinise, and this is not going to be insignificant work for us to do within what remains of the next 4 sittings. As I said, the next 4 sittings are really taking place within the space of what normally would be 3 sittings and that last week, I would suggest, is going to be a very busy and potentially very contentious sitting. We probably have not seen all of the propositions that are going to be lodged as Members, perhaps especially new Members, decide that all of those things that they have been meaning to do for the last 3½ years, that they promised their constituents, and perhaps not even just new Members, will be finally lodging something in the next 2, 3 weeks so that they can either make it on to the penultimate or last sitting of this Assembly. I would question, if this law is so urgent, why has it been left to the last 4 sittings of this Assembly and why are we being asked by both sides ... the side that has fundamental problems with it, the Constables who are currently heavily involved and who have put their own amendment in, why are they urging my Scrutiny Panel to scrutinise it and why is the Minister urging, and indeed presuming, that my Scrutiny Panel will scrutinise this? Is it because he thinks that we can add some value to it or is it because deep down I think we all know in this Assembly that what is being put before us today is not necessarily fit for purpose? It may not be fit for purpose on a technical issue but it may be also that there is a political naivety and that there are political flaws in this, which simply cannot be resolved by my Scrutiny Panel. One of the issues, and I have had some correspondence with my panel in a shortened period of time, is that ... and I will read it. I will not name anyone but the point is that there is a strong view that this law is incomplete and the point I would highlight is that: "We should not be getting into a policy arbitration position as a Scrutiny Panel if this is in effect still policy in development." What I would say to Members is what is it that you expect our Scrutiny Panel to do with this? We cannot do Government's work for them. If there was a joined-up piece of work that was coming forward saying: "We have done a proper consultation" ... and I must admit I come into this with an open mind and I have read through the comments paper. There is a lot of talk in here, in the comments paper to the Constables' amendment - this is Deputy Morel speaking, the Minister: "It was for this reason that my department undertook briefings with Constables." It goes on to say that: "When the chair of the Comité noted during a Council of Ministers' briefing", et cetera, and then later on: "The decision to assign alcohol licensing to the Gambling Commission was made in late 2024 and was communicated to the Comité during the initial November 2024 briefing." So there is a lot of talk about briefings and communication, this is what we are doing, but what I am not necessarily hearing is that the full consultation has taken place. On the one hand, I think we have heard from the Ministerial team that the consultation has been extensive, and I think it is correct that there seems to have been a lot of consultation with the industry. What there does not seem to have been is the consultation with the Comité des Connétables because otherwise I do not think we would be in this position where there would be a counter offer, i.e. this is a different way to do things. I know we could say leave that to the Second Reading because these are actually amendments, but I think the amendments are so fundamental here that have a fundamental impact on the meaning of the principles. With all that said, this is in no way me or my panel shying away from doing a job of scrutiny. We will do that if it is the desire of this Assembly to refer it to us but I think that the information that is being requested is not something that we can do as a Scrutiny Panel. We are not here to provide alternative policy. We are here to scrutinise Government policy and it seems to me that the current Government policy is not fundamentally acceptable to this Assembly and therefore it does need more work from a Ministerial point of view before it comes to Scrutiny. Whether that is done in this Assembly, I think it is increasingly unlikely that we should shoehorn such a fundamentally new and different way of doing things into the last few weeks of an Assembly. It might well be that by referring this back, by allowing a bit of space for conversation between the Comité and the Minister's department under perhaps a new open mind policy on both sides, that there could be a new way of doing it. I personally think I was initially completely impressed, and I still believe we need a new law but I think that there is something to be said for the potential of a devolved but perhaps streamlined system that could involve either a central ... one Parish could take responsibility for all, but I am still openminded. I will support the reference

back but when it comes to ... if we do get to a vote today, I think myself and the panel will be abstaining on the principles.

The Greffier of the States (in the Chair):

Deputy Renouf, do you now wish to speak?

5.2.6 Deputy J. Renouf:

Yes, OK. [Laughter]

The Greffier of the States (in the Chair):

You are not obliged to.

Deputy J. Renouf:

I hope that the Minister will speak. He has not indicated the desire to do so yet. I find myself in a slightly difficult position, and I suspect many Members do. I think on balance at the moment I am minded to not support a reference back. I think the fundamental principles here, the 2 principles that I have certainly picked out, feel to me to be ones I support. They are that the current law is complex, it is unnecessarily burdensome for business and it feels to me like the simplifications that are proposed in the broad sense in that area are good. Similarly, I am comfortable with the idea of creating a new body - if I am not using the right words, forgive me - a more democratic, if you like, civil body that would oversee that. Those 2 broad principles, it seems to me, I am happy to support. I do think that it will need quite a bit of work in the phase between the First and Second Reading, however we achieve that gap. I think we do need that gap. So my reservation is if we cannot find a way of creating that gap, I would have to support a reference back because I do think it does need more work. As I say, I find myself in a slightly tricky position and I would like to hear what the Minister's preferred way forward is.

5.2.7 Deputy Sir P.M. Bailhache:

I do have a feeling, as with some other Members, that this law is not really fit for purpose as it is. At first I was minded to agree with the Constable of St. John that the solution to this was to approve the principles and to send the law to the Scrutiny Panel so that it could be thoroughly scrutinised and hopefully come back with a number of substantive amendments from the panel. Having listened to the chairman of the Panel, I am not sure that that is necessarily now the right solution and I am more inclined to think that we ought to refer this back to the Minister because it needs a rethink. I do not really want to vote against the principles because the principles contain a number of very good things, which ought to be amended, ought to be achieved, but I feel quite strongly, I must say, for all the reasons given much more eloquently by the Constable of St. Helier, that the existing way in which we do things through the Licensing Assembly is fundamentally OK and that we ought not to tear it up. I would like the Minister to take this back on a reference back and to rethink whether it is necessary to establish the Gambling Commission as the gambling and licensing commission. I think that would be a false move. Equally and unfortunately, I do not think that the amendment from the Comité des Connétables really works either. I do not think that it is feasible to have a system whereby the Parish Assembly reaches a conclusion on a licensing application and the Constable then has to exercise the role, which the Constable of St. Helier described so well, of holding the balance between different forces that might not have worked out well before the Parish Assembly. I will, on reflection, vote for the reference back that Deputy Howell has brought.

5.2.8 Deputy A.F. Curtis:

I thought I would speak because I recognise the reasons given for requesting a reference back from my speech, although I did not prompt this. I, like Deputy Renouf, would very much like to hear from the Minister on this reference back. The key point Deputy Bailhache made there about wanting to support the principles at their highest level I think stands true, but I tried to put my mind on what we

would see if we were to predict in all likelihood the output of a Scrutiny review, however short or sudden, what would it look like, and I am thinking about the findings and recommendations. On the information in front of us now, the findings may be insufficient information has been provided as to the function and the role of the Commission and the recommendation may be to clarify that. Equally it may be on providing conditions. Looking back to the report, the ambiguity around licence conditions being bespoke to businesses, changes or decisions made in real time, responsive to neighbours, the response from Scrutiny may be clarity as to how conditions are formed and standardised, not yet set. I really think that given we are replacing all these categories with very well understood ideas with something completely new, Scrutiny will have a hard charge going into this, but if the Minister can convince the Assembly that his role in assisting Scrutiny is to provide evidence and a forum in which Scrutiny and Ministerial information is forthcoming, I could sit on either side of this. I think we all need the Minister to clarify how information would be forthcoming through the Scrutiny process and just of his own volition.

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

Having listened to other speakers, I think it is becoming clear that further work needs to be done, and I hear the chair of the Panel and what he says. I understand Scrutiny and how it works and it is quite clear, Scrutiny is not there to come up with policy. That is not its role and I think it being proposed now that the matter be referred to Scrutiny is unfair on the panel and leads me to suggest that I feel a reference back is probably the sensible way forward. I think what the Minister's proposal has done is stimulate conversation on the matter. If the Comité were late coming to the table with its comments, I apologise for that, but certainly it has had the effect of catalysing discussions, which I think at the end - whether it will be this term, I doubt, but even if it comes to next term - will produce a better law, better for the industry and better for administration as well.

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

I speak as somebody who has not for 7 years, but has been a Director of a company that holds a licence and I have been in the business most of my working life. I can say without doubt that this draft law is a forward looking piece of legislation. It is regulatory reform that is long overdue. I know change is always hard, sometimes, but we have not had too many amendments. We have had the amendment from the Constables. Members are coming today with some concerns but they cannot quite put their finger on it and I am not sure that is a strong enough reason, a feeling that something is not right. Sometimes it is right but sometimes it is not and they should look more closely at the detail. I also think what Scrutiny are being asked to do is to scrutinise this. That is the role of Scrutiny. It is an important function in this Assembly and Government in how this Assembly works and counterbalances and holds Ministers and Government to account as it scrutinises and reviews their work. We are not asking Scrutiny to change policy.

[12:15]

Scrutiny would be asked, and I hope Scrutiny do take a look at this. I understand what the chair said in relation to timescale and that but there is time to do some work and bring it back for this Assembly to consider if it is minded to. Scrutiny might say this needs a lot more work, in which case we would have to consider how we move forward then. I would urge Members not to support the reference back. I would respectfully ask the chair of the Scrutiny Panel to consider calling this in so they can have a good look at it. We are not asking them to come up with anything but have a good look and make a judgment on what they feel they would like to do. I would urge Members not to support it. I align myself with the views of the Constable of St. John. I also am very mindful that some Members feel uneasy about it but I have looked closely at this. It is an important piece of regulatory reform and I think we are heading in the right direction with it.

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

I had my light on earlier to speak on the main debate and we have moved on from there, but the point of my intervention then was to suggest I should say something as the sole surviving member of the Economics Scrutiny Panel back in 2014-2018 when the Panel considered what was then I think the 17th edition revision of the draft law. The thrust of that law or proposition was to replace the present licensing authority with a new panel made up of States Members. I am not allowed to say: “God forbid” so I will say ...

The Greffier of the States (in the Chair):

Good thing you did not then. [Laughter]

The Connétable of St. Mary:

... that horror of horrors, and that would be equivalent to what the planning panel does now. That is no reflection on what they do, but I think for Members to have taken on that role would have been very much a backward step, apart from which there is a time factor to take that by, States Members, but that was the thrust of the proposition, covering one aspect. During that review we, as a panel, had the benefit of a presentation involving members of the Licensing Assembly, and it is quite clear from them that they were quite happy to continue. If there were problems as to inflexibility, which they did recognise, they would be more flexible and in the fullness of time the panel of the day prepared an amendment which encompassed that. It also addressed the other main question which I think was - and Deputy Bailhache has raised this - the health aspect. While it was then, as now, the province of the Minister for Sustainable Economic Development, he really was, I think, guided through C.O.M. (Council of Ministers), no doubt, by the Minister for Health and Social Services of the day. There was a very strong health aspect to the whole thing and, again, a further thrust of the proposition was before you could apply for a licence you had to fulfil 5 conditions and it is taken from the U.K. situation. We have moved on from there, and the reason I mention that is that Deputy Bailhache did refer to the health aspect being ... not in conflict, but there being a tension between the health aspects and the licensing aspects. My own view is that I do not think it makes much difference as to how many licensing outlets there are. If there is an extra to one, that certainly will diminish the trade from another one. I do not think increasing the number of licences has a detrimental effect on health and, as has been pointed out, many of these licensing outlets sell alcohol as a byproduct almost. What I am really saying is that I think my main concern on the legislation as now drafted is the removal from the present Licensing Authority of it being the final arbiter. If that were restored, I believe that I would be quite happy to go along with much of what else is in the law, which is beneficial. On balance, I think I would vote against the reference back on the basis that we will continue with the principles and also on the basis that somewhere along the line a suitable amendment could be made which would cover what I think is the main difference of opinion. On that basis, I am not totally convinced, but I will be against the reference back.

5.2.12 Connétable P.B. Le Sueur of Trinity:

When I came here this morning, I was fairly convinced that I would be happy with the principles of this proposition just to be called back in for Scrutiny. The longer the debate has gone on and the more difficulties that I see arising, I really feel that we are going to throw the baby out with the bathwater if we are not very careful when there is not a lot wrong with the baby that cannot be regularised with a proper review of the whole thing. I think that what we are asking Scrutiny to do is going to be too difficult. I think that basically the first principle is not correct in that there is nothing wrong with the system that works at the moment other than it needs a bit of modernisation. I really would say that I am more in favour of supporting the reference back.

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

It was a point of order. Can you rule that it is appropriate and possible under Standing Orders to reference back to Scrutiny during the Second Reading of a piece of legislation? Therefore, Members

could agree the principles and then reference it back to Scrutiny in the Second Reading once the Minister had opened the Second Reading.

The Greffier of the States (in the Chair):

You are not referencing back the matter to Scrutiny. You are referencing back the matter to the Minister.

Deputy I.J. Gorst:

No, Ma'am, I am asking a totally separate point of order, not in relation to this current reference back.

The Greffier of the States (in the Chair):

Are you asking whether under Standing Order 72(2) you can ask that Scrutiny look into the matter?

Deputy I.J. Gorst:

Indeed, during the Second Reading.

Deputy L.J. Farnham:

May I try to assist? I understand that if the chair of Scrutiny declines to call the matter in, any Member can bring a proposition under 72(2) requesting the Assembly to refer it to Scrutiny, but your clarity would be appreciated.

The Greffier of the States (in the Chair):

It strikes me a question particularly of timing. Yes, under Standing Order 72(2), a Member can ask that the chair of Scrutiny or the Scrutiny Panel consider whether or not to take the matter forward and they are required to think about that and come back. There is also Standing Order 79 in which we can ask to suspend the debate for the purposes of Scrutiny but, again, it rests with the chair of the panel and the panel as to whether they accept that reference. There is no requirement for Scrutiny to be undertaken, as far as I can see in Standing Orders, if the panel themselves do not feel that it is something that they are able to assist with. All it would do would be to delay that being said by the chair because he would be asked to come back at the next meeting, at which point he would then say whether or not they would consider taking the matter on, I suppose, but behind the scenes there could be some discussions that would take it away from this Chamber. Ultimately, it would still rest as a matter for the Scrutiny Panel as to whether they take the matter forward.

Deputy I.J. Gorst:

Thank you for your clarity, Ma'am. I think you are saying, just to make it clear, that a reference to Scrutiny can be undertaken in the Second Reading but that reference to Scrutiny then falls into Scrutiny's hands and they could return at the next sitting and say that they have done a review and they are not going to do anything further or they could undertake a review. It rests with them.

The Greffier of the States (in the Chair):

Yes.

Deputy M.R. Scott:

Yes, sorry, just if I could understand if there is a distinction here. If Deputy Howell, say, for example, were to withdraw this proposition and it went to we approved the principles and Scrutiny said they did not want to call it in but a Member proposed that it be referenced back to Scrutiny, Scrutiny could refuse the reference back. Would that be true or not that they could refuse the reference back? I am trying to understand if they could do that now anyway.

The Greffier of the States (in the Chair):

Yes, it is my understanding and that of Standing Orders that ultimately all you would be doing is delaying the inevitable. If the chair is adamant that it is not a matter that he feels his panel can assist, then all you will be doing is pushing that to the next meeting for him to say so. There is no onus on him to undertake the scrutiny of a matter that has been referred. That is my reading of Standing Orders.

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

May I ask something? I forgot to ask a point. I do not know if it is a point of order but about this reference back, am I right in thinking from my reading of a reference back a set of, if you like, questions are raised/agreed. Those are the specific areas of a reference back that goes back to the Minister. If the Minister comes back and has answered those questions, that is what the Minister is asked to do. It is not a general thing about whether it is the right thing or we agree with it, it is specific questions that are being asked by the person who is proposing the reference back is what we should be talking about, debating and deciding on. I would suggest that if we were to put a quiz out to say: "What are the 5 things?" to everyone in this Assembly, we might not all know, and I just wonder whether we need to revisit those before we continue this debate.

The Greffier of the States (in the Chair):

Deputy, I think that is a good suggestion and I was planning on asking Deputy Howell to revisit the 5 points because I am sure not everyone took note of them. They were quite descriptive and I think would be incredibly helpful for the Assembly and for the Minister to know exactly what was being asked of him as part of that reference back. You are absolutely right; a reference back should be contained to a specific set of questions. Deputy Ferey, you are next on the list.

Deputy M.R. Ferey of St. Saviour:

Mine was a question of point of order as well. Under Standing Order 83, presupposing this reference back is unsuccessful and then we proceed to vote on the principles, can there be a further request for a reference back in Second Reading? Is there one bite of the cherry or 2?

The Greffier of the States (in the Chair):

I think we would have to move into Second Reading and then there is a potential within the debate on the Articles for a second reference back potentially, but one wonders whether you would wish to take that. I think if the Assembly has chosen to move forward then it strikes me it makes more sense to do the vote for or against what is being presented. Does any other Member wish to speak on the reference back?

Deputy K.F. Morel:

Before I speak, I would be grateful if Deputy Howell could just reiterate those 5 points.

Deputy M. Tadier:

I do not think that is a point of order. That is not the correct procedure. Deputy Howell has made her points in the opening. It is up to us to recall that, and she will make them again in the summing up if she wants to otherwise it is a third speech.

The Greffier of the States (in the Chair):

I have to agree with Deputy Tadier. I already said that we will ask Deputy Howell to reiterate the list. They were quite detailed.

Deputy M. Tadier:

That would then be a third speech.

The Greffier of the States (in the Chair):

No, she will be making that at the end when she sums up from the reference back. Do you wish to make your speech now, Deputy Morel?

5.2.13 Deputy K.F. Morel:

Yes, if I may, Ma'am. Sometimes it is best just to let people speak and hear what they have to say. It has been fascinating undertaking this Draft Alcohol Licensing (Jersey) Law review over the past 3 years. Well, I started 3 years ago. We went into the more consultative phase in September 2024. If Members would be kind enough to check their inboxes, they will see that there is a message from me which clearly highlights and states when the Parishes were engaged by Members and by myself and how they have been engaged.

[12:30]

One of the incorrect assertions that has been made during this morning's debate is that the Parishes have not been involved and there has even been a suggestion - I believe it was the Constable of St. Helier who said - that the Parish should not be diminished further. There is zero diminishment of the Parish role in this proposal before everyone today. Zero diminishment. It was a clear order from me to my officers that the Parish roles should not be impacted in a negative way precisely because I could see the Connétables - well-known to be a conservative section of the Assembly - would likely be upset if their role was diminished in any way. The first piece of engagement with the Parishes was on 20th November 2024. Various Connétables attended that briefing and it must be said that one Connétable in this Assembly said in a Council of Ministers meeting just a couple of weeks ago that there has been no consultation with the Parishes. I pointed out that that was an incorrect assertion. On 21st November, various other Connétables were briefed. On 5th November 2024, the Parish of St. Helier, including the Connétable, were briefed. On 23rd December 2024, we went through a 12-week public consultation. This was open to the public, including the Connétables, to engage with that consultation, which went on for 3 months. In 2025, 26th January, the public consultation closed. Sorry, that was a 4-week - not a 12-week - public consultation, my mistake. 10th March, the Comité des Connétables at St. Brelade Parish Hall, I sat there with my officers. I listened to the Connétables who were in attendance. The Connétable of St. Helier was not in attendance that day. At the end of that meeting, and I believe the minutes of that meeting show this, the Connétables said that they had no objections to the law, but they did know that the Connétable of St. Helier was considering bringing his own amendment to that law. I understood that. At that same meeting, the Connétable of St. Peter asked for an enforcement power to be provided to the Chef de Police enabling the Chef de Police to be able to urgently close down a premises should there be a need to. He stated at that time that he was particularly aware that in his Parish he had premises out on the Five Mile Road where it could take the police some time to get there and, in an extreme situation, the Chef de Police may need to be able to close them down urgently. Very unlikely but possible. I took from that 2 things: (1) the Connétables had no objections because that is what they stated at that meeting. and (2) that there was a desire for an enforcement power. I very clearly, very amenable to the Connétables, walked away and asked my officers to include such a power in the draft law. We have done so at the request of the Connétables. At the 25th March Council of Ministers, Deputy Howell, to my left, said she has had no chance to engage with this law. This has been to the Council of Ministers on a number of occasions. Deputy Howell sits at the Council of Ministers, though not a formal Member it is well-known, and the Chief Minister has said in this Assembly on a number of times that Assistant Ministers are invited to all Council of Ministers meetings. Deputy Howell was invited to those meetings and took part in those meetings. She has had more than one occasion on which to engage with this law. We did a closure order workshop on 17th June. That involved Parishes, because that was also about their ability to close down premises. Although it sounds easy, when there are some drunken people rioting, closing down a premises is not always the right thing to do because you have got rioting people spilling out into the streets. Equally, a Chef de Police on their own faced with several drunken, brawling people may be at danger. There is an

important need for them to understand the role of such a closure order. 13th October at St. John Parish Hall met the Comité des Connétables. 29th October at St. Helier Parish Hall, I again personally met with officers of the Comité des Connétables and on 3rd December, we went to the Council of Ministers yet again. We were also in the Council of Ministers last week talking about this and at the Council of Ministers sitting before last week we talked about this as well. Deputy Howell, when she alleges that she has not had a chance to engage with this, I would prefer to differ on that point. It has been very clear to me throughout that since the Connétables came forward with their amendment, there has been a serious desire to effectively try to derail this legislation. I have had Ministers, in my own shared Council of Ministers that I sat in, working against the legislation itself. I noted earlier that the Constable of St. Peter was vociferously banging his feet on the floor in the manner of a gleeful young person and it was brought to my attention that the Constable of St. Peter had been lobbying people with regard to this legislation. I am not sure that sits within the Ministerial Code very squarely. I have been very open from the very beginning of my term of office that this was a piece of legislation that we would love to see brought forward. Industry has made it very clear that it wishes to see this brought forward. There has been ample opportunity for every single Member of this Assembly to engage with this piece of work. Deputy Curtis has had the opportunity to engage with this piece of work in many different ways, whether through the public consultation, whether through engaging with the office. He has known this work is being undertaken. The law was lodged. He was able to ask any questions about the lodging of that law since then as well. I think, as I started this speech saying, sometimes it is good to let people speak because what I see is a law before us which in the principles does no harm to anybody except sets the direction for a modernised system that the economy of the Island can get behind and helps the economy of the Island. What I see is people in this Assembly trying to derail it. I see people who yet again seek to stifle the economy of our Island on the altar of their own preference for a status quo; potentially there are benefits that they wish. One Connétable, myself and the chair of the J.H.A. (Jersey Hospitality Association) were in the street in December. One Connétable, sat in this Assembly, came up to us and I asked: "What is this amendment about?" That Connétable said words to this effect: "It is about getting the power." That was what that Connétable said to us, and I have the chair of the Hospitality Association as a witness to that event. Words to that effect. I have not named any Connétable. I have just said about a Connétable who approached me and the chair of the Hospitality Association and said it is about gaining the power, or words to that effect.

The Greffier of the States (in the Chair):

Deputy, I fear you are coming close to impugning the motives of a Member and I just would like to urge you to guard against doing so.

Deputy K.F. Morel:

I appreciate that. I have not named any Members. It strikes me that we can here have the opportunity to really show the Island that we are an Assembly that wants to take things forward, that we have a parliamentary process which is designed to help work through such disputes and debates. I cannot think of a better reason for Scrutiny than where there is a difference of opinion on a matter and for Scrutiny to come in from their evidence-led approach and sit down and look at the differences of opinion and try to plot that way forward. The chair of the Scrutiny Panel called it policy in development. It is not policy in development. The policy is before us today. There is an amendment which suggests a wish for a different path, and that is entirely valid but that is not policy in development. The policy is fixed here and is here in the proposition before us. Alcohol licensing policy will be developed over time through the mechanism that this law provides but to hear the idea that Scrutiny does not think this is an appropriate place for Scrutiny makes me question what on earth is the point of Scrutiny at all. The chair of the Scrutiny Panel told us about some legislation that the Financial Services Minister wishes to bring forward. That is wonderful. The Financial Services Minister has not lodged that. That may or may not come forward. I do not doubt the intentions of

the Financial Services Minister, but those propositions are not before us. They have not been made before the Assembly. This one has. I have heard the Scrutiny chair ask: “Why has this been lodged so late?” This has been worked on for years. The intention was to lodge it in September but, as other Ministers and anyone who has acted as a Minister or an Assistant Minister will know, law drafting is its own particular entity. The only reason this has been lodged when it was lodged is because that is how long it has taken to get it through the full law drafting process. Again, that is not a criticism of law drafting. That is what has happened. I have been chasing officers every week since September: “Please, we need to get this laid before the Assembly. Please encourage the drafting process to be faster. Please hurry this up.” I wanted to ensure that Scrutiny would have the full 4 sittings in which to do their review. I did not wish for Scrutiny to in any way be impaired in the amount of time that they have to review this proposed legislation. That remains today the position. We are debating this today because it has taken this long to get the law drafted. No other reason. Nothing on my part. I would have wished this to have been in the Assembly back in September, but we are here, and we have those who do not wish to see progress in this Island trying all sorts of mechanisms from reference backs to trying to avoid Scrutiny of the process as a way to force a reference back. It was an incredibly complex set of questions that were asked as part of this reference back that were read, and I accept that I am sure people thought of those questions in advance of this sitting today but, again, there has been plenty of time for Deputy Howell to approach me. As a Member of the Government, Deputy Howell is in a particularly unique and privileged position to approach me in which she could have asked these questions. As well as the list and timeline that I have provided all Members today of engagement with Parishes, I have a further list which I am happy to send on which shows over 50 engagements with the Parishes, with the police, with the fire service, with Public Health, with other departments, all going back to 2024. There has been no lack of engagement of this piece of draft legislation. If Members wish to stick to that myth, then that is their right, but it will make it clear who in this Assembly wishes to have economic progress and provide a business-friendly environment for businesses in Jersey as opposed to those Members who prefer to maintain a system which does not work for business. Deputy Bailhache talked about: “If it ain’t broke [he was not the only one], don’t fix it.” That is fine, and I am sure from the people inside the system it does not look very broken. To the people outside the system looking in and working with that system, it is very broken. There is a letter that has been sent to all States Members from the president of the Chamber of Commerce and the C.E.O. (Chief Executive Officer) from J.H.A. It clearly states their strongest desire for change and reform of the system. It also clearly states how when they took part in the Connétables first ever piece of consultation on this draft law and their draft amendment on Monday afternoon of this week, that the Connétables did accept in principle the licensing part. The policy part around this was something that they supported, and that the only issue was around the administration. That is where I say Scrutiny is ideally placed to weigh those 2 pieces up and think: “Maybe, the Connétables have something, maybe the Minister has something or maybe there is something that the Scrutiny Panel wishes to do.” I cannot think of a better role for Scrutiny than that, and if Scrutiny does not wish that role, then I think we do have to question what is the value of Scrutiny? I strongly urge Members not to support this reference back because I have laid the evidence before them of the extensive consultation with Parishes, with Deputy Howell, with Members of the Council of Ministers and others over the last 2 years and more.

Deputy J. Renouf:

Can I ask a point of clarification?

The Greffier of the States (in the Chair):

Are you prepared to give way, Deputy?

Deputy K.F. Morel:

Yes.

Deputy J. Renouf:

I do not know if this is helpful or not, but it is a genuine question. Given the Scrutiny Panel does not appear keen to do this, is there the possibility that if this is passed in for principles that the Minister might consider not proceeding with the Second Reading in order to create a gap in order to allow some of these debates to happen, not necessarily through Scrutiny if Scrutiny does not wish to ...

Deputy K.F. Morel:

Sorry, Ma'am, if I may, this is meant to be a point of clarification of something in my speech.

Deputy J. Renouf:

I am asking whether the Minister would be prepared to consider that as an extra point.

[12:45]

The Greffier of the States (in the Chair):

That is not really a point of clarification, Deputy Renouf.

Deputy K.F. Morel:

We will consider anything to help smooth this.

LUNCHEON ADJOURNMENT

[14:15]

The Greffier of the States (in the Chair):

Here we are again. Before the adjournment, I had notice of 2 Members who wished to still speak on the reference back. The first was the Connétable of St. Lawrence.

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

It looks as if I am speaking to an almost depleted Chamber, but I am sure we must be quorate. It is unfortunate that the Minister is not here because I would like to address a few of the comments that he made when he spoke shortly before lunch. I am sure we all got the impression that he was very cross. He seemed overwrought that someone had had the temerity to ask for a reference back. **[Approbation]** I say that not lightly because any Member is, of course, entitled to ask for just such an event and the Deputy who requested that gave the reasons for her request. What I would like to remind Members, as I have just said, I referred to the Deputy. It was not a Connétable who requested the reference back and I got the impression when the Minister was speaking that he was not very happy with the Constables in the Chamber. Indeed to assist him in his speech, he sent out a timeline of the occasions when he had met with the Constables, and that was quite right, but I can go back further than the current Minister because before the young Deputy set foot in this Chamber or became a Minister, the Constables had been speaking to the previous incumbent. In 2014, when we met with the then Minister for Economic Development, Senator Maclean - some Members will remember him being in the Assembly - we told him at that time, or we raised with him for consideration, that the Connétables should become the Licensing Authority for the Parish. I will not go into detail because that will come in when we address the amendment, but the point is that there have been years of deliberation regarding this law, as the Constable of St. Mary mentioned. I think he said he remembers looking at the 17th iteration. It has been going on for some time and, for the majority of that time, there has been consultation with the Constables, and it has all been amicable. I would say amicable. I have probably been at most of the meetings, and I am not aware of an attempt by the Constables to derail the proposition. That is a term that the Minister used on a couple of occasions when he spoke there was an attempt to derail. I am not sure that that is the case. If it is, it is certainly not by the Constables because, in essence, we all have our individual thoughts on this but the only thing that we have done to this proposition is put in a single amendment, and that is going back to the comments

that we made to the Minister for Economic Development in 2014. We have not changed our minds. We still believe that a one-stop shop for licensing decisions would be preferable. What I would like to do is to calmly remind the Minister that the Deputy was well within her rights to ask for a reference back. We will all make our decision on how we vote when it comes to it, but I think shouting and getting agitated and accusing Members of trying to derail is not the way that a Minister should really be presenting in this Assembly.

5.2.15 The Connétable of St. Helier:

The Constable of St. Lawrence has said some of the things I was going to say. It is completely inaccurate to say that we are trying to “stifle the industry”, that was one quote from the Minister, and that we do not want to see economic progress, that was another. I mean when I spoke initially, I think I made it quite clear that the licensing system and the hospitality industry in particular are doing really well and coping with a myriad of new regulations and pressures. It is in spite of those pressures that they are succeeding. Nobody wants to see the industry stifled, least of all the Constable of St. Helier, which hosts so many of them, but the Minister in reading out his timeline seemed to be confusing briefing with consultation. It is true that there have been numerous briefings but the Constables’ position at these briefings has not been listened to. Quite simply, when we first heard in St. Brelade Parish Hall that it was proposed to make the Gambling Control Authority ...

Deputy A.F. Curtis:

May I ask a point of order?

The Greffier of the States (in the Chair):

It is a point of order, so yes.

Deputy A.F. Curtis:

It is a point of order. It is just whether you could rule whether some of the speeches now are straying from the specific merits of a reference back on the reasons Deputy Howell gave. I just wonder if you could direct whether speeches are straying away from the absence of information or otherwise and are straying into more of a debate between what Members say, and just if you could consider a ruling on that.

The Greffier of the States (in the Chair):

I think Members should be aware that we are debating the reference back and not the details of the principles. We will, if the reference back is not successful, return to the principles and that would be the point at which to perhaps explore some of these aspects.

The Connétable of St. Helier:

I am merely responding to comments made by the Minister in the debate on the reference back saying that there has been lots of consultation. Of course, there have been lots of briefings but certainly when the Constables said with unanimity: “We do not understand why you would take the Gambling Control Authority”, unless they have not got enough work to do now with so many gambling houses closing, “and make them responsible for doing the administration.” We have been entirely consistent and, certainly, as Constable, I have been saying to the Minister and to his predecessors for years that I believe that there should be greater delegated powers, greater devolvement of things like licensing to the Parishes. This is not a new song that I am singing. This is an old tune, and the Minister should not be surprised that the Constables, having not been listened to when they were met, then put an amendment in. I am sorry that it upsets the Minister that things are not going the way he would like them to, but it does seem to me that there is a lot of confusion in the Assembly. There are a lot of concerns. It is all terribly late, and I sympathise with the Scrutiny chair in not wanting to take this on. It would seem to me that the most sensible thing to do would be for the Minister to withdraw the proposition and to bring it back to a new Assembly.

5.2.16 Deputy D.J. Warr:

I really want to row back on all of these arguments. I just want to remind the Assembly what is the purpose of Government. There are 2 purposes of Government. One is to keep us safe, and the second one is to make this Island work, and it is to think about our economy. At the end of the day, as famously quoted: "It is the economy, stupid." We have to always think of that in the first instance. Therefore, I trust the Minister for Sustainable Economic Development when he comes along and says: "I want to bring a new law which is going to facilitate, which is going to make life easier for the industry, which is going to benefit our economy." It may not be perfect, and I think the arguments in this Assembly are saying: "It is not perfect. We are not happy with it. It could do with a lot of tweaks to it", but surely it is better to do something than nothing. We are very good at talking lots of stuff and doing nothing. What we need to be doing is start the ball rolling, even if that ball is not rolling in the exact direction that we would like it to go. My argument is let us take the first step today. Let us take on board the opening principles of this law and then accept that it will be tweaked along the way but please, Assembly, do not stop the good work that has been done and has been going on for many, many years. We need to start somewhere. We need to put a message out there to all those people who are in charge of our economy, all those entrepreneurs, that this Assembly is open for business, this Island is open for business and that we can get on and deliver for our industry.

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

I refer back again to conversations we have had today and remind Members, as has been said several times now, that Scrutiny does not make policy. People who make policy in this Assembly are Ministers. Scrutiny examines the policy that is brought to them in order to evaluate what is proposed. What is proposed here? What is proposed are issues which are fundamentally political. Do we want to go this way perhaps with the Constables or that way with others? On political grounds, not on the facts, the evidence, because what will that say? That will say: "Well, the Constables say this. This Member says that." There is a difference politically in what has been suggested. While I might be in favour of a reference back, we have got to bear in mind that the issues that are being brought are political. Therefore, we are not going to likely see anything as a result of them except we will have a nice analysis about how various factions in this Assembly have spread over this particular issue, this particular issue, this particular issue. OK, we made a giant mess this morning and we need to get ourselves out of it. Getting out of it does not require Scrutiny to be making political points about how we should go forward.

5.2.18 Connétable R. Vibert of St. Peter:

I just thought I would say a few words having had lunchtime to think about what is in front of us and why I will not support the reference back. The reference back is quite divisive. We also know that Scrutiny perhaps are not keen to be asked to make the decision. Therefore, my position would be, and I am not sure if the Minister did or did not confirm this, but I have no problem voting with the principles because we all agree that we want a change to the licensing system. Provided that the Minister can agree that he will not go forward on the Second Reading today, I have absolutely no issue with voting on the principles and perhaps other Members could consider the same.

[14:30]

The Greffier of the States (in the Chair):

Does any other Member wish to speak? Deputy Howell, you will have an opportunity to speak at the end if no other Member wishes to speak. If there is no other Member who wishes to speak on the reference back, then I call on Deputy Howell to respond.

5.2.19 Deputy A. Howell:

Over the lunchtime, I too have reflected. I do agree with the Constable of St. Peter that we do need some changes, but I do not think at the moment the law is right and the way it is going to be

administered is right. There are very many questions and people have come to me with very many questions. I would like an assurance that we can all work together to come up with a better solution than we have currently got at the moment. I would ask the permission of the Assembly to withdraw my reference back, as long as, with the agreement, that the Minister has very kindly said he will delay the Second Reading so that there can be proper communication and discussion between the Constables, the industry, the Bailiff's Chambers - who I do not think have been involved - and the Minister.

Deputy K.F. Morel:

I just want to check if I could have a point of clarification if the Deputy is willing to?

The Greffier of the States (in the Chair):

Are you willing to give way, Deputy? No, she is not. Very well, then the Assembly is asked whether they endorse the request of Deputy Howell to withdraw her proposal for a reference back. **[Aside]** The appel has been called for. Members in the vicinity are asked to return to their seats. The vote is on whether to withdraw the reference back.

Deputy R.J. Ward:

Can I just ask a point of clarification? We still do not know what is in the reference back.

The Greffier of the States (in the Chair):

I think Deputy Howell did itemise what it was she was looking for detail-wise, but she is now asking the leave of the Assembly to withdraw that proposition and so that is the question that we are going to be voting on now.

Deputy R.J. Ward:

The only thing is that I did not write down the 5 points and I stick to the point that I do not think most people in this Assembly know what they are. Therefore, we are deciding whether to end a reference back of something we do not know what the reference back is. That is all.

The Greffier of the States (in the Chair):

Deputy, if we were voting on the reference back, then I would have asked Deputy Howell to reiterate the 5 points that she wished to have detailed responses on but given that she is asking us to not go forward with the reference back, that it would be not necessary. In which case, we can move to the vote.

Deputy M.R. Scott:

For somebody who really values productivity, the last hour ...

Deputy M. Tadier:

Sorry, point of order, is it customary to have speeches on ...

The Greffier of the States (in the Chair):

Not really, no.

Deputy M.R. Scott:

All right. I thought we were just saying whether we supported a proposition to withdraw or not.

The Greffier of the States (in the Chair):

Deputy Scott, I think we will simply move to the vote. I ask the Greffier please to open the vote for Members. If they wish to vote for rescinding the reference back, they should vote pour. If they would like to continue with the reference back, then they vote contre. If all Members have had an

opportunity of casting their vote, I will ask the Greffier to close the voting. I can announce that the proposition has been carried:

POUR: 37		CONTRE: 4		ABSTAINED: 3
Connétable of St. Helier		Connétable of St. Lawrence		Deputy R.J. Ward
Connétable of St. Brelade		Deputy S.M. Ahier		Deputy R.S. Kovacs
Connétable of Trinity		Deputy Sir P.M. Bailhache		Deputy K.M. Wilson
Connétable of St. Peter		Deputy C.D. Curtis		
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				

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

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

The Greffier of the States (in the Chair):

We now return to the principles and when we were at that stage before, I had the Constable of St. Mary on my list as wanting to speak.

The Connétable of St. Mary:

What I was going to say before was already said in the reference back debate.

The Greffier of the States (in the Chair):

Thank you, Connétable. Does any other Member wish to speak on the principles?

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

This has been fun, has it not, ladies and gentlemen? I must admit - it was mentioned in the points for the reference back - that I do support the fact that the licensing law in Jersey does need to move forward. It does need to be updated, and I think the biggest challenge is the question before us that we do not know if this, as proposed by the Minister or proposed by the amendment brought by the Constables, is the right way to do it. I am still not sure that I know if it is the right way to do it and I also do not agree that Scrutiny is the body which is going to say that this is the way to do it. As Deputy Southern has mentioned, that is a political decision. They could give commentary that they think there are things in the Constables' amendment which are very good. They could say that the bit that the Ministers have brought is very good, but they do not necessarily align. My opinion, if I had really put much thought, I would have been looking at the Parish of St. Helier to lead more in this rather than each of the Constables individually because St. Helier has the most licensed premises on the Island. Why not let them be the centre and then evolve it out to the other Parishes as they see it needs to be. I am in a position where I can support the principles but, as has been indicated previously, if the Minister would like to take it back in Second Reading, that would probably be advised at this stage. I am not sure I could directly support the Constables amendment or as proposed because I do not see how they align but I think there is something in there that could get us a good and new modern licensing law.

5.3.2 The Connétable of St. Brelade:

The Constables have been an integral part of the licensing law since time immemorial, and this has adapted over the years to the needs of the economy of the day. I do believe it needs to evolve further personally and the contributions of stakeholders, whether it be the Hospitality Association, the breweries, the various shops, or off-licences, is appreciated. It might be considered regrettable that the Connétables are no longer required to taste the first cask of a brew of beer or a cask of wine **[Laughter]**, but we have moved on. The latest iteration whereby the numbers of categories are being reduced as proposed is an improvement and I believe welcomed by licensees and Parish administrations. I speak of Parish administrations. We are the ones that have to go out and inspect the licensed premises, so it is really quite fundamental. I am pleased to note that the proposals retain

the requirement of input in applications by Parish Assemblies. My experience is that a licence application will very often stimulate a larger attendance at assemblies. The public are interested and it is a true democratic process, as has been mentioned by the Connétable of St. Helier. The holder of a licence was in times past considered an esteemed person and, of course, they still are. We have some present here and, indeed, holding a licence was a privilege. The situation today is that very often for ease of administration, the licence is held in an organisation's central office by a designated representative of that body. A consequence of that is that a manager has to be appointed and it is fair to say that some of the larger companies struggle to provide people of the calibre necessary or described under the present law to run a busy establishment. The Minister has proposed that the rules regarding the appointment of managers be relaxed, but I must say that in my experience in interviewing a lot of prospective managers of the licence holders in my Parish, this dictates, in my view, that that particular area needs further scrutiny. The Licensing Bench presently works in tandem with the Parishes in administering the issue of licences and are content, I understand, to continue to do so if desired. I have not seen evidence of the Bench having been part of the Minister's consultation process, but I do believe they should remain as an ultimate appeal body and, indeed in my experience, are not shy in questioning decisions made at Parish level. I have concern over the suggestion that the Gambling Commission be appointed as the Licensing Authority, and while I have the greatest respect for the commissioners involved, I cannot see what value an expensive arm's-length organisation can add to the process apart from increased cost and bureaucracy. While the Minister has indicated costs will be controlled, it seems to me that the Commission will need to recover its presently significant costs. I do not wish to talk to the upcoming amendment any further to this proposition which will come later in the debate but in brief terms, the Comité have proposed that the Parishes deal entirely with the licensing administration while retaining the category modernisation, as proposed by the Minister and eagerly supported by members of the Hospitality Association and others. Given that the Parishes already deal with the bulk of issues surrounding licences, we feel that we are better placed to deal with the administration in a speedy and less costly manner. I would just add that we inspect premises, as I alluded to before, on an annual basis to ensure compliance with the law, and I am grateful to the members of our Honorary Police who do this. I believe that regular inspections are necessary and particularly in the light of the tragic circumstances in Crans-Montana last month, we do not really want to be in a position to admitting to the fact that we have not inspected premises, as did the local authority there. There is no doubt in my mind that the proposition needs further review in order to accommodate the needs primarily of the public, those in the Hospitality Association and the large number of other licence holders. In conclusion, I do appreciate the Minister's keenness to progress the matter during this term of the Assembly and, if it is possible to achieve that, I would be supportive.

5.3.3 Deputy J. Renouf:

I will keep it very brief. I would like to thank the Minister for a pragmatic response to the situation. My understanding of the situation is that if we do pass the principles, then when the Minister is asked whether he wishes to move it in Second Reading, he will say no. Therefore, we will not debate those amendments. I think that is a sensible, pragmatic response to the fact that there has clearly been some confusion, and I also would congratulate Deputy Howell for her role in ensuring that that happened. It is coincidental that I happened to have lunch with somebody who has a very deep and long involvement with the licence trade and the hospitality industry. His view was very clear that change was needed - absolutely clear that change was needed - and that the broad principles of change as proposed are the right ones. I just use my speech to reiterate the point I made earlier when talking about one of the amendments, which was that I think in terms of the broad principles of simplifying the categories and having an independent body, I am content to approve those and therefore I shall be voting for the principles.

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

Notwithstanding everything that has happened on the last few hours on this, I did just want to offer some words of commendation to the Minister because the issue of the Alcohol Licensing Law is something that I have seen multiple false starts on in my time in politics. The fact that this has got this far is hopefully a sign that the end is on the horizon and that we will have a modern, fit-for-purpose Alcohol Licensing Law sooner rather than later. Again, notwithstanding the contention that there is over who the licensing authority or authorities ought to be, there is no doubt, I hope, that the simplified structure of those licences that is proposed by the Minister absolutely has some merits in it and I hope that we are in a position soon to have a modern, fit-for-purpose Alcohol Licensing Law that will support a decent, thriving hospitality industry in the Island for locals and visitors alike. That is something that is not just good for our economy but for our social well-being as a community too. The more freedom that we can give to businesspeople who are running venues to do what the clientele want and be able to meet the desires that people want to enjoy themselves, then that has got to be a good thing. Getting rid of unnecessary red tape in this kind of thing is absolutely the right thing to be doing. For what it is worth, having had a long-held position that St. Helier should have an elected council to help run a modern administration for the capital of the Island that does not necessarily have to look the same as the way the other 11 Parishes are governed, I hope that whatever solution is arrived at in this, in the capital of the Island that we have a strong position for the Parish administration to play in that, because of the local accountability that there is there. But there are many different ways that that can be delivered. In getting to this point where today we will only be voting on the principles, I am very happy to do so. I hope that it is a step towards getting this finished one way or another so that we do not do what we have seen time and time before, is see it fall off the agenda only to come back years and years later when lots of the issues, the answers to fix them are not rocket science and ought to be adopted in some shape or form.

[14:45]

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

I am not going to say a great deal. I agree with a great amount of what Deputy Mézec just said. I do not express a view on whether St. Helier needs its own local authority because that is another question altogether, which I am not familiar with, but I agree with him that this is a law that needs modernisation. It does need review. I do support the principles, and the thing that I would just like to comment on in particular is the proposal that the Gambling Commission be repurposed to also cover the issue of alcohol licences. It seems to me to make absolute sense if we are going to have a new Licensing Assembly of some form, which takes the view that the court has better things to be doing than issuing alcohol licences. It makes absolute sense to extend the powers of an existing body rather than do what we always do, which is create yet another new one which will need its own premises, its own staff and its own administration. It seems to me that while the 2 would appear to be quite different, there are very close similarities and very similar aspects to be taken into consideration between issuing an alcohol licence and issuing a gambling licence. My knowledge of the gambling framework is 20 years-old at least. My recollection was, in those days, that there was a finite amount of licences that could be issued for gambling. I think it was something like either 26 or 29, and once those licences were issued you could not have any more. There is a different magnitude in terms of licensing but if the Commission is going to work with the Parishes, there is no reason why that should not work. The issues in issuing a gambling licence, as I say, are very similar, which is excluding children from the premises, making sure that vulnerable people are excluded or dealt with carefully in the premises and that antisocial behaviour surrounding that is well managed and controlled. Alcohol addiction clearly is a very significant and damaging problem. I think gambling addiction is even more so because someone can just keep going and going and going. An alcoholic will fall over at some point, generally speaking, but a gambler can keep going for a very, very, very long time. I think the Gambling Commission will need a bit of upskilling, I have no doubt, but I am sure they are up to the task. I do not think it is a massive stretch to ask them to extend from

gambling licensing to alcohol licensing, if that is will the of the Assembly and that is the way forward. I will be supporting the principles.

5.3.6 Deputy M. Tadier:

I think that despite the fact that many Members may have found the last hour and a ½ or so of this morning's debate quite fraught, it was really important that some of the points were put on the record by a cross-section of Members, and I am glad that we have got to the same point effectively that I think is a helpful one. The reason I was going to support the reference back was largely that it would have also allowed a breathing space for the department of the Minister, the Comité des Connétables and other interested parties to get round a table and say: "Despite the fact that there is a large amount of consensus that generally a new law may be required and that there are some easy wins in here, there is a great deal of contention which fundamentally boils down to who administers this law. Do we need to create not just a new law in its entirety but a completely new body? The body itself already exists, of course, but it would be transmogrifying to have a much wider role which would not simply include gambling, but would also include the licensing and administration of alcohol licences. So I think that is where the contention is, largely. There were other issues which are also contentious, so the devil is very much in the detail. At the moment, the devil is in some of those contentious Articles. I think this period will allow a chance for the devil to be exorcised, potentially, from some of those Articles. As I have said before, it would not have been appropriate for our panel, I do not think, to actually opine on which of those mechanisms was better. Especially when in fact the Minister has now agreed that he will move this in the First Reading. He will not move it in the Second Reading. That is not something that should be considered radical. We need to see more of that actually in the parliamentary process. That is what normally happens in Parliament, is that a Government will propose a Bill in the First Reading and it will automatically be paused. Then everybody can start to have a conversation. Does it go to a Select Committee? Does it go to the Second Chamber for consideration at some point? Is it the fact that actually Back-Benchers want to have some input into it? More industry consultation on what it really means. Actually, that is what is going to happen. It is in the Minister's hands now if he brings the Second Reading back at the next sitting or whether he thinks that actually there is some more fundamental work. But he will have moved the argument and the debate forward because we have already had the debate. What we do need to be mindful of is that we do still have a proper debate on this because the principles themselves do need to be justified, I believe. I am saying this point now, I suppose taking my Scrutiny hat off, is that the case that needs to be proven here is that the current system is so bad and so deficient that it needs a completely new law. I am happy to make some arguments probably in favour of that. I think my non-Scrutiny hat would say: "Yes, I think there are quite a few things." There is definitely an issue here for me that actually while ... that this should be administered by the judiciary. Because that is essentially what we have, is it not? We have got a system which is administered by the judiciary. The real contentious part for me is that actually the judiciary, the Attorney General at the moment, is making, or can make, policy decisions when it comes to alcohol. These policy decisions need to be made by elected Members of our Island's Government, essentially, and then put to the Assembly for approval. That is the fundamental thing, I think, that needs to change. This law will allow that to happen. I do not speak for the judiciary or the Attorney General's Department but I think, instinctively, there has been a long-standing recognition that there is a bit of uncomfortableness with that situation. On the other hand, of course, there is a pragmatism to it, I think, that for many the system works very well. So there is this theoretical idea that, for one part of it, it is absolutely not appropriate for anybody other than elected Members to be making policy decisions on any area of law, including on alcohol. But the system, it has to be said, many people in Jersey think does work for them. It does not work for everybody. So I would just bear that in mind and ask the Minister to perhaps talk to that in the summing up to reassure Members that actually, as one of the Constables said, that this is not about throwing the baby out with the bathwater. I think there is, as I have said, a case for this new law. It is probably obvious that the number of categories that exist at the moment

can be streamlined. I do not accept the juxtaposition, or rather the dichotomy that has been made earlier in this debate that if you are not in favour of this particular iteration of the law, then you are somehow anti-business and you are against the hospitality industry. I think that is both incorrect but also actually slightly offensive. I think it is possible to say that actually we all want to see a thriving hospitality industry in Jersey. Notwithstanding that we might all have slightly different concerns about where the right level of intervention should come on, preventing things like alcoholism, problem drinking, anti-social behaviour. Of course, it is often the Parishes who are well placed and who often have to deal with the consequences of policing some of the unintended and less desirable aspects of drinking in Jersey. So it is a complex picture. I think, while it might not be the easiest debate, we probably covered ourselves in some element of, shall I say, glory? Maybe that is too embellished. But I think we have done the job that the Assembly should be doing in asking the Minister to say: "OK, you are on to something here. It does need a new law." But some of the detail certainly needs to be looked at. Some of that fundamental principle about whether or not we create and add to a new ... some might call it a quango; some might call it a really efficient use of a pre-existing body that is doing, I think, a relatively good job already in one area versus how it might be done. Let me finish with this last point because there is a long history in this Chamber of factions or fractions and lines, which are interesting, are there not? I have seen them over the last 18 years. If we want to try and portray Members with a certain *pastiche* or *cliché*, we will say: "That Member over there does not like that group of Members. That Deputy there is anti-Constables, anti-Parish. This one is establishment X, Y and Z." What we realise in these debates is that things are much more complicated. When we scratch beneath the surface, we do all want what is best for Jersey, Ma'am. Thank you, I just keep looking up now and again to check that you have not changed.

The Greffier of the States (in the Chair):

No, I am still here, Deputy. [Laughter]

Deputy M. Tadier:

It might be tempting to fall into that trap, which some have said this morning, is that the Constables do not want any change. They are there just to represent the old order. But there is a counterargument to that, that there is something quite radical about the potential for Jersey to devolve certain powers to the Parishes that do not exist already. It is a question of having the discernment to know what Government does best, what should be centralised. I will hold my hand up and say that I still scratch my head and sometimes think: "In a small island like Jersey where you have 12 Parishes, is it right to have 12 different recycling and refuse collection schemes?" Because, of course, it is fine to say these are things that are traditionally done by the Parishes. But if after 10, 15, 20 years, not every Parish can even get to the point where they are collecting glass, let alone aluminium, cardboard and plastics, you might have to say something needs a bit of a kick up the rear. [Laughter] I am just conscious of what has and has not been allowed in the last few days. But I think there is actually that idea that some things can be delivered, if not at a Parish level, certainly by joint collective approach from the panel on the Parishes. So certainly for my part in Scrutiny, I am completely open-minded to whatever mechanism that this regulation could take the shape of in the future. As I have said previously, I will be abstaining when it comes to the principles. That is probably an overly cautious approach. There is much in here that I would be quite happy to support. It is for the rest of the panel to decide what they do on this, but certainly there will be job of Scrutiny to be done on this. I think it will be coming back probably at this Assembly. We are more than happy to do that but if it can be done at a point where there is more information about what is politically acceptable for a wider range of Members, then it would certainly make our job of Scrutiny not just easier but actually hopefully more fruitful.

5.3.7 Deputy S.M. Ahier:

I do understand the concerns of the hospitality industry and the need for an update to the 1974 Jersey Licensing Law and, in the most part, welcome these changes which have been so long in the making. But I do have concerns about allocating the licensing process to the Gambling Commission. The Gambling Commission was initially set up with the purpose of overseeing internet gambling licences. It was deemed necessary to have the appropriate oversight of these companies to ensure they were well-run organisations and conformed to the law. To this end, the Assembly allocated reasonable sums to ensure that the Commission was set up swiftly. As far as I am aware, none of that initial funding has ever been repaid. I understand that the Minister holds the Gambling Commission in high regard and has no concerns about their ability to perform this function. As Members are aware, I have some dealings with the Gambling Commission over the years and I have an alternative viewpoint to the Minister. I have encountered numerous administrative failings by the Gambling Commission over the years, which I do not intend to regale Members with at this juncture. But in case Members are unaware, or indeed need reminding, in March 2021, the Jersey Gambling Commission oversaw the largest corporate failure in gambling industry history when they had to withdraw a licence they had issued to BetIndex Limited trading as Football Index. This led to losses estimated at up to a £100 million. The Jersey Gambling Commission deemed it reasonable to license what was basically a Ponzi scheme. This action caused irreparable damage to the international standing of Jersey as a reputable gambling authority. The damage has been done. Yet the Minister still maintains that they are a suitable organisation to oversee alcohol licensing. I would beg to differ. The most logical solution should have been to establish a new independent body to oversee this function and then, at a later date, to absorb the issuance of a gambling licence to the newly formed commission.

[15:00]

I suggested this approach to the Minister but he has chosen an alternative approach. In the report of P.112, it states: “Officers have begun consultation with industry and the Gambling Commission on a new simple fee structure but this will be subject to public consultation before it is finished.” But, of course, this will not include the betting offices, of which nearly all of the funding for the Gambling Commission comes. Indeed, with only 14 betting offices remaining in Jersey, down from 29 before the Gambling Commission was established, a gambling licence will still contribute more to the coffers of the Gambling Commission than all of the hospitality licence and off-licence licence put together. It is noted that under Article 9 of this proposition, it provides for the charging of application and annual fees, and for the Minister for Sustainable Economic Development to set the fees by order. The fees ought to be paid to the Commission unless the order specifies otherwise. This will lead to a rather peculiar situation whereby the new Alcohol and Gambling Commission will be directed as to how much they can charge for alcohol licensing while being able to determine fees for bookmakers as they see fit. I do not think that the Gambling Commission is the best organisation to take on this role. As Deputy Bailhache stated, they lack the experience of the jurats. I do not believe that this is the best way forward.

The Greffier of the States (in the Chair):

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

5.3.8 Deputy K.F. Morel:

Where to get started. I will pick up on Deputy Ahier’s perspective about picking up on Deputy Bailhache’s perspective about the Licensing Assembly. It was my understanding that ... because that was one of the questions I asked. Could we not keep the existing Licensing Assembly and just change everything around it? But because of the policy elements, it was deemed, from advice that we received, that that was not something that was possible. So the reason I ask for Licensing Appeals Assembly is because I thought a nod to the heritage of the Licensing Assembly would be to keep it

alive, but as an appeals body rather than as the Licensing Assembly itself. Because I understood that the Licensing Assembly ... we basically could not strap on this new law around the Licensing Assembly. So that was how I had been advised. That was why we ended up not looking at the Licensing Assembly. I could not, as Deputy Ahier asked, create a new commission - as I explained to Deputy Ahier that evening - because it is Government policy that we do not create new arm's length organisations. So that was not an option. Industry did not wish for Government to do this itself. They wanted it to be something that was outside of Government. I will stand here, and I still believe that 12 different licensing authorities is not going to provide a consistent environment that businesses in Jersey and new to Jersey would be able to navigate very easily. So that is how we ended up where we are. It was not any particular desire to use one specific organisation. It was trying to take everyone's views into account and come up with something that worked best. It shows that sometimes when you compromise, you can actually make things harder. I am still slightly confused about the perspective of Scrutiny. The reason I say this is I am on the Scrutiny homepage here. It says: "Scrutiny. The role of Scrutiny is the check, challenge and make recommendations to improve the policies, legislations and decisions of the Government." I cannot see, and I still, during the course of this debate, do not see a better opportunity for Scrutiny to challenge and make recommendations to improve the policies and the legislation that I have laid before the Assembly today. That to me seems to be at the heart of Scrutiny's role, and I still think it very strange. The Scrutiny homepage is telling me that it is there to improve the policies and legislation, and that is what I was doing. I came here not wanting to take this beyond the First Reading today. As I said at the outset, apologies if I misunderstood, but I did not expect Scrutiny to call it in because it seemed like absolutely the appropriate thing to do. Ministers put one way forward down on paper. In this case, it is the Connétables, but it could have been anybody else. It could have been an individual Deputy, could have been an individual Constable, had put down a different way forward, and that is entirely reasonable. The right thing to do then, it felt to me, is that Scrutiny is a third pair of eyes, an independent pair of eyes, could look at those 2 different routes and take their evidence as they do and see which they felt was the best. That to me still seems the best way forward. What is Scrutiny if it is not there to be the critical friend and that third independent set of eyes? So, I am still quite astounded by that perspective, but it is one which holds, and obviously I will not move this to the Second Reading. I never had any intention today of doing so. I am just doing it in a slightly different way to the way that I expected, because I really hope that we do support these proposals. Deputy Alex Curtis, I did take a long list of your questions, but they were complex and extensive. In many ways I would prefer, if the Deputy does not mind, if we do not take this to the Second Reading, if the principles do pass, that in writing would be much easier and then we can deal with them in that manner, I think would be best. I have explained why I did not choose the existing Licensing Assembly as the administrative body. I do think it is worth saying, that the Parishes, as represented by the Connétables, significantly underestimate the work that the Parishes do not do around licensing. Most of the work is undertaken by the regulatory directorate in Government. That is where applications start and finish their journeys today. The Parishes pick up the work of the regulatory directorate and department, they held their assemblies, and then it moves back on to the regulatory directorate, who are operating on behalf of the Licensing Assembly. So, it may be that using the regulatory directorate is the better way forward as they do the majority of the work today, is my understanding. I will reiterate that there is nothing in this proposal that takes anything from the existing Parish roles. There never has been anything in this proposal which takes anything from the existing Parish roles, and I am really proud of that. I am really proud that I set out upon this significant change, but really wanting to protect the roles of the Parishes so that people could have a say on their individual areas, and I think it is one of the things that really does benefit this proposition as laid before the Assembly today. But those are my comments really on the debate that we have seen so far. I do not want to continue down that road because it gets into that administrative body, and that in many ways was the bit of the debate that I was hoping to avoid today because I do not think that is the bit that which needs to be discussed before the Second Reading. That is the bit which

needs to be discussed during the Second Reading. What we have today before us is a really exciting piece of legislation that changes a 50-year-old system, a complex system with 7 categories, which are quite arbitrary categories in many, many ways. They are categories which do not fit modern life and do not fit the way we entertain ourselves and operate in this day and age. I think by moving to 3 different licensing categories, we are creating what will be a far more simple and yet dynamic and flexible system than we have today. This is something that businesses across the Island would wholeheartedly agree with is a good way forward. Jersey's hospitality sector, yes, the Connétable of St. Helier is right, the Jersey hospitality sector is incredibly resilient. It does continue to go on, and it continues, in my mind, to strengthen. We have some fantastic venues in town and elsewhere in the Island, which serve Islanders with smiles on their faces, and that is absolutely wonderful. But they are doing that while struggling with a system underneath them, which they do find difficult to navigate, and they do find complex, and they do find onerous. The example I gave of that premise, which has a licensed corridor, is a really good example. The example I gave of Beresford Street Kitchen paying higher licence fees than major supermarkets is a really good example of the way the system does not work today, and does need to be changed. If the Assembly can and does see it, and I am heartened by what I have heard from even people who were talking about the reference back and people who were very much in favour of the Connétables' amendment, is that everyone did seem in the Assembly to be very much behind the principles. So, I do ask Members to focus on that. We will take this back, and I will work not just with the Connétables but with others to try to bring forward an administrative body that people can be settled with. I do not think that administrative body can be 12 administrative bodies. I just do not fundamentally think that is an appropriate way forward for this Island when it comes to licensing. If you are one company that wants 3 different licenses in 3 different areas of the Island, then you need to be dealing with one regime and not 3 different regimes and 3 different flavours of that regime. I think those are the things that the Assembly, I hope, can get behind. That simplification, that dynamism, and the fact that we will be creating a much more transparent system, which is just far easier to navigate. I would like to thank my officers who have worked on this for the past 3 years and more. It has been full of consultation. It has been a process full of listening and trying to change things. There are amendments already in the draft before you that come from the Connétables, which shows that I absolutely have been listening. There were accusations that I had not been listening. That cannot be correct because there are amendments, there are changes that have been made and included that come directly from the Committee itself. Please, I do hope we can continue to support the hospitality sector. I think Jersey's hospitality sector has had a tough year. It is on the cusp of, I think, a much more successful year ahead. I know today is the day that Visit Jersey are holding their annual briefing. If it had not clashed with this, I would certainly be there today speaking with hoteliers and restaurateurs and so on about their thoughts on the year ahead. But my understanding is that hotel bookings are looking up in every month but one this year as far as forward booking date is concerned, and that we are seeing more travellers come by sea this month than has been travelling to Jersey by sea for the last 5 or 6 years. So, I think we have turned a corner after COVID, the hospitality sector can look forward to better days. I really hope that by supporting these principles, we are giving a message from this Assembly to the hospitality sector that we are behind it, that we want it to succeed, and that we understand how hospitality plays a role, not just in the economy in the sense of the tourism economy, but it plays a role in keeping finance within the Island. It plays a role within keeping young people in the Island. It plays a role keeping older people in the Island. Because all of us are engaged with the hospitality sector in so many different ways. If it was not for the hospitality sector, Jersey would be a much more diminished place. I know that the advertising that is going out from Visit Jersey over this year will be really pointing to the hospitality sector that we have. It will be pointing to the food offerings that Jersey has, the amazing range of restaurants that we have for such a tiny island as those adverts will be saying. I think that is absolutely the right thing to do, because one thing that Jersey has, which nowhere else of just 100,000 people has, is such a wide-ranging and vibrant hospitality sector, and I hope the Assembly can choose to support it by passing these principles.

The Greffier of the States (in the Chair):

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

POUR: 40		CONTRE: 1		ABSTAINED: 4
Connétable of St. Helier		Deputy Sir P.M. Bailhache		Connétable of St. Lawrence
Connétable of St. Brelade				Connétable of Trinity
Connétable of St. Peter				Deputy M. Tadier
Connétable of St. Martin				Deputy K.M. Wilson
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				

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

The Greffier of the States (in the Chair):

As a formality, Deputy Tadier, I am required to ask if your panel wishes to scrutinise this matter.

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

Not at this juncture.

The Greffier of the States (in the Chair):

Thank you. Minister, you have already indicated that you do not wish to progress to Second Reading at this meeting. Standing Orders dictate that we do need to set the meeting date. You have got 2 choices really. It could be 3rd February or 24th February.

Deputy K.F. Morel:

I will take the 24th February.

The Greffier of the States (in the Chair):

If Members agree, that will be when the Second Reading will take place. Very well.

6. Registration of Political Groups (P.115/2025)

The Greffier of the States (in the Chair):

We then move to the next item on the Order Paper, which is the Registration of Political Groups, P.115, lodged by Deputy Rob Ward, and the main respondent is the chair of the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

[15:15]

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Privileges and Procedures Committee to – (a) to request the Jersey Electoral Authority, in consultation with the Privileges and Procedures Committee, to – (i) produce a voluntary code of practice for all political groups that are standing candidates for the 2026 election, such code require all political groups who declare a shared political agenda (to include all political movements, collaborations or campaigns) to declare and publish – (a) the name of the political group, movement, collaboration or campaign; (b) information about their policies, funding sources and decision-making structures; (c) details of any donations above the threshold set out within the Public Elections (Expenditure and Donations) (Jersey) Law

2014; and (d) financial records to be submitted in accordance with the terms of the Political Parties (Registration) (Jersey) Law 2008; (ii) update the electoral candidate nomination form to require all candidates to formally state whether they are involved in any political groups for the election; and (b) to request the Privileges and Procedures Committee, in consultation with the Jersey Electoral Authority, to bring forward all necessary legislative changes to require political groups to register under the Political Parties (Registration) (Jersey) Law 2008, and to bring these changes to the Assembly for approval before the end of January 2028.

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

I can assure you that this is an exciting proposition, even more exciting than the previous ones, and hopefully this will be a nice positive debate. I was thinking of perhaps even presenting in French after my conversations with one of Greffier. Mais je ne peux pas promettre de présenter tout le monde en français. Je suis desolé. (*But I cannot promise to present to everyone in French. I am sorry*). This proposition seeks to strengthen transparency and accountability in our democratic process by addressing the growing presence of political groupings in Jersey. It does so as we enter the run-up to our next election, a period where transparency around political organisation is vital for our democratic process. Over recent years, we have seen an increase in political parties and, alongside them, informal alliances, groups of candidates campaigning together, sharing manifestos, election banners, and literature, and presenting themselves as a unified front. Yet, under current law, these groupings are not required to register or disclose any information about their funding, decision-making, or governance. This creates a gap in transparency that risks undermining public trust. Our existing framework, the Political Parties (Registration) Law 2008, requires informal parties to register, appoint officeholders, and submit annual accounts. These rules are essential for openness and accountability. However, if a group of candidates campaigns collectively without registering as a party, there is no obligation to declare who funds them, how decisions are made, or even who they are. In an era where external influence and opaque funding have caused concern globally, we must act now to safeguard Jersey's democracy. We are a financial centre with many rules and regulations. The gaps that exist around our political influence are a distinct contradiction. This proposal takes a 2-step approach. First, a step towards immediate, voluntary transparency. I recognise that we do not have time before election for legislative change. Instead, I propose the Jersey Election Authority, in consultation with the Privilege and Procedures Committee, produce a voluntary code of practice for all political groupings contesting the 2026 elections. Some very simple examples are in the appendix to the report. They can be produced using good practice that already exists. This code would require groups to publish their name, policies, funding sources, decision-making structures and details of donations above legal threshold. It would also update the candidate nomination forms to declare any group affiliation. This is a proactive, positive step that empowers voters with clear information. This has the added advantages for the clarity for those who want to declare as truly independent, having the chance to make that abundantly clear. I will finish the first part of the proposition by being clear that the voluntary nature means that if a grouping feels they do not want to declare, they can do so and explain the reasons why. Again, promoting debate and transparency over the structure of our politics. The second part of the proposition introduces a future legislative change. I further request the P.P.C. (Privileges and Procedures Committee) bring forward necessary amendments to the Political Parties (Regulation) Law to require all political groups to register formally in the next Assembly term, with changes approved by January 2028. This will close the loophole and ensure consistent standards for transparency. I will finish by going through why does this matter. Let me give you some real-world experiences. In the United Kingdom, investigations into campaign financing revealed that unregistered political groups were able to channel significant funds into targeted advertising without clear accountability. This raised serious concerns about fairness and influence. In the United States, the rise of so-called Super P.A.C.s (Political Action Committees) has allowed vast sums of money to flow into elections from undisclosed donors, creating a perception, and sometimes reality, of undue influence over policy decisions. Across Europe, there have been

cases where foreign entities have covertly funded political movements, undermining sovereignty and democratic integrity. These examples show that transparency is not a luxury, it is a necessity. Jersey is not immune to these risks. While we have not faced such scandals, the absence of clear rules for political groupings leaves the door open. We cannot wait for a problem to arise before we act. This is not about restricting collaboration or stifling political debates. Indeed, I would encourage collaborative working. It is about fairness, openness and protecting the integrity of our elections. Voters deserve to know who is behind the messages they receive and the candidates they support. Transparency builds trust, and trust is the foundation of democracy. The financial and staffing implications are minimal, drafting a voluntary code can be achieved within existing resources, and legislative change can be an extension of current law, and for the next iteration of this Assembly. I urge Members to support this proposition and let us take a clear, sensible step towards ensuring that Jersey's democracy remains robust, transparent and free from undue influence. I look forward to an open and thoughtful debate. I move the proposition.

The Bailiff:

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

Deputy J. Renouf:

Can I ask a question of the Solicitor General when appropriate? Attorney General.

The Bailiff:

No. The Solicitor General still, or Acting Attorney General, but not yet Attorney General.

Deputy J. Renouf of St. Brelade:

May I congratulate the Solicitor General on his impending appointment? I knew I should not have bet on the other guy. The question relates to funding, which I think is at the heart of the proposition, and particularly the Public Elections (Expenditure and Donations) Law 2014, because I think it would be helpful to understand the current legal position regarding funding of independent candidates, particularly by organisations of which they are not a member, but where they may nevertheless receive support from an independent grouping, a third party organisation. It could be Value Jersey or it could be trade unions, I do not know. But section 10 of the 2014 law refers to third party funding and states that a third party cannot spend in aggregate more than ½ of what the candidate can spend. So, my question is, does this mean that cumulatively if the third party is supporting, let us say, 10 candidates, they can spend 10 times that sum of money on the election? Could the Solicitor General perhaps fill in his understanding of that law in this context?

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

I am grateful to the Deputy who gave me the benefit of advanced notice of his questions. I think we start probably slightly earlier. I think the first question is whether Article 10 would capture spending by a "non-party movement." The answer to that is yes, it would, but only if this movement or group met the definition of third party in Article 9(1)(a) or (b) of the 2014 law. It might be helpful if I just read that provision. It provides the meaning of a third party, and it says: "A third party, in relation to an election, is (a) a person, who is not a candidate in the election and who is not acting with the express or implied consent of a candidate in the election, who incurs expenses for the supply or use of goods or the provision of services; or (b) 2 or more persons acting together, none of whom is a candidate in the election and who are not acting with the express or implied consent of a candidate in the election, who incur expenses for the supply or use of goods, or the provision of services which are used during the regulated period." That is a period before the actual polling day. The key words there are "not acting with the express or implied consent of a candidate in the election." That has to be met for them to be third parties for the purposes of the law. If they are acting with a candidate's express or implied consent, then they are not third parties, and the election expenses which they incur form part of the election candidate's election expenses and must not send the aggregate amount of

the candidate's election expenses over the statutory ceiling, which is set out in Article 4 of the law. The Deputy then asked: "Well, does this mean that cumulatively, if the third party is supporting 10 candidates, it can spend 10 lots of what the candidates can spend?" Well, I think it is ½ of what the candidate can spend. The answer to that is no. The definition of election in the law, as it is going to be from 1st February, as amended, is this: "Election means an election for the office of Senator, Deputy or Connétable." In my view, the correct interpretation of that is that there is only one election in which 3 different classes of elected office are, as it were, up for grabs. But there is only one election. Article 10(1) of the law sets an upper limit on how much a third party can spend "for an election". It does not use the words "for a candidate". Because there is only one election, a third party may incur election expenses in respect of more than one candidate, but those expenses in aggregate must not exceed the statutory maximum, which is one ½ of the total amount that an election candidate can spend. The answer to that second question is shortly no. I hope that is helpful.

Deputy J. Renouf:

Yes. Could I ask one follow-up that just arises from that final point. The Solicitor General defined the election as a defining character, if you like. However, there are 3 different classes of States Member in the election, each with different spending limits. Does that mean that when the spending limit of this third party would be the upper limit, if you like, or a sum of the 3 different categories, if they were supporting people in 3 different categories? It could be a potentially grey area.

The Solicitor General:

Once the amendments to the law come into force, of course, Senators will be back in the mix, and the allowance for Senators under Article 4 is somewhat higher than the amount for Deputies. The amounts will change as follows. A candidate selection expenses, according to the amended Article 4 must not exceed: "(a) in relation to a candidate for election for the office of Senator, the total of £4,146", and then there is a per capita addition of 13 pence per head of those entitled to vote. Then: "In relation to a candidate for election for the office of Deputy or Connétable, a total of £2,517", and the addition of 13 pence per vote. The limit that is placed on third party payments, or election expenses, is this: "A third party's election expenses for an election shall not exceed in the aggregate one ½ of the maximum that will be allowed to a candidate in the election by virtue of Article 4." I take that to mean that it will be one ½. First of all, you ask which office is the candidate standing for? What is the maximum that candidate can spend in election expenses?

[15:30]

½ of that is the maximum that the third party financier can spend in election expenses. So, it is a higher figure if it is a Senatorial candidate, it is a lower figure if it is a Deputy or Connétable. But, I mean, we are talking about modest sums. So, I hope that is helpful.

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

Although the proposition from Deputy Rob Ward requires action of P.P.C., implementation of this proposition will truly fall to the Jersey Electoral Authority (J.E.A). Albeit the J.E.A. will consult P.P.C. on the work to be undertaken. P.P.C. itself has not taken a view on the proposition, but I hope Members have read the comments we have presented on behalf of the J.E.A. The J.E.A. has highlighted the need for transparency at election time and that it is vital voters understand whether or not a candidate is standing as an independent. But the J.E.A. has indicated it is not certain that Deputy Ward's proposition is the right approach. The J.E.A. has recognised that concerns were expressed during the 2022 elections similar to those highlighted by Deputy Ward. But the J.E.A. was satisfied that all relevant declarations had been made under the Public Elections (Expenditure and Donations) Law. Indeed, it is satisfied that the law ensures that everyone is required to make full declarations about the funding of their campaign. The J.E.A. has undertaken to engage with P.P.C. about any gaps or issues there may be with the legislation, but it does not consider a voluntary

code to be practicable or policeable. There will be a code of conduct for candidates this year, as there was in 2022, and the J.E.A. has also undertaken to review the content of the nomination form to see whether any form of additional declaration about affiliation with a group or movement should be included.

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

Just a very quick question for the Attorney General-designate. I have some sympathy with this because I am trying to reconcile how political groups can act almost in the same way as a party, but be exempt from declaring expenses. From reading the comments that have been provided by the J.E.A., lodged by P.P.C., I think it sort of says that it is covered under the relevant provisions in the law, but I just wanted some advice about the definition of a political group in the proposition, because I am not sure it refers to include political movements, collaborations, or campaigns. I am not sure what a collaboration is. I mean, for example, if Deputy Gorst and Deputy Mézec and Deputy Renouf had an epiphany and said: “Let us work together and help each other out at the elections”, does that fall under the proposition of a collaboration?

The Bailiff:

So, what is your question, Chief Minister?

Deputy L.J. Farnham:

What is the definition of a political group in the proposition?

The Bailiff:

I am not sure that is the question for the Solicitor General. I am afraid to say you are left with what the proposition says, and what you understand may be informed by what the proposer says in his speech to you, but I do not think I can assist in relation to what ...

Deputy L.J. Farnham:

It was specifically in relation to the word “collaboration”.

The Bailiff:

But they are ordinary English words, and it is not for me to give you guidance what words like “collaboration” mean. It is a matter for the Members to consider.

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

I will pick up on this point raised by the Chief Minister, because it is something that has been considered by me, and, in fact, causes me concern. I note the position of J.E.A., I think it is a very sensible position. But the general question here is why should political groups be required to register under what is a political party’s registration law? The proposition is suggesting that political campaign groups, I believe, should be included under the umbrella of political parties, despite not being a political party. The proposal suggests that this proposition promotes transparency, and generally no problem with that; that is generally a good thing. But unfortunately, I think it is going the wrong way about it. In fact, it promotes the suppression of freedom of expression, and it is an intrusion of privacy. I am sure the Deputy did not intend this, and I really need to explain why I think this proposition is in breach of 2 fundamental human rights principles while promoting red tape, and breach, contrary to the actual one of the priorities of the Common Strategic Policy. But apart from that, I say it has come from a positive place, I am sure. But let us come back to the matter of transparency. We have had this discussion. Electoral candidates already are required to disclose significant funding sources under the Public Elections (Expenditure and Donations) Law 2014, which already is administered by the Jersey Electoral Authority. If in fact you have got some sort of group that is saying: “Hey, Moz, will you stand on this platform and we will give you this much for your campaign?”, I think that is pretty well covered. I think what the Acting Attorney General has said,

and I believe there is a reason for this, if you have got a general group and it is saying, and I would agree. I mean, what is a political group? So, you have got a group that has a kind of political platform or some campaign objective, and they are saying within the community: “We think that new candidates should adopt this particular objective or these proposals or do these certain things, that basically these people should be disclosing funding accounts, disclosing funding sources and all these things.” It caused me a bit of concern because I was the chair of a campaign group, which just was made up of a bunch of neighbours who felt that the development of St. Brelade’s Bay was ... in fact, it was not just neighbours, outside that group as well, but they just felt that there was insensitive development going on of a particular area that they felt was an asset to tourism in the Island and they felt that people should be doing more to protect that area. Now, are they a political group? I am sorry, who says? Why? But that is the point. What makes a political group? When the church takes a stance on the Assisted Dying Law, are they a political group? Should they be disclosing all their accounts? Should the Women’s Institute? That is the thing that concerns me. Now I have, up to recently, been a member of the Machinery of Government Sub-Panel and that has been doing a lot of work on lobbying, and a lobbying code, and it was not an easy discussion because you had to define who a lobbyist is and what a lobbyist is. We ended up with a code to support States Members being transparent, but we did not quite go as far as to say: “Right, all lobbyists should do this, all lobbyists should do that”, because there comes a point when you have got to say: “Are you interfering in people’s ability to express political opinions and ask people to promote them? Are you making it harder or even scarier?” I fear that this proposition, although coming from the right place, may be doing that, and at the same time not addressing a real serious problem. There are flaws in 2 laws relating to elections that are not helping with transparency, and one of those indeed is the Political Parties (Registration) Law. The other is the Political Elections (Expenditure and Donations) Law. This is why, because basically the Political Elections (Expenditure and Donations) Law 2014 applies to successful candidates. Nobody at the time they stand has to say: “By the way, did you know I am on the payroll of whoever?” Then the same way political parties, similar thing. They do not have to write at the front of their campaign or even put in their literature: “We are funded by this group or union or whatever.” I think that if you want transparency, do more work there, and that will mean you need to amend some laws. The other thing, of course, is the actual enforcement of these laws. I know I did not make myself perhaps popular with a couple of party leaders when I pointed out that the filing of accounts under the Political Parties Law was late. Two political parties had not put them in in time. What were the consequences? Well, there were not really any. But that is the thing, it is the way in which these actual laws are enforced. What happened when an enormous number of electoral candidates were discovered not to have complied with the Elections Law in terms of filing their expenses forms by a certain day. Well, they were generally forgiven for getting it wrong. So, I come back to this position, and here is the other thing, not-for-profit organisations are regulated. I do not know if people are aware of this, they think just charities are regulated, but they are regulated in a certain way. I think that the attention should be on these laws, not on potentially drafting a code or asking the Jersey Electoral Authority to do so, that could strike in terror in any kind of bunch of people who just want to get together and are concerned about a particular issue and want to raise it with candidates. But there does need to be perhaps a bit more in the way of the amendment of laws, a bit more in a way to assist the Jersey Electoral Authority in apportioning potential adopted campaign expenses. If you have got a group that comes up with a whole kind of campaign that just goes round to people and saying: “Would you like to stand on this?” then there probably does need to be some sort of apportionment of expense there, perhaps if they are adopting it. But I still see some great difficulties there. So, I am not going to support this amendment for those reasons.

6.1.4 Deputy J. Renouf:

I am going to take a slightly different tack, because I think I need to begin this speech with an important announcement. Some of you may have heard the rumours, and indeed it is true. I want to announce here and now that I have decided to launch a new political movement. A movement to try

and get Jersey back on track. There is a gaping hole in the political marketplace. At the moment we have Reform Jersey, who proudly represent the working class. We have Advance Jersey, who represent that elusive body of liberal conservative opinion in Jersey. We have Value Jersey, who represent that large talent pool of failed election candidates at the last election. But there is one group clearly not represented yet, and Members will understand who I am talking about when I say that the name of my new political movement is Premium Jersey. Premium Jersey is not a party, but a movement that exists to serve the interests of the very wealthy. Now, I know there will be questions about how Premium Jersey are funded. In a democracy that is only to be expected. It would not be appropriate for privacy reasons to explain where Premium Jersey gets its funding. All I will say is we welcome donations, a minimum of £500. I jest, of course, regarding Premium Jersey, and I note that there are 2 problems with attempting jokes in a speech. One is they are not funny. But the second is it does not age well. I am reminded of Barack Obama's final address at the end of his presidency to the White House Correspondents Dinner.

[15:45]

The next presidential election was going to be between Hillary Clinton and Donald Trump, and Obama quipped: "Next year, someone else will be standing in this spot, and at this stage, it is anyone's guess who she will be." The audience laughed their heads off. We are not laughing now. Having put all that to one side, I do think the issues raised by Deputy Ward's proposition concerning non-party political groupings are real and important. Politics is about power and there is a very close connection between money and power, which is why there are laws about election spending in every jurisdiction. The overall aim of our laws and rules around elections is to ensure a level playing field. We can see in other jurisdictions, like the United States, what happens when election spending runs out of control. Deputy Rob Ward made some allusions to this. The incredible expenditure we see in American elections today was created by a legal ruling, an interpretation of law, which is one of the reasons why I was keen to get the clarification from the Acting Attorney General. It was created by a Supreme Court ruling that allowed what are known as Super P.A.C.s to raise and spend unlimited funds for independent political advocacy so long as they do not co-ordinate with candidates. The vote on the Supreme Court was 5:4, and that split ruling struck down century-old prohibitions on funding by third party organisations. The results we have seen led to an explosion of spending in elections with billions now being spent by Super P.A.C.s in every election. Once that door is kicked open, it is very hard to shut it, and in a neat little catch-22, any attempt to bolt the door now is met with massive campaign funding from Super P.A.C.s to resist that change. Now, of course, Jersey is not remotely in this situation. Our elections feature modest spending limits. Albeit I will note that they do still unavoidably lead to some filtering of candidates, particularly in the Senatorial election, where not everyone will be able to afford to spend at the levels necessary to take that on. We do need to be vigilant. It serves democracy for there to be limits on spending, as we have, and that we keep in mind the potential for loopholes, which I think is what Deputy Rob Ward's proposition addresses. The biggest worry, I think, is that spending by groups that are not political parties could bypass our spending limits. I have taken some reassurance from what the Acting Attorney General has said. I think the points that have been raised so far, with Deputy Scott's point about lobby groups and so on, I think my understanding of the Acting Attorney General's comments was that they would not be relevant because for the purposes of elections, I think I heard him say that a third party is defined in the law and would not capture a group that was not spending money on an election. So, it does narrowly concern elections, and that is what this proposition, I think, is mostly concerned with as well. So, coming to Deputy Ward's proposition in a bit more detail, I think it engages this question of the relationship between support for a candidate's position and funding. I have to say, I am not sure that his proposed solutions are addressing the issues that I have highlighted in the way that will solve the problems, and I say that from a position of support for the principle of having this debate. I do think there is a slight paranoia around the question of non-party groups, and I just want to flesh out some thoughts on that because, however we approach this, we should be mindful of the complex

and unique political ecology of the Island. We have a hybrid system. We do not define it as such, but it is a hybrid system, I think. We have a couple of political parties and a large number of independents. There are those who want to see more political parties, and I would point out that one of the ways to get to political parties might be to start with movements, start with political groupings that might at some point evolve into something more. That might be what Value Jersey have in mind; I have no idea. In Guernsey, the most recent election featured a political movement called Future Guernsey. Again, we do not know whether that is going to materialise into a political party. Sorry, yes, of course it has. But in a way, that makes my point, which is that we would not want to take actions which stifled the formation of relatively fluid political movements because it is out of that sort of thing that political parties might evolve, or we might test ideas and find that they do not lead to a political party, and that would also be an interesting outcome. So, part (a) as Deputy Rob Ward said, would set up a voluntary code of conduct. I am in 2 minds about this, given that it is voluntary, and given that in practice it does seem like it would be quite hard to enforce, but it is voluntary. It is in that category of it could be useful, it might not. It is hard to tell. I think I am probably erring not to support it, I am afraid, but I will listen to the debate and see whether I can be persuaded. Part (b) asks P.P.C. to make political movements register with the J.E.A. I think if this had been worded slightly less directly, and as an instruction, I think it might have been an interesting one for P.P.C. to explore, because they might have come up with options that were slightly more sensitive to situations. I do feel that it is quite a strict instruction to P.P.C., and so I do have some problems with that. But I do think that the issue raised is an important one and that we might see in the future elections, I think it has even happened once or twice before, but we might see more of banners purporting to support a group of candidates in an election that have not been put there by the candidates, but put there by people who wish to support them because they have signed up to various policy positions. It might be to a whole movement, it might be to a manifesto that has been produced by a group, it might be towards a green manifesto or whatever. I think exploring where the limits to funding of that kind of thing lie is something we should all be thinking about. As I say, I am reasonably reassured by the Acting Attorney General that there is no gaping loophole at the moment. I do think, and I would urge, that the J.E.A., in conjunction possibly with the Acting A.G. (Attorney General) and P.P.C., might want to make very clear in publicity for the next election to third parties what the situation is, because I do not think that many people will have been aware, certainly I was not, of those clarifications that have been offered today, and I think it would be useful for third parties, for their own protection in a way, to make sure that they do not go outside those spending limits. As a final comment, moving back to where I began, I would just like to say to those Members of the Assembly who are worried that Premium Jersey might not make the impact it deserves, perhaps because it needs a better leader, let me reassure those Members that, regardless of the election, I am sure our supporters will still end up running the Island one way or another.

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

Sorry to disappoint Deputy Renouf, but a political movement that exists to support the interests of the super wealthy in Jersey has existed for many decades in this Island and it has existed since the demise of the Jersey Progressive Party in the 1950s. One of the reasons that they disbanded as a political party was because they enjoyed the lack of accountability that came with that, but they did continue to operate and associate in various forms in the years after that. I think that this proposition is really simple and quite a few red herrings have been raised so far, especially if you are looking at the specific wording of this proposition. The aim of the proposition is to make sure that everybody who is partaking in an election, for the purpose of influencing the outcome of that election, and therefore the laws and policies that the people of Jersey have to live under afterwards, is conducted with some kind of basic level playing field that seeks to eliminate loopholes that will allow people to buy elections. It was one of my political heroes, President Franklin Roosevelt, who said that: "Government by organised money is no better than government of organised mob." That is why we have spending limits in our elections, because nobody should be able to buy elections, and the public

are well-entitled, and I completely reject the comment made by Deputy Scott earlier on about the intrusion of privacy, when it comes to trying to influence an election outcome and the laws and policies that the people of the Island live under, in that election spending there should not be such a thing as privacy. We all have to declare where we get the funding for our election campaigns from, whether they are self-funded or whether they come from donations. There is a regime for that, which as has been tested with questions to the Acting Attorney General, and what we all know, having been through election campaigns before, does have some good standards in it. There are the standards that apply to independent candidates and there are also legal standards that apply to political parties that we have to abide by. We have to file accounts with the Royal Court every year, which anyone is allowed to go and look at, and you can see how much we have spent in a year, you can see where we got it from. In an election, we do not just have to publish our election expenses after that election, but if we receive substantial donations before the election, we have to declare them. There is a specific form we have to fill in. It is legally provided for, and it is a criminal offence for us not to fill in that form. So, if we get a substantial donation before polling day, we have to declare it and the public are entitled to know about it, and if that influences whether they vote for us or do not vote for us, that is a matter for them, but at least they have got the knowledge to arm themselves with them there. But what this proposition exists for is the worry that there are significant loopholes in this, where people who are forming political groups that are standing candidates for the election, that is the key line. So, all this stuff about the St. Brelade's Bay Group, or the church, or Women's Institute is completely irrelevant because that is not what they exist for. It is for the purpose of standing candidates in the election. If we, as a political party, decided that we were going to forego our party registration, because let us be honest, the only thing that we get for it is the words "Reform Jersey" on the ballot paper. There is no other advantage that comes to registration. It is all obligation by having to file accounts and provide that level of transparency. If we just decided we were not going to do that, we would still operate in exactly the way that we do now. It would not be a third party, because it would be a mix of people who are supporters and members outside and members who are elected as well, and found ways of organising our promotion, some of which is elections, a lot of which is not election-related to, it is about management and promotion outside election times. All of a sudden, a very large part of that transparency would disappear and nobody would be able to hold us to account for it. That is wrong. We are happy to say that it is wrong and happy to abide by those standards of transparency, and others should too. Deputy Renouf, I think, made a mistake when he talked about movements potentially becoming parties and not wanting to stop that. But in most instances, that movement to party has happened outside the election cycle or well enough in advance of it. Reform Jersey was a movement before it became a political party. I believe that was the same for the Liberal Conservatives who started as a movement, became a party and have since changed their name. The example he mentioned in Guernsey, the movement that predated that did have to register under Guernsey's laws and did have to file election expenses because Guernsey had gone a step further than us in this. So, even though that movement, which has now moulded into, I believe it is called Forward Guernsey, had to do that in the Guernsey system. I think Deputy Renouf may have missed that in his comments there. But as Deputy Ward said in his opening for this, it is extremely important that we have transparency on attempts to influence the outcomes of elections, where the money is coming from, what it is being spent on, not just whether it is election literature, but entertaining and other things like that, whether people are going and receiving hospitality that is being paid by somebody.

[16:00]

It ought to be clear on that, why that is coming to where it is and for what it is for. Just after the last election, I did discover, and I was able to discover this because it was a legal requirement for this to be published, that another political party that had contested that election, not one that is still represented in this Assembly, had received a donation for £25,000 from one individual. That is on public record and Members can go and check it. I think that that may have come under greater

scrutiny had that party had greater success in that election because, when you look into it, you may wish to ask questions about what that relationship was, why such a generous donation was made. You can bypass that now under the current rules by blurring the lines between what is simply a movement or a group or a political party, and that is not right. But if members of the public wish to form quasi-parties and campaign in elections to seek to get elected, to seek to get their people in, to seek to influence the laws and the policies that the public of the Island live under, then they should be subject to that level of transparency, as every one of us in this Chamber had to do. Whether as a genuine independent or as a member of a political party, we have had to do it, so too should others, and I do not think there is anything particularly radical about that. Yes, OK, it would be difficult to police in the form of voluntary code of practice, but then it does at least empower the public to say: “This is a pretty basic requirement for you to be transparent about your funding like everybody else, why are not you abiding by it?” That question, if it does not have a good answer, can arm the public to know how they vote in that election, and that can only be a good thing. So, more transparency is a good thing. This is why I think the proposition should be adopted.

Deputy M.R. Scott:

I just wonder if the Deputy will give way to answer for a point of clarification. The Deputy used the term about having a political movement stand a candidate, and I just wondered, because he is clearly got an idea about what that entails, how would you know that they are standing as a candidate, as opposed to just funding. I am just wondering if you could just clarify on that distinction.

Deputy S.Y. Mézec:

I am sorry, I do not quite understand the question as she hesitated in the middle of it, sorry.

Deputy M.R. Scott:

Is it something aside from giving funds towards an election that is already covered by the law, and if it is, how?

Deputy S.Y. Mézec:

My contention is that it is not necessarily all captured by the law, that it is possible to do lots of spending on promotion for a movement or a group that is not directly spotlighting a particular candidate, but is clearly going to have a reputational impact on that candidate. They are obviously hoping it will be a positive one. It is very possible to do that. Reform Jersey could, if we were lucky enough to have the funds, spend tens of thousands of pounds outside of the regulated period for an election to promote the party and branding, not specifically candidates, but that would obviously have a beneficial impact on the reputation of those candidates, or at least we would be seeking for it to have that impact. Under the law we would have to declare it because we have to file accounts so it is covered, but another group would not have to do so. So, that is the distinction I was making there.

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

Putting aside Deputy Renouf’s jokes, the last 2 speakers have answered a lot of my questions that I would have put to the proposal.

6.1.7 Connétable M. Labey of Grouville:

I am reminded of the 1985 comedy film, “Brewster’s Millions”, starring Richard Pryor. The premise of the film was he was going to inherit an obscene amount of money if he could give away a certain portion of it without gaining any assets, not betting it, not giving it away. He did so by standing for election, because he realised that is the easiest way to throw away an awful lot of money. Sadly, for him, he became President of the United States as a direct result. It implied that you could buy that presidency. I am always frightened by the sorts of lobbies that are active in that country, the gun lobby, the oil lobby, et cetera, and the influence they have. Anything that is declared publicly and

transparently I think is a good thing within a political system, and I hope that “Brewster’s Millions” never comes true.

The Bailiff:

Does anyone else wish to speak on the proposition? No one else wishes to speak. I will call upon Deputy Ward to reply.

6.1.8 Deputy R.J. Ward:

Speed is of the essence, marvellous. I will be really quick as well. I have to say to the Constable of Grouville, I have never seen “Brewster’s Millions”, but I will go home and watch it at some point. It sounds really interesting. Thank you for everyone who has spoken. It is very simple. We seem to have been a little obsessed with the funding. It is a little bit more than that; as I say, it is not about the price tag. Deputy Renouf, I thank him. You have got to be careful with a political party name, the world catches up on you. I mean, you can call yourself whatever you want. When you said “premium”, I heard “premier”, and I was thinking: “Always a good night’s sleep.” Who does not like a Premier breakfast? I think the points you raised, as I understand ... I hope you can support this because I think the voluntary nature of this is the point of the first part. We cannot change it straight away, but we have an election coming up. I think there are genuine concerns across the Assembly about what has happened in regards to those elections and the transparency of those standing. The key point is it is about standing in elections if you stand candidates as a group. I will come back to that when I talk to Deputy Scott’s point. Therefore, I think the key points there are that voluntary code, if you like, it has got to be self-regulating because it is voluntary, and I think it will be the electorate that regulates that. Because if we vote for this today and it has to happen, and there are obvious political groupings who stand together on a leaflet that has got the same name on it, whatever that name is, the Even Better Way, the Discount Jersey, Yellow Label Jersey, whatever you want to call yourself, it is absolutely up to you. But I think the electorate will want to know what are you standing for; what are you going to do together; why are you standing together; why are you not declaring that. I think that is the self-regulating part of that. The second part for the next Assembly, it does not have to be complicated, and it does say “necessary legislative change”. So, if P.P.C. find only small amounts of legislative change is necessary, then that is fine. I think that is very important we talk about “necessary”. Chair of P.P.C.; P.P.C. have no view. I am disappointed in J.E.A.’s comments because I think this is a lot simpler than they are saying. I thought to myself: “I had better put a couple of examples of codes of practice. This is going to take me forever.” I searched under: “codes of practice” and about 500 came up. I selected a couple in 2 or 3 minutes and put them at the end of my comments page just to make the point. Very easy to find. There is a lot that already exists out there. It can easily be adapted. I do not think that is such a big thing. This is beyond spending laws, because the spending laws happen after the election. After the election we declare spending; everyone declares it. This is about the run-up to an election and political campaigning together. The same for the Chief Minister, it is about post-election. In terms of definition, that is the point of the voluntary code. The voluntary code to some extent is to draw out what those political groupings look like. People may have their names together. I can remember in not the last election but the election before, we had 3 Members of the Assembly who stood together with their names together on the banners with no political party saying: “Vote for the team.” Now, that is fine, but I think that is 3 people working together as a political grouping, and they need to be declaring honestly about what is behind them; what is their shared value that you are voting for. What do you get from those 3 people that is a shared value? Because I think that is what the electorate wants to know, and how they will work together in forming a government. So, that is the reason for the voluntary code, Chief Minister. Deputy Scott, I am not asking to register under the umbrella of a political party in the voluntary code. I am asking P.P.C. in the next iteration to look at how that would work and what necessary legislative changes to recognise political groupings that will have influence on the election, that will stand together and need to show their transparency. Now, if that forms a political party, that

is fine. It was telling that the Deputy said: "Some sort of group." In a democracy, for elections where you are choosing the people who are going to form the laws under which you live, some sort of group is not good enough to me. You have got to be really clear in terms of what type of group are you; where are your influences; and what do you stand for? I also think it is much more powerful to do that because it is honest with the electorate and that it is much needed. The key in this part is those who stand candidates. So, for example, the St. Brelade's Bay Group, they are not going to stand candidates. They might lobby, they might go to people and say: "This is an important issue" and if you are in St. Brelade's, of course you will. But if the St. Brelade's Bay Group said: "Right, We have got our candidate for election, and we are all going to get behind them, and we are going to put 4 candidates up", they are working as a political grouping, if you stand candidates. Because we want to know what you stand for. I think what is scarier than to say to people: "You need to declare where your alliances are", are hidden alliances. Alliances that only appear after the election when people form groups together to form a government. If that happens, I think that is much scarier, because there were some influences there, and we need to be very, very aware of those. The transparency at the beginning is far less scary than that happening at the end. Deputy Renouf, he mentioned loopholes, and the loopholes are the key. It is not just spending. I understand about the spending, and that is key. I want to resist, but I cannot, saying: "What is the price of a tin of beans? Who is paying for the beans?" When they are given away and cannot be used because the labels have been removed, what a waste of money. Someone needs to be accountable for all those tins of beans that had to be thrown in the bin because they had no labels on, so you could not tell whether there were any allergens in them. You have to think these things through. We need to know about that. It is a hybrid system what we have. Movements have started. I do not think this puts people off being a movement. It might help focus it. It has happened before. Political parties do form from that. It may well be that you have a go as a movement; it does not work. You do not have to go through the process of political party. It might be a good trial before political parties collapse and you do not have to do the admin. But I do raise the issue of accountability. The key word there is "accountability". If you work together, how can you be accountable? If you say at the election: "We going to work together, but we are not together." So, later on, if you form government and you fall out or something does not work, you can say: "That is not us. It is not us anymore." I do not think that works for the electorate. I do not think that is the right thing to do. If you are independent, that is absolutely fine. Independence is independence, you put things towards you, you form allegiances. I work with people across the Assembly, I always have; in Scrutiny and now in Government. We have to work together, we get that. You can do that as an independent, you can do that as a part of a political party if we have intelligent and thoughtful politics across this Assembly. I think some of our debates on the assisted dying has shown what we can do when we really try. Deputy Mézec, he makes some good points. I think the phrase was about "influencing the outcome". We need to know, before our next election, which groupings are working together to influence the outcome of those election group candidates. If we do not know that, we cannot truly say that we have an open and transparent election, and that is what I would like to see as happen. I think that is everybody's comments that I have been through. I would just say that this is a simple proposition. It is about adopting a voluntary code. If you look at the voluntary code as a political group and you say: "That is not for us. We do not believe we have to do it", you are right, it cannot be policed. That is the point of a voluntary code. But it will be policed by the electorate. If you are standing together in Yellow Label Jersey: "We are Yellow Label Jersey. We are standing together as a movement called Yellow Label Jersey." We vote for this voluntary code, the first question at hustings will be: "Why are you not declaring as a political party?" If that can be answered, then that is absolutely fine. But there is a voluntary code there to look at, to give transparency to people about your funding, who is behind you, what is the political influence behind you.

[16:15]

If there are people in the background driving your political influence and you are standing as a group, that needs to be declared. That is where this comes from. The second part is for the next iteration of the Assembly. I am also honest about that, and I realise that if the next iteration of the Assembly P.P.C. decide: “We have had to look at the legislative change and we do not want it”, it will not happen. I am realistic about that. I do not dream that anything that we do in this Assembly will be that influential next time because it can all be changed. However, it is there for discussion, and there is time there and it is something for P.P.C. to look at, and then we will be fresh from an election to have seen what has happened. So, I think that will be very important. Finally, anything that we do that puts us apart from some of the influences in elections across the world is better for us as a democracy, it is better for us as a society and an economy, and it is better for the electorate of Jersey, and it sends a message out to say: “We want to be transparent. We want you involved in the elections. Please vote and let us know what you are voting for.” So, I urge Members please support both parts of the proposition, and I call for the appel.

The Bailiff:

The appel has been called for.

Deputy H.L. Jeune:

Could we ask if will be taken in parts?

The Bailiff:

It is a matter for you, Deputy Ward. Do you want to take in parts (a) and (b), or together?

Deputy R.J. Ward:

I would rather vote for it together, because I think one leads to the other.

The Bailiff:

Members are invited to return to their seats. I ask the Greffier to open the voting. All Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting. I can announce the proposition has been adopted:

POUR: 25		CONTRE: 17		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Brelade		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Martin		Deputy S.G. Luce		
Connétable of St. John		Deputy S.M. Ahier		
Connétable of St. Clement		Deputy I.J. Gorst		
Connétable of Grouville		Deputy L.J. Farnham		
Connétable of St. Ouen		Deputy Sir P.M. Bailhache		
Connétable of St. Mary		Deputy M.R. Scott		
Connétable of St. Saviour		Deputy R.E. Binet		
Deputy G.P. Southern		Deputy M.E. Millar		
Deputy M. Tadier		Deputy A. Howell		
Deputy L.M.C. Doublet		Deputy T.J.A. Binet		
Deputy M.R. Le Hegarat		Deputy M.R. Ferey		

Deputy R.J. Ward		Deputy A.F. Curtis		
Deputy C.S. Alves		Deputy B. Ward		
Deputy S.Y. Mézec		Deputy K.M. Wilson		
Deputy T.A. Coles		Deputy M.B. Andrews		
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy R.S. Kovacs				
Deputy L.K.F. Stephenson				

Deputy R.J. Ward:

Can I thank Members for that. Marvellous.

7. Draft Elections Amendment (Jersey) Commencement Act 202- (P.118/2025)

The Bailiff:

The next item is the Draft Elections Amendment Commencement Act, lodged by the Chair of the Privileges and Procedures Committee. The main respondent is the chair of the Corporate Service Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Elections Amendment (Jersey) Commencement Act 202-0. The States make this Act under Article 28 of the Elections (Jersey) Amendment Law 2025.

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

This Act provides for the Elections (Jersey) Amendment Law 2025 to come into force on 10th February 2026. That law makes several administrative changes to the extant law, as approved by the adoption of P.28/2025, as amended on 24th June 2025, and is designed to improve the electoral system for candidates, voters, and those tasked with running the process. For clarity, this does not enact the return of the Senators. That will happen when this Assembly debates P.119 at its next meeting in February, as that required a 6-week lodging period and Royal Assent was only received in early December. The changes which were adopted in Third Reading by 44 votes pour and no votes contre after the debate in June 2025 include extending the vote to all prisoners, placing the management of the hustings process with the Jersey Electoral Authority, and alterations to the postal voting deadlines. They also include the reduction to one year of the residency criteria for voters, as proposed by Deputy Jeune. The other changes relate to revisions to the definition of a spoiled vote, which will hopefully reduce issues with the returns from after the vote count; alterations to how candidates' addresses are published if they wish to use an alternative; and changes to some of the processes around pre-poll and postal voting, mostly to accommodate the move to a Sunday election. I wish to remind Members that we have previously debated these changes at length, and this Act

simply brings all of the law amendments agreed by this Assembly into effect in time for this year's elections. I make the proposition.

The Bailiff:

Is the Act seconded? [**Seconded**] Does any Member speak on the Act?

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

I think it would be remiss not to raise 2 points. While I fully support extending the vote to all prisoners and the reducing the residential criteria, I have serious concerns about the hustings process. Recently, the Greffier confirmed to us that it was planned for no speeches at hustings, so I think that is a complete move away from what the public want, and I do think that would be a mistake. It should be for the candidates to agree a framework for their own hustings and not have it prescribed by any authority. The second point I would like to place on record is my concern, which I mentioned yesterday, about printing the ballot papers off-Island. That will reduce the amount of time people have got to apply for a postal ballot because, as Deputy Howell quite rightly pointed out, we are dependent on the weather and so there will be less of an opportunity for Islanders to apply for a postal vote because the postal votes will not be printed on-Island. I have confirmed yesterday evening that the secure printers were very capable of doing a secure fulfilment operation, identifying people on electoral lists, identifying which ballots they were entitled to, and going on. It was stated by the chair of P.P.C. that the local provider would not have had time to do it. The local provider still has not had what was required, so I do not know how the chair of P.P.C. could make that comment.

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

Speaking specifically to the question of the prison and prisoners voting, I have to say that my experience of the last election, upon visiting the prison, was that there were only 2 prisoners who wished to see me. Maybe it is me, but there was very, very little interest in politics. All they were interested in was where they might live when they left the prison and what job they might be doing. So what I am saying to our P.P.C. is do not anticipate a great response from this. I would conclude by endorsing the comments of my fellow Connétable regarding the hustings. It must be borne in mind that Parish Halls, where these hustings are very often held, get booked, and it is half-term during that period, and we will find that there will not be availability. So it is all very much last minute, and once again, I would agree with him regarding the off-Island ballot paper production, but sadly we have agreed upon that.

7.1.3 Deputy M. Tadier of St. Brelade:

I know this really is strictly only about a law that we have already had a debate on, and this is about the appointed day that it will come into effect, so 10th February. But the point has been made that, of course, if Members do not have sympathy with the original changes that were put forward, although it did sound like it went through unanimously back then, so it is interesting that Members now may be having misgivings about what they voted for back then, which are coming out now. So that may influence how they ultimately vote. I would say that, in defence of the Electoral Authority, although instinctively one might feel that it is correct that candidates should determine their own hustings schedule and content and rules, I think there is a danger to that, and this is no doubt why we passed the law in the first place, is that there needs to be uniformity across the constituencies about how a hustings will take place. A hustings is not just a social party that takes place, which can be decided in an *ad hoc* manner by whoever happens to be the candidates in a particular district, which could, of course, be the whole Island for Senators. The second point is that it also leaves the established candidates who are perhaps seeking re-election to have a disproportionate sway and say in the format of the hustings. So, I think it is absolutely right that standing for election is a very serious matter. It will elect the next Members of this Assembly, and then that Assembly will elect the next Government. There does need to, I think, be proper rules about it. There has been a question

submitted just this week, I hope I am allowed to say that, from somebody asking will there be speeches automatically, will every candidate be giving a speech during the hustings? Well, do we know that yet? I will be interested to see what the answer is from our Privileges and Procedures Committee, because it seems to me it is not just a matter for candidates, it is about the public expectation. I think, as a voter, I would want to know that every person who is standing for election in Jersey not only has the opportunity to make a speech, and a significant speech, which might be more than just 30 seconds, but that they should all have a requirement to give a speech, so instinctively that seems the right thing to do. If we leave that decision just to the whim of the candidates themselves, they might say: "We do not want to make speeches, do we?" Imagine if you have got 4 established candidates and only one newcomer saying: "We do not want to make speeches, do we? People know who we are already. We can surely just take questions from the Assembly." But there are questions about equity and process, which is why I think we voted for the law in the first place. Voting for prisoners, I do not think it is going to change the world. I think this was ultimately done as a consideration about wider human rights implications, people feel strongly about that. What I would say and, by the way, if you are relying on prisoners' votes solely to get elected, you may struggle, not least because I do not think the turnout is great among them. But there is a challenge there, I think, is there not? Because when we gave the votes to 16 year-olds, who I am not saying are criminals by any stretch of the imagination, there is a counter piece of work that needs to go on to make sure that those young people we gave the vote to have the wherewithal, both intellectually and physically, to know how to cast their votes and to have access to the information. I would suggest that there is a piece of work to be done, perhaps with the Prison Governor, perhaps in consultation with the Prison Chaplain, although not wanting to overly politicise the Chaplain at the prison, God forbid that we should ever not have a separation between church and state.

The Bailiff:

God forbid it is not parliamentary.

Deputy M. Tadier:

God forbid, not parliamentary. Sex Panther is OK. Sorry, I am just joking. Probably not the wisest point to make at the moment, but I am not going to refer to that. Yes, we are through with that. That was just a thought that was going through my head. So it is important that prisoners, if they are going to be given the vote, are given opportunities to engage with at least the literature, the candidates, and that there is, I think, a wider piece of education that needs to go on in the background. So, irrespective of whether there is an election going on, there needs to be a point made about that, about the education that goes with it. The last point I would make, I think the Constable of St. John referred to the fact that he is uncomfortable with the reduction in period of time that one needs to be in Jersey from 2 years to one. No, he did not say that. So I will leave that point. But otherwise I think the debate has already been had, and I certainly welcome these changes.

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

I would like to ask the chair of P.P.C., when he sums up, please to confirm to Members whether or not, at the hustings, the candidates will be permitted to make a speech. The Constables of St. John and St. Brelade have referred to this, and we may have the wrong end of the stick, but my understanding is that the J.E.A. has said that the hustings will be for candidates to be questioned only, that they will not be giving speeches at the hustings. The reason for that, as I understand it, and I do stand to be corrected, but I need to know, everybody wants to know, the reason, as I understand it, is that candidates will be able to speak to camera, as we did in the election 2022, and state their reasons for standing at that time.

[16:30]

The J.E.A. feel that to have speeches at the hustings will be moving away from what the public want. The public want to know, want to be able to hear answers from candidates. I may be completely wrong on this. I do not want to set hares running, but I am sure that the chairman will be able to confirm or deny that. One other comment just about the J.E.A. deciding on the hustings. We all remember years ago we would be nominated at the Parish Hall for an election, whatever that election would be, certainly for Senator it was at the Town Hall. We would then get together and agree when we would have the hustings on a date to suit as many candidates as possible. What has happened this time is that the J.E.A. is setting the dates for the hustings, and they have, again, as far as I understand it, certainly in my Parish, sent us a date for the hustings. So we have been told when the hustings will be held in our Parish. There is a slight discourtesy there, I think, because the Parish Hall is used for a number of community events, as we all know, and they do get booked up in advance. I think it would have been courteous for the Authority to contact the Parish in advance to just check that the date that they wanted to suggest would be suitable for the Parish and for the parishioners who use our Parish Halls on a regular basis. Perhaps they can take that into account moving forward. I come back to the point of the speeches, I hope that I have misunderstood this, because in my opinion all candidates should be able, in fact they should be required really, to stand up and address the electorate. I look forward to hearing the chairman's response.

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

Following on from the Constable of St. Lawrence, I do hope that the president of the P.P.C. will be able to answer the question that she put to him, because it does seem to me to be very important. I recall that during the last Senatorial election in which I participated, I prepared a different speech for each occasion when the Senatorial candidates spoke. That was important because it enabled me to get across to the public my views on a whole range of different subjects. If one is restricted to answering questions, that seems to me to limit the ability of candidates to put across their best face in the way in which they want to do so. It may be that we are all barking up the wrong tree, and forgive me, chairman, if that is the position, but it does seem to me quite important. I do not recall being present when this particular amendment to the law was debated. I may have been, but I do not recall it at all. But I certainly would have opposed the proposition that the J.E.A. should have responsibility for deciding how the candidates should present themselves to the electorate.

Deputy A.F. Curtis of St. Clement:

Strike me out of order if it is right. This is obviously an enactment day, but given Members are now considering, at a very late notice, is it appropriate to ask the Solicitor General, regardless as to the current direction, whether Article 7, that inserts 171A or IA, it is hard to read the capitalisation here, whether that provides for the J.E.A. to have that power before we vote on this? Is it legitimate for me to ask the Solicitor General a question before I even attempt to do so?

The Bailiff:

Yes, I think so.

Deputy A.F. Curtis:

Then may I ask the Solicitor General, regardless of the intentions of the J.E.A., which the chair will probably outline he has more information on, does the law confer a power on the J.E.A. to prescribe the format of a hustings, not just the date of a hustings, under the Article being inserted at 171A?

The Solicitor General:

Forgive me, is the Deputy referring to the Elections (Jersey) Amendment Law 2025?

Deputy A.F. Curtis:

Yes, the one under which the enactment day we are debating and I am just reading from the unenacted copy on Jersey Law linked from the enactment day.

The Solicitor General:

Article 17A, may I have a moment to look?

Deputy A.F. Curtis:

Yes, of course, yes.

The Bailiff:

Does anyone else wish to speak on the Act?

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

I think there has been a little bit of confusion again. So the J.E.A. have not made a decision about the hustings at all. I think there are a lot of rumours going around and I doubt very much that they will have no speeches. I think it will probably be a reduction in the time available to allow more time for those people to ask questions. This is on the back of what they are hearing from the public. The J.E.A. are not making decisions in isolation. They are hearing from the public and the public's views. I think the last time we had a Senatorial, the majority of the time ended up being taken up by people making speeches, which meant that candidates, and correct me if I am wrong because I only attended a couple, but I think they were only able to answer about 4 questions in total because of the volume of candidates that were standing. This is more about co-ordination. It is about reducing clashes. It is about ensuring dates are available in advance. Because we also have a requirement to film each of the hustings, which was agreed in the last term of office. In order to ensure that we fulfil that commitment, obviously we have to make sure that we have equipment available, that we have people available to film all of the hustings. So I ended up organising the hustings for my district in the last election, and it ended up being an absolute nightmare. I had 2 chairs that cancelled on me. I had to organise the venues myself and find the venues myself. I had to pay in advance for those venues and then get the money back from the candidates standing in that district. It was an absolute nightmare and especially when it came to trying to find a chair, for example, because it has to be someone that everybody agrees on, someone that is impartial and all of those things. When you have people who are falling ill or whatever and cancelling last minute, when I am preparing for the hustings myself, it put me under an enormous amount of pressure and took time out of my campaign for me to do that. So, the J.E.A. will hopefully help to co-ordinate all of this and reduce that kind of stress on candidates. The other point as well is that if this is not adopted, we will lose the reduction in residency criteria for voters, which has been previously agreed. I also wanted to just comment on, I think it was the Constable of St. Brelade who talked about those that are serving sentences in our prison here, who he, in his experience, found that they were not very engaged in all of those things. I will say that the outreach team that we have now are also engaging with people in the system, so hopefully that engagement should increase. So I hope that the points that I have just outlined there have helped bring some clarity as to what it is that the J.E.A. will be doing. Like I said, they have not made a final decision and I am sure they will be listening intently to what Members have said this week.

The Bailiff:

Solicitor General, can you answer that question that you were asked by Deputy Alex Curtis?

The Solicitor General:

Yes. Article 17IA is hustings. It does not contain any power for the J.E.A. to determine what format a hustings meeting will take. It does give the J.E.A. power, and a duty in fact, to arrange hustings meetings and to make arrangements for when those are to be held and where they are to be held and arrangements for publicising the fact they are being held.

Deputy A.F. Curtis:

Can I thank the Solicitor General.

The Connétable of St. Lawrence:

May I just seek clarification, please?

The Bailiff:

Yes.

The Connétable of St. Lawrence:

Can the Solicitor General confirm then that the management of the hustings will be down to the candidates themselves or can be down to them?

The Solicitor General:

Well, I do not think that is a question of law. It must be a matter of common sense, it would seem. I would hope that candidates and those organising the hustings will be able to agree to what the appropriate procedure is.

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

I hope it is appropriate for me to say this, but on the Order Paper this week question 11 was my question, which was: “Will the chair advise whether all candidates standing for election at the general election of June 2026 will be required to make a speech to outline their candidacy and manifesto at every hustings they attend?” Unfortunately, I was not in the Assembly to ask the question because I was at a relative’s funeral, but I did receive an answer, which I know is going to be printed, so I am hoping I am allowed to, as I should have asked the question this week, whether it is appropriate for me to read some of the answer, which is: “Last year, the Assembly adopted P.28/2025, which made several changes to the Elections Law. Among those changes was a new provision that placed the co-ordination and management of the hustings with the Jersey Electoral Authority rather than the candidates. In order to maximise the amount of time afforded to the public to pose questions to the candidates, I understand that the J.E.A. will be considering whether to reduce the amount of time available at the beginning of each hustings.” I reiterate, they are saying the J.E.A. will be only considering whether to reduce the amount of time - and hopefully if they are listening to this debate, they will take this on board - available at the beginning of the hustings event for pre-prepared speeches to be read out. It should be noted that each candidate will also have recorded an introductory video, which will be available for the electorate to watch online on vote.je, and those videos will be signposted to the people attending the hustings. Each candidate will also have their space within the manifesto booklet published by the J.E.A., so it is good that we are debating this in the Assembly, because hopefully the J.E.A. will listen to this debate and realise that it would be good if we could make pre-prepared speeches.

Deputy A.F. Curtis:

If I could make a speech now on the enactment.

The Bailiff:

Yes.

7.1.8 Deputy A.F. Curtis:

I only did ask a question. Having had the advice from the Solicitor General on the interpretation that the J.E.A. do not have a statutory power to force the format within a hustings, only the selection of the date, and I think with that now being heard by the Assembly and no doubt by the J.E.A., I feel far more comfortable, and I am sure that I will be voting for the enactment day knowing that they do not have the power to choose unilaterally the length and format of what happens on that day.

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

I want to speak to reiterate what was just said, and while I believe sometimes repetition is useful, the J.E.A. do not have the power to determine what goes on. It is clear when you go to hustings of what people want to do. I have to say, Deputies' hustings with 5 or 6 people, everyone making a speech, you have got a lot of time for questions. If there are 30 candidates for Senators and they are all making speeches, you are going to have to think between you what you want to do and whether you want to answer any questions. It is up to you, but it is up to the candidates. I just see the J.E.A., as Deputy Alves said, arranging the place for the hustings and making that a lot easier for us. Because, if you are standing for election, you want to be busy campaigning, not arranging for where the hustings go. We have talked about this before. I really hope people would just support this and we can then move forward.

7.1.10 Deputy J. Renouf of St. Brelade:

Yes, I will make a very small observation following Deputy Alves's point about the public response to our speeches.

[16:45]

I suggest there may be a slight gap between the desire of Members of this Assembly to make speeches and the desire of the public to hear them. We might want to just reflect on that.

The Bailiff:

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

7.1.11 Deputy S.M. Ahier:

Firstly, I will respond to the Constable of St. Lawrence in regards to the dates of the hustings meetings. The J.E.A. will publish a calendar of dates which all election candidates can see in advance of the nomination process so that they can ensure their availability for the events. It is a short timescale of only a few weeks for 3 different types of hustings to be held, and it is important that they are co-ordinated to avoid clashes or multiple events being held on the same date, as this will increase the costs of filming them all, as was agreed in this Assembly in 2022 when it adopted Deputy Maçon's proposition, P.49. The J.E.A.'s oversight will ensure a level playing field among candidates. Newcomers have reported that they found it intimidating for the hustings to be arranged by existing Members. There were also issues around responsibility for the arrangements, and some candidates being left out of pocket when not everyone contributed to room or microphone hire costs. This change ensures all the events are run the same way so there is a cohesive approach. Vote.je will also provide impartial chairs to run each event. We have to try new ideas and bring a fresh approach if we are to achieve a better turnout. I will now respond to the Constable of St. John and others about election speeches, and obviously there has been a mention of the Attorney General. I would like to quote from the proposed Article, which has already been agreed by this Assembly, Article 17IA: "Hustings. (2) The J.E.A. must arrange a meeting in each relevant Parish in relation to the constituency at which each person nominated as a candidate for the election may address members of the public." I think that is quite clear. I do not think that is in dispute. If there are any concerns about this, I have had correspondence from the chair of the J.E.A., Michael Maret-Crosby, and I hope to be able to meet him next week to discuss these matters and other matters relating to the election. There was also comment by the Constable of St. Brelade and others about prisoners. I agree entirely with the Constable of St. Brelade, there is going to be a lack of interest if 2 or 3 people do turn out to vote, or want to vote, not turn out, not escape to vote, I would be surprised. That was one thing that I, like him, was totally opposed to, but there we go, democracy rules and this has been debated and voted on. The other thing was ... the dates we have done. I would like to thank the Constable of St. Martin for quoting my response. That was obviously because the Constable of St. Martin was not here for the oral question. I just forwarded her response and I thank her for repeating it to the Assembly to make those matters clear. Summing up, I want to thank Members for the points

they have raised. All these changes seek to achieve one thing, greater participation by the public of Jersey in the electoral process. An increased turnout strengthens our position as a legitimately elected Assembly. Jersey's current low voter turnout suggests we need to alter how we do things. We have to try new ideas and bring a fresh approach if we are to get as many people as possible exercising their democratic right to vote. P.P.C. is confident that these mostly administrative amendments will allow the elections to run more smoothly in June and will make it easier for the public to cast their votes. I maintain the proposition.

The Bailiff:

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

POUR: 39		CONTRE: 2		ABSTAINED: 0
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of Trinity		Deputy I.J. Gorst		
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				

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

8. Draft Customs and Excise (Jersey) Amendment Law 202- (P.3/2026)

The Bailiff:

The next item is the Draft Customs and Excise Amendment Law lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Customs and Excise (Jersey) Amendment Law 202-. A law to amend the Customs and Excise (Jersey) Law 1999 to substitute new rates of vehicle emissions duty for certain commercial vehicles. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

8.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):

I am sorry, but we have to move to finish the day with something that is not exciting, that is quite irritating. It is for me. Members will recall that the Finance Law was adopted by the Assembly in December. Following its adoption and during implementation, officers identified a technical layout error in one of the vehicle emissions duty tables relating to commercial vehicles. Specifically, one column of rates in the table is misaligned by a single row, meaning that the highest rate for the top emissions band was omitted and the rates for certain other bands are incorrect in that they are lower than they should be. That does not reflect what the Assembly approved as part of the Budget. Given the importance of legal certainty for importers, agents, and the orderly administration of the duty, and to ensure that duties are collected at the rates approved by the Assembly, I believe it is appropriate that this narrowly focused amendment be dealt with promptly. I am grateful to Members for agreeing that it may be debated today on a shortened lodgement period. I sincerely apologise to Members for this error and regret that this correction is necessary. I have asked officers to review our internal processes and operating procedures for checking draft legislation to reduce the risk of similar errors arising in the future. As I have explained, the amendment is narrow and technical in nature. It

corrects the layout error in the vehicle emissions duty table so that the legislation accurately reflects the rates approved by the Assembly as part of the Budget. The policy agreed by Members is clear and unambiguous. It is set out in the Budget 2026-2029 document and in the accompanying report to the Draft Finance Law, which provided for these rates to be uprated in line with inflation. The amendment makes no change to policy, scope or structure. Since the Finance Law came into effect, declarations for the affected categories have attracted the lower rate of duty, which was not the Assembly's intent. Correcting this error ensures alignment between law and policy and will provide legal certainty and fairness for those affected. I again apologise to Members for the need to bring this corrective amendment, and I am grateful for their understanding in allowing it to be addressed promptly. I therefore ask Members to support the amendment so that the law accurately reflects what was agreed by this Assembly in December.

The Bailiff:

Thank you, Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles. Those in favour, kindly show. Thank you very much. The principles are adopted. This is a taxation draft, so there is no referral to scrutiny. Minister, how do you propose the 3 Articles?

8.2 Deputy M.E. Millar:

En bloc, please.

The Bailiff:

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

POUR: 41		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of 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.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Minister, do you propose the matter in Third Reading?

8.3 Deputy M.E. Millar:

Yes, please, sir.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Third Reading? Is the appel called for?

Deputy M.E. Millar:

Yes, please, sir.

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. The draft law has been 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. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				

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

9. Draft Customs and Excise (Jersey) Amendment Law 202- (P.3/2026): Acte Opérateur

The Bailiff:

Minister, do you now propose the Draft Act declaring that the Customs and Excise (Jersey) Amendment Law has immediate effect?

Deputy M.E. Millar:

Yes, I do, Sir. Thank you.

The Bailiff:

Is that Act seconded? **[Seconded]** Yes, the Greffier needs to read the citation, sorry.

The Deputy Greffier of the States:

Draft Act declaring that the Customs and Excise (Jersey) Amendment Law 202- has immediate effect. The States make this Act under Article 12 of the Public Finances (Jersey) Law 2019.

The Bailiff:

Minister, do you wish to propose this Act?

9.1 Deputy M.E. Millar (The Minister for Treasury and Resources):

I do, thank you.

The Bailiff:

Does anyone wish to second this Act? **[Seconded]** Does anyone want to speak on this Act? Those in favour, kindly show. Thank you very much. The Act is adopted. Minister for Sustainable Economic Development, the last matter on the Order Paper is P.95, the Draft Public Records Amendment Law.

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

That is correct, but if possible I prefer to defer it to the next sitting, please.

The Bailiff:

Defer it to the next meeting. Are Members content to defer it to the next meeting? Yes. That concludes Public Business for this meeting.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I ask the chair of P.P.C. to propose the arrangement of public business for future meetings.

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

Firstly, I am formally required to bring the Assembly's attention to the fact that an e-petition has reached 5,000 signatures. Although Members are no doubt already aware that the petition called Reconsider and Reverse the Decision to Reduce Funding for Jersey Employment Trust has reached that threshold, in light of what was said in the States on Tuesday and the actions taken by the Government, I am not proposing that we should hold an in-committee debate on this e-petition. It is open to any Member to make that proposition, however, and now is the time for such a proposition to be made. Thank you, Members. I will move on to the Arrangement of Public Business. There are some changes to the Consolidated Order Paper. The Draft Public Records Amendment Law has been deferred by the Minister until the next meeting on 3rd February. As Members are aware, the Draft Alcohol Licensing Law has been listed to continue on 24th February. The Draft Sanctions and Asset Freezing Law Amendment Regulations have been lodged and listed for the meeting on 10th March. The Draft Animal Welfare Law was referred to Scrutiny and has been listed to continue on 24th March. Looking at the next meeting on 3rd February, there are a number of items listed for debate, as there is almost certain to be with only 4 meetings left. I would remind Members of the continuation dates that are set aside if needed in order that we can consider all the propositions due for debate that week. With that, I propose the order of business.

The Bailiff:

Are Members content to proceed as suggested by the chair of P.P.C.? Are Members now content to adjourn until 9.30 a.m. on 3rd February? The Assembly stands adjourned until that date.

ADJOURNMENT

[16:59]