

STATES OF JERSEY



Jersey

DRAFT JERSEY GAS COMPANY AMENDMENT LAW 202- (P.91/2025): AMENDMENT

**Lodged au Greffe on 20th January 2026
by Deputy D.J. Warr of St. Helier South
Earliest date for debate: 3rd February 2026**

STATES GREFFE

DRAFT JERSEY GAS COMPANY AMENDMENT LAW 202- (P.91/2025): AMENDMENT

PAGE 20, ARTICLE 3 –

- (1) In Article 3, in the inserted Article 89H(1), for “imprisonment for a term of 5 years and to a fine” substitute “a fine of level 3 on the standard scale”.
- (2) In Article 3, in the inserted Article 89H(4), for “imprisonment for a term of 7 years” substitute “imprisonment for a term of 6 months”.

DEPUTY D.J. WARR OF ST. HELIER SOUTH

REPORT

This amendment to the Law formed part of a [submission](#) from Jersey Gas Company Limited (JGCL) to the Children and Home Affairs Scrutiny Panel on 28th April 2025. This will make a better Law and bring the potential outcomes for the Gas company into line with other legislative frameworks. I would ask the Assembly to support my amendment.

I would also add that the timing of this debate is not helpful for the following reasons:

- (1) It could be prejudicial to the upcoming court case.
- (2) Further facts may come to light from the court case that might require further legislation- better to do it all together.

The following report is an explanation of the proposed amendment.

The amendment concerns Article 89H Disproportionate Penalties. The [accompanying Report](#) to the Amendment Law states that: “*The penalty is intended to convey the severity of the potential worst-case outcomes (public safety, harm to people or property, failure of the supply of gas to Jersey) should the Minister for Justice and Home Affairs not be notified as required by directions and is in line with other similar offences in recent Jersey Law.*”

These are not health and safety offences. They do not relate to a failure on the part of JGCL to comply with its duties in respect of public safety, causing harm to people or property, or a failure to supply gas; nor do they relate to any failure on the part of JGCL to take reasonably practicable steps to mitigate or prevent such risks of harm or failures. All of those offences and their penalties are already covered by existing legislation or the current customary law. The offences considered in the Amendment Law relate only to the provision of information to the Minister in respect of such matters. The concern is that the proposed sentencing regime will substantially affect JGCL’s ability to retain and appoint capable directors, officers and employees with the necessary expertise to support JGCL. The penalties should be proportionate with equivalent offences under other enactments concerning the provision of information to a Minister or public authority (see **Appendix**). There is no principled basis upon which such a significant difference in potential sanctions can be justified or maintained.

Financial and staffing implications

There are no further anticipated financial and staffing implications to those already identified in the current law.

Children’s Rights Impact Assessment

I consider that this proposition (amendment) has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children’s Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

APPENDIX TO REPORT

Penalties for comparable offences

[The Health and Safety at Work \(Jersey\) Law 1989](#) makes it an offence to make a false statement in purported compliance with a requirement to provide information; and to obstruct an inspector in the performance of their duties. The offences are punishable by a fine not exceeding Level 3 on the standard scale.

[The Petroleum \(Jersey\) Law 1984](#) makes it an offence to obstruct an inspector exercising their powers of entry and inspection. The offence is punishable by a fine not exceeding Level 2 on the standard scale.

[The Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#) makes it an offence to fail to comply with a request for information or documents, or to obstruct an officer exercising their powers to enter premises and put questions. The offence is punishable by 6 months imprisonment and a fine.

In England and Wales notification and reporting requirements are governed by the [Health and Safety at Work Act 1974 \(HSA\)](#) regulations issued under it including [The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 \(RIDDOR\)](#) and the [Gas Safety \(Management\) Regulations 1996 \(GSM\)](#). The HSA makes it an offence to contravene these regulations. The maximum penalty under the HSA for contravening the regulations is imprisonment for a term not exceeding 2 years, or a fine, or both.