

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 24th MARCH 2026

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

Firstly, on behalf of Members, I would like to welcome His Excellency, who is joining us in the Chamber this morning. [Approbation]

1.2 Princess Royal visit

Secondly, it gives me great pleasure to be able to announce that the Princess Royal will be visiting Jersey on 30th April. As patron of Durrell, she will be opening the new gorilla enclosure. [Approbation]

1.3 Jurade de Saint-Émilion visit

Thirdly, I am delighted to say that we have a visit from the Jurade de Saint-Émilion with us in the public gallery, together with Jurat and Lieutenant Bailiff Christensen. As Members know, our Jurats judge legal cases, but the cases that the Jurats of Saint-Émilion judge are the contents of cases of wine. [Laughter] [Approbation] *Monsieurs et Mesdames les Jurades de Saint-Émilion, bienvenue à l'Assemblée des Etats de Jersey.* [Jurats of Saint-Émilion, welcome to the Jersey States Assembly]. Deputy Tadier, you had your light on.

Deputy M. Tadier of St. Brelade:

I do not think I did, Sir, but *comme je suis là, de la part de l'Assemblée Parlementaire de la Francophonie, la section de Jersey, je vous souhaite tous et toutes la bienvenue à Jersey également.* [as I'm here, on behalf of the Jersey section of the Assemblée Parlementaire de la Francophonie, I also welcome all of you to Jersey]. [Approbation]

The Deputy Bailiff:

Merci.

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

May I advise Members that I have to attend a medical appointment, so will have to leave later this morning. Then, later this evening, I was not anticipating the late sitting, and I will not be able to stay until the end because I am participating in a service with the Jurats of Saint-Émilion.

The Deputy Bailiff:

Thank you, Deputy.

QUESTIONS

2. Written Questions

2.1 Deputy J. Renouf of St. Brelade of the Chief Minister regarding High Value Residents. (revised) (WQ. 18/2026)

Question

“Further to Written Question [4/2026](#), will the Chief Minister state, for each year as far back as records will allow –

- (a) the total number of High Value Residents (HVRs) at the end of the year; and
- (b) the number of HVRs who left the HVR scheme during the year but who remained resident in the Island?”

Answer

Updated Answer – 11th March 2026

Information was provided in the Chief Minister [Comments to P.19/2026](#), presented to the States on 20th February 2026.

Additional statistical information was circulated to States Members, before 09.30 on the morning of the debate (Thursday, 26th February). This information is appended to this answer.

The following tables provide the information requested, as far back as records will allow in the timescale required:

- 2(1)(e) Application Approvals, Arrivals, and Departures, and Net Change from the Scheme (from 2005)
- 2(1)(e) Departures remaining residence in Jersey (from 2005)
- 2(1)(e) Residents (from 2009)

Table 1:

2(1)(e) Application Approvals, Arrivals, and Departures, and Net Change from the Scheme

	Approved applications	Arrivals	Departures from the scheme	Net Change in no. of 2(1)(e) (arrivals less departures)
2005	5	5	2	3
2006	8	9	2	7
2007	13	8	-	8
2008	7	7	2	5
2009	8	5	4	1
2010	7	10	10	-
2011	9	8	6	2
2012	12	8	3	5
2013	14	8	7	1
2014	20	10	4	6
2015	20	22	7	15
2016	17	13	6	7
2017	34	20	3	17

2018	14	29	10	19
2019	21	12	6	6
2020	20	15	14	1
2021	23	28	16	12
2022	9	11	14	-3
2023	29	16	13	3
2024	18	11	10	1
2025	37	29	14	15
2005 - 2025 Total	345	284	153	131
Annual Average	16	13	7	6

Table 2:

2(1)(e) Departures remaining residence in Jersey

Year	Departures from the scheme who remained resident
2005	1
2006	2
2007	0
2008	1
2009	2
2010	5
2011	1
2012	0
2013	1
2014	1
2015	0
2016	0
2017	1
2018	2
2019	3
2020	6
2021	4

2022	2
2023	3
2024	3
2025	10 *
2005 - 2025 Total	48
Annual Average	2

* 2025 is higher than normal due to validation of data

Table 3:

2(1)(e) Residents

Year	2(1)(e) Residents
2009	134
2010	140
2011	141
2012	142
2013	147
2014	159
2015	*
2016	101
2017	122
2018	155
2019	170
2020	180
2021	195
2022	205
2023	210
2024	211
2025	226

* data not available.

Sources:

[ID FOI High value residents' tax data 20160304.pdf](#)

2.2 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding the number of children excluded from States primary schools and from States secondary schools. (WQ. 58/2026)

Question

“Further to [Written Question 388/2024](#), will the Minister advise the number of children excluded from States primary schools and, separately, from States secondary schools for each academic year since 2023/24, and will he advise what interventions, if any, have been made since he took office to support children who have demonstrated tendencies to act inappropriately towards staff and other children?”

Answer

Academic Year	Pupils excluded (suspension) from Government Primary Schools	Pupils excluded (suspension) from Government Secondary Schools
2024/2025	43	294
2025/2026*	25	222

*Data for 2025/2026 represents a partial year – the autumn term and first ½ of the spring term (to February ½ term) have been included.

The above data is taken from SIMS, the schools’ management information system, and represents all pupils receiving a fixed term exclusion (suspension). The data does not include children attending a special school.

In 2024/2025 there were 11,354 pupils in mainstream Government schools (Nursery to Year 13), 3.0% of those pupils (337 in total) experienced an exclusion in that academic year. So far in 2025/2026, 2.2% of pupils have been excluded (247 from a cohort of 11,292).

Schools across the island have strengthened their focus on supporting pupils’ personal development, social interaction and emotional wellbeing. This has included enhancing curriculum provision to place greater emphasis on emotional literacy, self-regulation and relationship education through their personal development provision and PSHE lessons, helping pupils to better understand their emotions, communicate effectively with others and make positive behavioural choices.

Alongside this curriculum development, schools have continued to embed restorative approaches to behaviour. When incidents occur, staff work with pupils to reflect on what has happened, understand the impact of their actions on others, and actively repair relationships. This approach supports pupils to learn from mistakes, develop greater accountability and build the social skills needed to manage conflict and disagreement more constructively.

Through this sustained work, schools are helping pupils to develop safer behaviours, stronger relationships and greater emotional resilience, which in turn contributes to a reduction in incidents that might otherwise lead to suspensions.

Schools have seen a marked increase in the level and complexity of need, and in response they have prioritised staff professional development to strengthen understanding of behaviour, emotional health and regulation. Behaviour policies have been reviewed and adapted to reflect more relational, trauma-informed and restorative approaches, and CYPES continues to work alongside schools to further develop this practice.

This is not a quick fix; it requires a sustained, long-term commitment to changing behaviours through improved understanding of the reasons behind children’s chosen behaviours, and by embedding consistent, evidence-informed approaches across the system.

2.3 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding the total number of locum and agency staff employed by the Health and Social Services Department. (WQ. 59/2026)

Question

“Will the Minister advise the total number of locum and agency staff employed by the Health and Social Services Department from February 2025 to date and outline what actions, if any, have been taken to reduce the number employed; and will he confirm the total number of new permanent staff employed by his Department from January 2025 to date?”

Answer

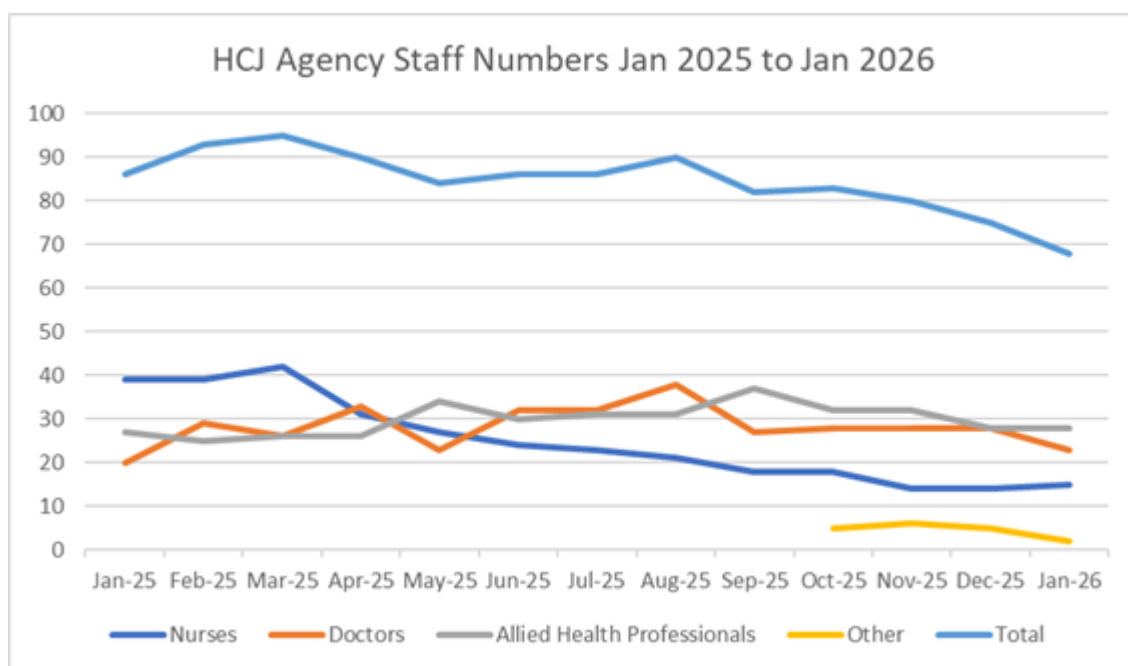
We are working to reduce our reliance on agency staff, which is currently necessary to cover gaps in our substantive workforce—particularly in roles affected by national labour market shortages. At the same time, we are strengthening our internal staff bank so that our own employees have the first opportunity to fill short-term vacancies. While some use of agency staffing will always be required to maintain safe service delivery and cover unavoidable short-notice absences, our intention is to minimise this wherever possible.

The number of Agency workers and breakdown by profession are listed in the table below. Agency workers have decreased since the previous year most notably for nurses. The workforce team have embarked on a recruitment drive to convert Agency workers into substantive posts and have also launched various recruitment campaigns to appoint people into substantive posts, thereby reducing the reliance on Agency workers.

Month	Nurses	Doctors	Allied Health Professionals	Other	Total
Jan-25	39	20	27		86
Feb-25	39	29	25		93
Mar-25	42	26	26	1	95
Apr-25	31	33	26		90

May-25	27	23	34		84
Jun-25	24	32	30		86
Jul-25	23	32	31		86
Aug-25	21	38	31		90
Sep-25	18	27	37		82
Oct-25	18	28	32	5	83
Nov-25	14	28	32	6	80
Dec-25	14	28	28	5	75
Jan-26	15	23	28	2	68

The graph below highlights the downward trend in the use of Agency staff for the last 12 months.



Comparing 31 December 2024 with 31 December 2025 (to get the full 2025 year of changes), there were an additional 139 Full-Time Equivalent Permanent members in HCJ. This **does not** include internal transfers of service areas, such as Public Health and the Ambulance service, unless they have had additional FTE recruited during the year. The data only looks at Permanent employees, and not anyone on a Fixed-Term Contract, Zero Hours Contract, or any staff not on our payroll.

The 139 additional Permanent FTE includes:

- 10 Doctors and Consultants
- 59 Nurses and Midwives
- 65 Civil Servants and allied health professionals
 - o *Our Civil Servant grades include clinical roles such as Allied Health Professionals (e.g. Physio Therapists, Occupational Therapists, Radiology Practitioners), Psychology / Psychotherapy / Other Mental Health Clinical Roles, Social and Support*

Workers and other Clinical Practitioners. It also includes Pharmacology, Biomedical Scientists and Pathology roles.

- 5 Ambulance

2.4 Deputy M.B. Andrews of St. Helier North of the Minister for Justice and Home Affairs regarding consensual strangulation as a defence under the Draft Crime (Strangulation) (Jersey) Law 202- legislation. (WQ.60/2026)

Question

“Further to the inclusion of consensual strangulation as a defence under the [Draft Crime \(Strangulation\) \(Jersey\) Law 202-](#) legislation, will the Minister advise whether there was any public consultation regarding the inclusion of this defence in the Law and if any concerns were raised, and if no such consultation was undertaken, will she explain why not?”

Answer

The Draft Crime (Strangulation) (Jersey) Law 202- is part of a wider package of 5 laws that I have lodged with the aim of improving the ability of our criminal justice system to respond to crimes associated with violence against women and girls, and introduce new, meaningful protections for victims.

This legislation has been delivered at considerable pace. I accepted the VAWG Taskforce’s recommendations relating to legislation at the end of April 2024 and successfully lodged this package of legislation less than two-years later. It would not have been possible to deliver this package of legislation during this short term of government, if I had undertaken public consultations for each of the five pieces of legislation.

Moreover, as the legislative recommendations from the VAWG Taskforce originated from their research with victim-survivors, young people, professionals and the public – it was considered that a high level of public consultation had already taken place, and that Islanders had demonstrated strong support for the introduction of a specific, standalone offence of strangulation.

I note that there have been some concerns as to why a defence of consent has been included for this new offence of strangulation.

At first glance, it may seem that the inclusion of such a defence is at odds with our wider aim of support for victims of crimes associated with violence against women and girls, I certainly shared similar concerns during the initial phases of legislative development and so it is important to explain why a defence of consent has been included.

The question of consent to strangulation is typically considered in the context of sexual relations. As a signatory of the European Convention on Human Rights, Jersey has a series of obligations related to upholding our Islander’s Human Rights. Article 8 of the Convention, which relates to Rights to Private Life, protects the right to personal development and autonomy. Sexual activity is associated with an individual’s exercise of free choice under this Article, and it is therefore necessary to include

a defence in cases where a person has consented to this act in order to avoid imposing unlawful restrictions on a person's ability to exercise their own personal autonomy.

The inclusion of this defence was therefore necessary to comply with our Human Rights obligations. However, I have included a series of clear restrictions on the use of this defence, to avoid its misuse as far as possible. This includes:

- Shifting the burden of proof onto the defence: If the accused wants to use the “consent defence” then the burden is on them to prove that, on the balance of probabilities, the victim consented to the act of strangulation. This means that victims are not placed in the position of having to prove they did not give consent.
- Limiting the defence to cases where there is no serious harm: The “consent defence” is only available where the victim has not suffered serious harm, or where they did suffer serious harm but the accused did not intend to cause them serious harm, and was not reckless as to this result. In practice, we know that victims of strangulation almost always suffer serious harm and therefore, in almost all cases, this defence will not be available to the accused. It would also be incredibly hard for the defence to argue that the accused strangled the victim, but was not reckless as to causing them serious harm.

These provisions align with the defence provisions for the strangulation offence in England and Wales, under Section 75A of the Serious Crime Act 2015. Their experience has demonstrated that these restrictions on the “consent defence” make it extremely difficult for the defence to successfully argue consent.

2.5 Deputy L.M.C. Doublet of St. Saviour of the Minister for Justice and Home Affairs regarding not including pension sharing arrangements in the Draft Marriage and Civil Partnership (Dissolution And Separation) (Jersey) Law 202- (P.85/2025): amendment. (WQ.61/2026)

Question

“In relation to not including pension sharing arrangements in the [Draft Marriage and Civil Partnership \(Dissolution And Separation\) \(Jersey\) Law 202- \(P.85/2025\): Amendment](#), as raised during the States Assembly debate on [26th February 2026](#), will the Minister advise –

- (a) the technical reasons, if any, that led to pensions not being included in the Law;
- (b) what actions, if any, are planned to enable the inclusion of pension arrangements in the Law, including
 -
 - (i) the resources allocated to this work;
 - (ii) the timeline for each stage of the work; and
- (c) when any amended Law might be brought to the Assembly?”

Answer

a) Under both the current divorce and dissolution legislation, and the draft Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202- (the “draft Law”), approved by the States on 26th February 2026, pensions may already be taken into account as part of the financial settlement stage through “offsetting.” This is where one party retains their pension while the other receives

assets of an equivalent value. However, offsetting is not always a practical or fair solution, and the introduction of “pension sharing” would offer a more balanced alternative.

While offsetting can occur without a specific legislative framework, formal “pension sharing” requires dedicated legislation. Pension sharing involves valuing a pension and transferring an agreed share into the other partner’s name at the point of dissolution, allowing for a clean financial break. Establishing the legislative basis for this is technically complex.

The complexity is increased by the absence of standalone pension legislation in Jersey. Pension related definitions and rules currently sit within the Income Tax (Jersey) Law 1961, overseen by the Minister for Treasury and Resources, meaning that tax considerations must also be addressed. Additionally, consideration must be given to the potential implications for the States of Jersey’s employee pension schemes which are themselves set in legislation.

Despite these challenges, pension sharing is widely recognised as a fairer and more flexible option than relying on offsetting alone. The draft Law enables “pension sharing” to be considered at a later date.

b) Work has commenced and will continue on the necessary legislative amendments to support the implementation of pension sharing, and any changes will be brought forward in Regulations by the Minister for Justice and Home Affairs under Article 29 of the draft Law.

Work on the amendments required to enable pension sharing has begun and is being treated as a priority. The intention to develop the necessary provisions so that they can be brought forward for consideration by the next Minister for Justice and Home Affairs. It will be for that Minister to determine their own priorities and to set the timetable for bringing Regulations to the States for approval.

c) The timetable for bringing this matter back to the States Assembly is a matter for the next Minister for Justice and Home Affairs to consider.

2.6 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the establishment of the Assisted Dying Service in Jersey. (WQ.62/2026)

Question

“In relation to establishing the Assisted Dying Service in Jersey, will the Minister advise –

- (a) how the establishment of the Service will be phased, providing timelines and resources (including costs) required at each phase;
- (b) what professionals, other Ministers and Departments will be involved in establishing the Service;
- (c) the locations or settings in which the Service will operate;
- (d) whether the Assembly will be required to make any further decisions; and
- (e) what further consultation, if any, will be carried out, and if so, when, how and with whom?”

Answer

(a) how the establishment of the Service will be phased, providing timelines and resources (including costs) required at each phase;

Costs for the establishment and ongoing delivery of the Service were agreed in the Government Budget 2026-2029, as set out in P65/2025, Section Six: Resources and financial implications.¹

Now that the Assembly has adopted the law, work is being undertaken to confirm the timelines and processes associated with establishing the service. It must be noted that a number of elements are subject to external variables, for example, capacity of external training experts to develop mandatory training.

Further information will be provided to Scrutiny when available.

(b) what professionals, other Ministers and Departments will be involved in establishing the Service;

Responsibility for establishing the Service rests with the Minister for Health and Social Services. Other Ministers and Departments may be involved in establishing the Service to a lesser extent, for example, the Social Security Minister with regards to outreach to people with disabilities. Non-ministerial departments will also be involved, for example; the Judicial Greffe with regard to appeals process.

The professionals involved will include, but will not be limited to:

- HR/people services
- Health education
- Strategic Planning and Project management
- Communications
- Clinical specialisms, as represented in the health and care professionals working group (e.g. palliative care, oncology, mental health, neurology etc.)
- HCJ Heads of Service as members of the Assisted Dying Delivery and Assurance Committee
- Clinical standards, regulation and inspection.

This will include professionals employed by Health Care Jersey and other on-island organisations (such as the Jersey Care Commission) as well as input from professionals from other jurisdictions, including those that have established assisted dying services.

(c) the locations or settings in which the Service will operate;

¹ [Draft Assisted Dying \(Jersey\) Law 202-](#)

Please refer to page 53 of the addendum to P65/2025, the response to Scrutiny Assisted Dying Review Panel Recommendations – ‘Section 3: Location of assisted deaths’.²

(d) whether the Assembly will be required to make any further decisions; and

As set out in P65/2025, prior to the service commencing, the Assembly must:

- determine matters related to secondary legislation, including Regulations related to independent advocates; safe access zones; investigation of professionals; and civil remedies for employment detriments
- determine matters related the proposed End of Life Care law, as per P73/2025³
- bring the full law into force by Appointed Day Act.

(e) what further consultation, if any, will be carried out, and if so, when, how and with whom?”

As the Deputy is aware, Article 79 of the Law requires the Delivery and Assurance Committee to consult with people with disabilities on matters related to the Law’s implementation (Art 79). This is in addition to the multiple other consultation requirements clearly set out on the face of the law. The timeframe for these consultations has yet to be determined but includes consultation with key stakeholders on the following matters:

- the appointment of the Delivery and Assurance Committee Chair and members (consult with Jersey Appointments Commission) (Art 55)
- the Delivery and Assurance Committee Terms of Reference (including consultation with the Jersey Care Commission, chair of the Advisory Board of Health and Care Jersey) (Art 56)
- Assisted dying Review Panel Terms of Reference (Art 94)
- Approval of drugs used for assisted deaths (including consultation with, for example, the Chief Pharmacist and appropriate regulatory agencies) (Art 59)
- General information on assisted dying, service standards and retention schedules (Art 62)
- All Operational and general guidance (Art 63 + 64)
- Assisted dying practitioner competencies (Art 65)
- Assisted dying training (Art 66)

Furthermore, I have committed to carrying out further consultation with health and care professionals regarding matters related to the waiver of the requirement for future capacity.

2.7 Deputy R.S. Kovacs of St. Saviour of the Minister for the Environment regarding works undertaken on Listed Buildings. (WQ. 63/2026)

² [P-65-2025-Add-\(2\).pdf](#)

³ [States Assembly | P.73/2025](#)

Question

“Given the controls contained within the Planning and Building (Jersey) Law 2002 in relation to works undertaken on Listed Buildings, will the Minister explain what discretion, if any, exists following storm or fire damage, to undertake works which would normally be prohibited when there are concerns about any such Building’s structure, integrity or safety; and will he advise whether temporary works are treated differently to permanent repairs?”

Answer

Works to Listed buildings, designated under Article 51 of the [Planning and Building \(Jersey\) Law 2002](#), are controlled, whether the works constitute “development” or whether they are operations that do not amount to development, but which may affect the building’s special interest.

Permitted development rights, established under the [General Development Order^{\[1\]}](#), enable certain repair and maintenance works, but these rights do not generally extend to works to Listed buildings. However, where emergency works are required and they do not materially affect the external appearance of the building, they may be carried out.

In practice, heritage and planning officers respond quickly after incidents such as storms or fires to advise on appropriate emergency and temporary stabilisation works. These may include shoring, temporary coverings or other measures needed to protect the structure. Owners are encouraged to seek professional advice so that any planning applications required for permanent repairs can be prepared and processed without delay.

Where a building poses a proven danger to public health or safety, Article 66 of the [Planning and Building \(Jersey\) Law 2002](#) provides for the service of a Dangerous building notice requiring works to make the building safe or to restore it. When such a notice is issued, Article 73 deems both planning permission and, where necessary, building permission to have been granted.

Accordingly, there is discretion within the Law for the Minister and Chief Officer to enable essential emergency and temporary works to Listed buildings following storm, fire or similar incidents while ensuring that longer-term repairs follow the appropriate consent process.

^[1] Part 3: Repairs, maintenance and minor works to land and buildings – Class K.1: The carrying out of work for the maintenance or repair of a building.

2.8 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding potentially charging some patients for travel and accommodation costs relating to treatment in the UK. (WQ.64/2026)

Question

“Further to the response given to Urgent Oral Question 1/2026, in relation to potentially charging some patients for travel and accommodation costs relating to treatment in the UK, will the Minister detail –

- (a) the total expected savings;
- (b) what means testing income thresholds will apply;
- (c) the costs of administering the system, and whether this will involve additional staffing costs;
- (d) what appeals process is proposed, and if no plans exist for appeals why not;
- (e) the timeline for the income thresholds to be set, and whether they will be updated each year in line with inflation, or if another metric will be applied, what metric;
- (f) what plans, if any, there are to hold a public consultation before the implementation of these charges, and if no such plans exist, why not;
- (g) the timeline for when the charging is expected to come into force; and
- (h) how care packages will be arranged when charging patients who stay in hospital and a care package is available, and whether patients will have a say in whether or not the package on offer is appropriate?”

Answer

- a. The total anticipated savings are £265,000 per year. These savings are based on modelling which takes account of:
 - Statistics Jersey household income distribution and household composition data (including age and household size)
 - adjusted projections to remove private patients – who are not eligible to subsidised travel accommodation to avoid overstating potential savings
 - patterns of off-island referrals by patient age (patients over 65 use off-island services about three times more than those under 65, and most over-65 households fall below the proposed income thresholds)
 - historic off island activity data to ensure estimated savings take account of exempt groups, including patients under 18 and those in Income Support or Pension Plus households.
- a. The proposed means-testing thresholds are based on the pre2017 HCJ travel and accommodation policy, updated using the Average Earnings Index. Thresholds vary by household composition.

A new upper threshold (Threshold 3 in the table below) is proposed: adult patients from households with income above £210,400 would not be eligible for funded travel or accommodation. This threshold aligns with the income limit used in Student Finance.

The table below shows the thresholds to be used (based on 2025 income as assessed by Revenue Jersey). This will be adjusted in accordance with the Average Earnings Index for patients whose last assessed income was 2024.

Current year income is not being used to determine thresholds as this would require a full means testing process, which is a high cost and lengthy process, OR self declaration of income which is less reliable than using the previous year's assessed income. However, as set out below, there are appeal routes which can take account of patients whose circumstances have changed in year.

Table 1: Proposed eligibility threshold for 2025 income assessment

Household size	Threshold 1:	Threshold 2:	Threshold 3:
	Eligible for accommodation, food, UK overland travel & overseas travel (Group A patients)	Eligible for accommodation & overseas travel (Group B patients)	Accom. Only (Group C patients)
Single adult, no resident children / young people under 25 years in full-time education ^[1]	£48,100	£58,700	£210,400
Single adult, one resident child / young people under 25 years in full-time education	£64,700	£79,700	£210,400
Single adult, two or more resident children / young people under 25 years in full-time education	£82,700	£102,300	£210,400
Two adults, no resident children / young people under 25 years in full-time education	£78,200	£94,800	£210,400
Two adults, one resident child / young people under 25 years in full-time education	£94,800	£115,800	£210,400
Two adults, two or more resident children / young people under 25 years in full-time education	£112,800	£138,400	£210,400
Any household size			£210,400

^[1] For the purpose of means testing income, individuals aged under 18 or under 25 and in full-time education are treated as dependent children. Full-time means 20 hours or more per week.

- c. No new HCJ staff are required to administer this proposed policy. The decreased number of bookings to be made by the Travel Office will free up the necessary staffing capacity to administer the new requirements. This will include working with Revenue Jersey and ESSH to coordinate means testing. In the event MHSS decides to implement the policy, an annual transfer of £1,800 from HCJ to Revenue Jersey is

planned for carrying out the income assessments. Furthermore, minor updates to HCJ's Travel Office's database are required at a cost of c. £4,250.

While ineligible patients are expected to self fund and self book their travel and accommodation, the Travel Office will still provide advice and guidance if needed. If a patient is unable to make the booking themselves, the Travel Office can complete the booking on their behalf, taking payment card details over the phone.

- d. It is recognised that applying income thresholds may sometimes cause hardship, for example due to sudden loss of income, exceptional circumstance, or intensive/frequent treatment regimens. The proposed policy therefore includes two routes for ineligible patients to request financial assistance: a discretionary funding request and a formal appeals process.

Discretionary funding: ineligible patients facing significant hardship would inform the Travel Office. This would trigger a decision by the manager, in consultation with a relevant lead clinician, on whether discretionary funding for travel and/or accommodation should be provided.

Formal appeal: ineligible patients may submit a formal appeal (regardless of whether they have sought a declined discretionary decision). Appeals will be considered by HCJ's Charges and Eligibility Appeals Panel. Note: HCJ has an existing appeals process, but this is to be enhanced, with a new Appeal policy process to be published imminently. Proposed grounds for appeal include:

- Procedural error
 - Factual error
 - Exceptional circumstances
- e. Thresholds will be updated annually, on the 1st of January, using the latest Average Earnings Index.
 - f. MHSS has not undertaken public consultation as key concerns around eligibility changes are well understood and have been considered during the policy development process. Accepted good practice in relation to public consultation clearly states that consultation should be avoided unless the anticipated feedback is actionable / gives rise to new learning. MHSS has, instead, undertaken targeted engagement with senior clinicians who work closely with affected patients, and with HCJ Advisory Board. MHSS is satisfied that this is a proportionate and appropriate approach to consultation. The feedback received has been incorporated, including in relation to the discretionary funding provision - see (d) above. MHSS will ensure clear and advanced information is provided in the event that MHSS determines that the proposed policy is adopted.

- g. For clarity, this proposed policy does not introduce charging – it would remove discretionary financial assistance currently provided by HCJ to some patients. MHSS has yet to finally decide whether to implement the proposed policy, and if so, the associated timeframe.
- h. It is assumed that this question relates to the introduction of charges for patients who choose to remain in hospital when they are medically fit for discharge and when an appropriate and safe onwards care package has been arranged.

Decisions on the appropriateness of packages of care will continue to remain clinically led, with patients and their families fully involved in the discharge process. The proposed charging policy aims to address patients who require nursing or residential care and remain in hospital, less so on those who require care packages (services and/or support for patients to live in their own home).

Patients who require a nursing or residential care bed would be offered a clinically appropriate alternative to their preferred choice - this bed would not be a long-term placement. Whilst the offered bed may not be the patients first choice, the bed would always be clinically appropriate for the patient. The patient would be able to transfer to their preferred choice when a bed becomes available, rather than waiting in hospital.

2.9 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the total number of High Value Residents under the current 2(1)(e) and the previous 1(1)k schemes. (WQ. 65/2026)

Question

“Further to the information circulated in relation to [Written Question 18/2026](#), will the Minister advise the total number of High Value Resident’s under the current 2(1)(e) and the previous 1(1)k schemes who were resident in Jersey at the end of each year from the origins of the scheme in 1974 until 2009?”

Answer

Information relating to the number of residents under the High Value Residency schemes from 2009 onwards has already been provided to States Members. This reflects the earliest period for which reliable data could be readily retrieved within the available records and within the timeframe for responding to the original question.

Following the circulation of that information, officials in the Department for the Economy, Revenue Jersey and the Population Office were asked to undertake further checks to determine whether earlier annual figures, covering the period from the introduction of the scheme in 1974 through to 2009, could be provided.

Officials have confirmed that detailed annual records from this earlier period are not held in a format that would allow a complete year by year breakdown to be produced. Given the age of the scheme, and the fact that administrative systems and record keeping practices have changed

significantly over the past five decades, comprehensive historic data from those earlier years has not been retained.

Where information is available it has already been shared with Members. Should any additional archival material or records be identified that allow further clarification of earlier numbers, this could be provided to the Assembly.

2.10 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the publication of the Royal College of Physicians (RCP) review into the Neurology Department report. (WQ. 66/2026)

Question

“Further to the publication of the [Royal College of Physicians \(RCP\) review into the Neurology Department report](#), will the Minister advise –

- (a) why the Health department nominated cases for review rather than allowing the RCP to choose them at random, as originally agreed, and who made this decision;
- (b) what plans, if any, the department has to employ a second consultant neurologist, as recommended in the report, and if there are no such plans, why not; and
- (c) whether all the recommendations are going to be accepted, and if so, in what time frame will they be implemented, and if not will he identify which recommendations are not going to be accepted and explain why not?”

Answer

In January and February 2025, the Royal College of Physicians (RCP) carried out an invited review of the Jersey Neurology Service. The review was commissioned by Health and Care Jersey (HCJ) to support planning for the future delivery of the service following the retirement of the Consultant Neurologist. The RCP concluded that:

“There was a strong commitment among all those involved with the neurology service and its management, including the ministerial team, to improving neurology patient care. The review team felt that there were positive foundations in place to support a new model with extra resource for a team who are dedicated to improving patient outcomes.”

In response to each of the specific queries:

- (a) The RCP do not select cases, and this was not an option. They request that the host organisation randomly select cases for them. This was the original agreement, and no decision was made to vary from the request made by the RCP for HCJ to select the cases. The 12 cases were selected randomly by the Medicines Care Group to support the RCP in understanding pathways and make recommendations for future models of care, rather than through a statistical sampling method, which the RCP noted would be required if the purpose had been to investigate specific clinical concerns.

- (b) Before the RCP report it was recognised that the appointment of a second consultant neurologist was required for a range of reasons, including the HCJ desire to reduce the number of single-handed practitioners to help strengthen clinical governance and improve the resilience of services to patients. HCJ will, therefore, adopt this RCP recommendation.
- (c) All the RCP recommendations have been adopted by HCJ. These were detailed in an action plan with timelines published on 19th February and considered in public by the HCJ Advisory Board on 26th February 2026.

2.11 Deputy K.M. Wilson of St. Clement of the Minister for International Development regarding the funding allocated for each humanitarian crisis Jersey has supported in the past five years. (WQ. 67/2026)

Question

“Will the Minister advise, for each humanitarian crisis Jersey has supported in the past five years –

- (a) the total funding allocated;
- (b) the rationale and criteria used in determining each contribution; and
- (c) confirm whether there are any current or planned humanitarian assistance initiatives relating to the crisis in the Middle East?”

Answer

Overarching Rationale and Criteria for Allocations

JOA’s humanitarian allocations are grounded in the principles of Good Humanitarian Donorship, ensuring that assistance is guided by humanity, neutrality, impartiality and independence. JOA Commission funding decisions prioritise the severity of need, timeliness of response, partner capacity to respond, global funding gaps and alignment with humanitarian principles.

With the introduction of JOA’s Humanitarian Strategy in 2025, this approach was further formalised. The Strategy strengthens decision making by incorporating additional criteria, including:

- the severity and scale of unmet humanitarian needs
- partner capacity, access, and contextual suitability
- risk, value for money, and complementarity with other interventions
- alignment with JOA’s priority themes such as cashbased assistance, protection, localisation, and resilience

JOA’s humanitarian responses are typically mobilised in countries and territories that are defined by the Organisation for Economic Cooperation (OECD)¹ and Development Assistance Committee (DAC) eligible Overseas Development Assistance (ODA) recipient list.

This framework ensures that JOA’s humanitarian funding is needs driven, principled, evidence based, and targeted to where it can have the greatest impact.

Summary of Crises Supported and Funding

Since 2021, JOA has supported a wide range of humanitarian crises through its trusted network of partners, including UN agencies, the British Red Cross, specialist NGOs and Humanitarian Pooled

Fund mechanisms such as the Start Fund, UN OCHA Country Based Pooled Funds and Aid Fund for Syria.

The table below summarises JOA's total allocations by country, including the first and most recent years of support and the partners funded.

JOA Allocations Since 2021 by Country*²

Country	Total Allocated (£)	Year First Allocated	Year Last Allocated	Response
Afghanistan	£765,000	2021	2025	Protracted crisis & Earthquake (2025)
Bangladesh*	£1,950,000	2021	2026	Protracted crisis - Rohingya
Burkina Faso	£240,000	2025	2025	Red Cross/Red Crescent
Burundi*	£150,461	2026	2026	Refugee response
Central African Republic*	£1,420,000	2021	2026	Protracted crisis
Chad	£275,417	2023	2025	Protracted crisis (Horn of Africa Response)
Democratic Republic of Congo*	£200,461	2025	2026	Protracted Crisis
Egypt	£18,750	2023	2025	Regional refugee response (Sudan crisis)
Ethiopia	£517,083	2021	2025	Protracted crisis, Regional Refugee response
Haiti	£280,000	2021	2025	Protracted crisis
Kenya	£585,833	2022	2025	Protracted crisis (Horn of Africa Response)

Lebanon*	£550,000	2021	2026	Protracted crisis
Libya	£100,000	2023	2024	Flood Response
Malawi	£80,000	2023	2024	Cyclone Response
Mauritania	£240,000	2025	2025	Red Cross/Red Crescent
Morocco	£75,000	2023	2024	Flood Response
Mozambique	£200,600	2022	2025	Cyclone Response
Myanmar	£430,000	2023	2025	Protracted crisis
Niger	£25,000	2022	2023	Red Cross/Red Crescent
Nigeria	£25,000	2022	2023	Red Cross/Red Crescent
Pakistan	£100,000	2022	2023	Flood Response
Palestine*	£2,675,718	2021	2026	Protracted crisis
Sierra Leone	£25,000	2021	2021	COVID Response
Somalia	£185,833	2022	2025	Protracted Crisis
South Sudan*	£1,379,717	2021	2026	Protracted crisis
Sudan*	£1,311,667	2023	2026	Protracted crisis
Syria*	£2,372,396	2021	2026	Protracted crisis
Tanzania	£40,000	2025	2025	Refugee Response

Turkey	£132,396	2023	2024	Earthquake Response (North West Syria)
Ukraine	£4,603,459	2022	2025	Multi Sector
Yemen*	£1,683,644	2021	2026	Protracted crisis
Zambia	£13,670	2024	2024	Drought Response

In addition, the following allocations were made to global response mechanisms – including COVID response, the Start Network’s Global Start Fund and Community of Practice:

Organisation	Total Allocated	Year First Allocated	Year Last Allocated	Title
British Red Cross	£1,000,000	2023	2024	Cash Hub Phase I
British Red Cross	£100,000	2021	2021	Covid Response Funding - A Global Vaccine Roll Out
Start Network	£81,840	2025	2026	Pooled Funds Community of Practice (CoP)
Start Network*	£2,700,000	2021	2026	Global Start Fund
UNICEF	£200,000	2021	2021	Covid Response Funding - Ensuring Global Equitable Access to Covid-10 Vaccines.

Current JOA supported Initiatives relating to the Middle East

Total: £1,145,018* excluding British Red Cross Cash Hub Phase II

Organisation	World Food Programme	Duration	2026-2027 (Multi Year)	Value	2026 contribution: £250,000
Project Title: WFP State of Palestine Response					
Organisation	Medical Aid for Palestinians	Duration	2025-2026	Value	£100,018
Project Title: Supporting Emergency Cancer Care in Gaza and Emergency Preparedness in the West Bank (2025 – 2026)					
Organisation	International Health Partners	Duration	2025-2026	Value	£100,000
Project Title: International Health Partners Gaza and West Bank Response (2025 - 2026)					
Organisation	International Health Partners	Duration	2026-2027 (Multi Year)	Value	2026 contribution: £95,000
Project Title: Middle East Response (2026-27)					
Organisation	Aid Fund for Syria (AFS)	Duration	2026-2027 (Multi Year)	Value	2026 contribution: £300,000
Project Title: Aid Fund for Syria (2026-2027)					
Organisation	British Red Cross	Duration	2025-2027 (Multi Year)	Value	£1.2m over 24 months
Project Title: Cash Hub Phase II [Lebanon & Syria]					
Organisation	UN OCHA	Duration	2026-2027 (Multi Year)	Value	2026 contribution: £300,000
Project Title: Yemen Humanitarian Fund (Country Based Pooled Fund)					

Planned initiatives

JOA is in active contact with humanitarian partners and will continue to monitor the situation closely. I will keep the Assembly updated in due course with any future funding allocations.

2.12 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding businesses based in St. Clement receiving Government grants of business support funding. (WQ. 68/2026)

Question

“Will the Minister detail how many businesses based in St. Clement have received Government grants or business support funding, broken down for each the last five years by economic sector (for example hospitality or construction), and the amounts allocated?”

Answer

My Department does not hold a central record of businesses that have claimed support whilst the business was registered within St Clement. Several businesses have received grant funding whilst acting as sole traders which operate mobile businesses (such as a fishing boat) and so a list of addresses of grant recipients may not necessarily reflect actual businesses based in any particular Parish.

Where my department does hold information on businesses registered in St Clements, this has been broken down below:

Support Scheme	2021	2022	2023	2024	2025
Rural Support Scheme	0	0	1	1	2
Marine Support Scheme	0	0	9	9	8

We are not able to disclose individual grant amounts based on the low number of recipients but in 2025 across Rural and Marine Support schemes a total of £77,063.93 was given to businesses based in St Clements.

The links below provide additional information on the range of support schemes that have been available over the last five years to a variety of economic sectors and the amounts allocated:

- [Co-funded Payroll Scheme - Datasets - Government of Jersey Open Data](#)
-  [Covid Related Emergency Support Scheme \(CRESS\) Review](#)
-  [Visitor Accommodation Support Scheme - End of Scheme Review](#)
-  [Visitor Hire Car Support Scheme - End of Scheme Review](#)
-  [Fixed Cost Support Scheme - End of Scheme Review](#)
- [Marine Support Scheme \(MSS\)](#)
- [Rural Support Scheme \(RSS\)](#)
- [Agricultural Loans Fund](#)
- [Environmental grants](#)
- [Connect Me: connecting our communities grant scheme](#)
- [Arts grants and how to apply - R-146-2025.pdf](#)
- [Better Business Grant | Jersey Business](#)

- [Impact Jersey: Solving Jersey's Greatest Challenges Through The Power Of People And Technology](#)
- [Nursery Education Fund 2021: Approval of changes](#)

[Our Annual Reports • Jersey Sport](#)

2.13 Deputy K.M. Wilson of the Minister for Infrastructure regarding surface-water drainage and flood-risk assessments carried out for the Parish of St. Clement. (WQ. 69/2026)

Question

“Will the Minister advise what surface-water drainage and flood-risk assessments, if any, have been carried out for the Parish of St. Clement over the last five years, and for each assessment detail any –

- (a) identified gaps or vulnerabilities; and
- (b) mitigation work undertaken or proposed, including timelines and costs?”

Answer

The approach to surface water drainage and flood-risk assessments is not done on a Parish-by-Parish basis, but more on a holistic view for the Island. Surface water naturally makes its way over Parish boundaries, creating a joint liability if the network is not sufficiently maintained and enhanced.

Over the past five years, the following Government assessments have included consideration of the impact on the Parish of St Clement:

1. Jersey Strategic Flood Risk Assessment (SFRA, 2021)

The SFRA provides an islandwide assessment of surface water, drainage exceedance and tidal flood risk, including climate change impacts. St Clement is fully represented in the mapping and risk analysis. The SFRA identifies surface water accumulation and overland flow routes, alongside a strong dependence on pumping stations where high tides restrict outfall discharge.

2. Bridging Liquid Waste Strategy (LWS, 2023–2026)

The Bridging LWS modelling covers all parishes and identifies drainage capacity limitations, rainfall hotspots and hydraulic pinch points, providing the evidence base for future flood mitigation projects, including in St Clement, with the existing surface water catchment described in Section 7 of that document.

3. Government of Jersey Surface Water Management Plan (SWMP, 2023)

The 2023 SWMP updates the island's hydraulic model and assesses inland pluvial flooding and climate change impacts across 25 high risk "Hot Spot" areas. Although St Clement is not a Phase 1 hotspot, the SWMP forms the technical basis for identifying local drainage undercapacity, rainfall response and flood risk mapping that applies across the island. St Clement will be assessed in the Phase 2 hotspots, which include areas hydraulically linked to St Clement such as Georgetown, La Rocque, Samares, Le Bourg and Le Rocquier.

Gaps and Vulnerabilities Identified

From the SFRA:

- Surface water exceedance is the key risk, driven by intense rainfall and local overland flow pathways.
- Tide locking of outfalls during high tides increases reliance on pumping stations to prevent inland flooding.

From the Liquid Waste Strategy (LWS):

- Le Hocq and Pontac Pumping Stations, both built in 1968, have ageing spun-iron rising mains and limited surge capacity, making them sensitive to storm inflows.
- Saline intrusion creates septicity and accelerates corrosion, threatening operational reliability during high-risk storm tide conditions.

Mitigation Work Undertaken (2019–Present)

Mitigation works that have been undertaken since 2018 have been included as some works have been completed just outside of the requested timeframe but have equal importance to flood mitigation measures.

Pontac Pumping Station (2022) – Mechanical and electrical upgrades delivered. Cost: £75,000.

Telemetry and Monitoring Upgrades (2021–2023) – Modern telemetry installed across the pumping network, including St Clement, improving real time flood response. Cost: £150,000, allocated in 2022.

Baudrette Brook Archimedes Screw Upgrade (~2019) – The Baudrette Brook Pumping Station serves the wider eastern coastal drainage system. Its two 9.75–10m Archimedes screws were replaced after 50 years of service, at a cost of £713,000.

These works remain directly relevant today due to the long (30–50+ year) design life of Archimedes screws, providing reliable drainage to the eastern seaboard and indirectly supporting hydraulic performance along the St Clement frontage.

Development Control Measures (2021) – Post SFRA, new developments are required to provide site specific Flood Risk Assessments (FRAs) and incorporate Sustainable Urban Drainage Systems (SUDS) to avoid increasing runoff into parish drainage networks.

Mitigation Proposed (Medium Term)

Surface water improvements: These are guided by the SWMP and will continue to be programmed as capital schemes through the Infrastructure Rolling Vote, however, funding in this area remains a challenge.

Coastal Flood Risk Management for St Clement

Coastal flooding is an increasing hazard that also impacts surface water performance due to tide locking.

Havre des Pas Coastal Flood Alleviation Scheme:

The Government's major coastal defence scheme will deliver a one in 200-year standard of protection (including sea level rise) and will directly benefit approximately 850 metres of St Clement coastline within the next ten years (subject to capital funding), reducing overtopping, improving outfall reliability and strengthening community and utility resilience.

Future Eastern Coastal Works (from 2040):

The coastal frontage east of Millard's Corner is scheduled for improvement from 2040, in line with the Shoreline Management Plan's climate change sequencing.

In addition to the strategic work detailed above, there is the day-to-day management of the surface water network for which we have dedicated teams. They undertake programmes of maintenance for our drainage assets to ensure they continue to operate at their optimum capacities, with both remote monitoring technology and manual checks in place to alert our Operations teams to any issues where additional action, such as over pumping or clearing of blockages are required. Prior to all major road resurfacing schemes, drainage assets are inspected to ensure that defects are addressed.

Relations with the Parish of St Clement are excellent, with regular communication and joint problem-solving helping to ensure a continuity of service. Later this month, meetings are scheduled with Parish of St Clement officials and representatives from the farming community and Government of Jersey's Environment department to discuss the impact of field run-off on the road drainage network.

All road authorities are responsible for maintaining the drainage assets on their roads.

In summary, St Clement's inland flood risk has been assessed through the SFRA and SWMP, which identify vulnerabilities in drainage capacity and aged pumping infrastructure. Upgrades have been delivered at Le Hocq, Pontac and Baudrette Brook, with further renewals planned. Coastal flood risk management through the Havre des Pas scheme will provide significant added protection, improving both coastal and inland flood resilience for the Parish, subject to funding. The continued maintenance and monitoring of the network will continue to alleviate flood risks but only with increased funding levels will we be able to begin combating the challenges posed by climate change.

2.14 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding the ban on personal importation of dairy and meat products from the European Union, European Economic Area (EEA) states, and Switzerland, Greenland and the Faroe Islands. (WQ. 70/2026)

Question

“Will the Minister advise when the ban will be lifted on the personal importation of dairy and meat products from the European Union, European Economic Area (EEA) states, and Switzerland, Greenland and the Faroe Islands, and if a lift on this ban is not planned, explain why not?”

Answer

The ban is in place to protect Jersey livestock (cattle, sheep, goats and pigs) from highly infectious diseases currently present in several European countries, these diseases are currently not in Jersey.

These include:

- FMD (foot and mouth disease) – currently present in Cyprus and with recent outbreaks in Slovakia, Hungary and Germany (outbreaks now considered resolved in the last 3 countries). Current outbreak in Cyprus (detected in 25/02/2026 and currently active) is affecting at least 23 livestock units (data up to 5.03.26), with cases confirmed in sheep, goat, and cattle farms, primarily in the Larnaca district. Over 20,000 animals have been identified for or have already undergone culling to control the spread. FMD can be transmitted to animals via contaminated milk, milk products and contaminated meat and meat products.
- PPR (pest the petites ruminants) - is a highly contagious viral disease affecting goats, sheep, camels and wild ruminants. With a mortality rate of up to 90 %, the disease causes severe economic losses, threatening food security and livelihoods. Present in Greece, Romania and Bulgaria. PPR can be transmitted to animals via untreated milk or milk products and meat and meat products.
- LSD (Lumpy Skin disease) – present in Spain, France and Italy, affects mainly cattle. LSD causes significant economic losses due to damaged hides, reduced milk and weight in animals, infertility, and trade restrictions. LSD can be transmitted to animal via untreated milk or milk products and contaminated meat products.
- ASF (African Swine Fever) – outbreaks in domestic pigs in Latvia, Croatia, and in wild boar in Bulgaria, Germany, Hungary, Italy, Poland, Spain. ASF can be transmitted to susceptible animals via meat and meat products.

Personal imports also pose a particular challenge for traceability as the origin of the POAO cannot be ascertained as they are not accompanied by any assurances including traceability and origin of some of the components of the products.

Similar ban is in place in the UK, Guernsey and Isle of Man.

To note that EU rules also prohibit bringing these items in personal baggage from 3rd countries.

We continue to monitor the disease situation in EEA countries and constantly review the information and disease risk. The intention is to lift the restrictions once the epidemiological situation in Europe improves which may need to acceptable risk for Jersey livestock population.

2.15 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding savings proposed by the current Chief Executive. (WQ.71/2026)

Question

“Will the Chief Minister advise –

- (a) the total amount of any savings proposed to the Council of Ministers by the current Chief Executive;
- (b) whether the Council has rejected any such proposals from the Chief Executive and, if so, what the total anticipated savings of such rejected proposals have been; and
- (c) why the Council has rejected any such proposals?

Answer

Expenditure decisions, including savings allocations, are made as part of the annual budget process and detailed in the published Budget documents. In 2025, £20m of savings were included in the Budget, and a further £20m has been put forward in 2026 and £29m in 2027. These Budget discussions are led by the Treasurer and his team, and the Chief Executive Officer provides advice as part of this process. No specific savings proposals were rejected during this process.

In addition to the annual budget process, Ministers monitor the public finances on an ongoing basis, including considering advice from the Chief Executive Officer on public sector costs and the financial implications of government proposals. This has resulted in the government adopting various measures to manage public expenditure, including a recruitment freeze, consultancy freeze, and a prioritised legislative and capital programme. This has supported the delivery of the savings and curbed growth in public expenditure.

A series of workshops have also been held with the Council of Ministers and States Members to examine the growth in public sector expenditure between 2018 and 2024, to understand its drivers, and to consider potential reform options. No specific savings proposals were recommended for approval by Ministers at these workshops.

2.16 Deputy J. Renouf of St. Brelade of H.M. Attorney General regarding the Public Elections (Expenditure and Donations) (Jersey) Law 2014. (WQ. 72/2026)

Question

“With regard to the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#), will H.M. Attorney General advise –

- (a) whether a political movement that invites candidates to support its manifesto or programme would qualify as a third party under the terms of Article 9; and
- (b) in circumstances where the movement was working with the consent of a candidate, whether the spending of that movement in support of the candidate would fall under any other clauses within the Law?”

Answer

- (a) Under Article 9 of the Public Elections (Expenditure and Donations) (Jersey) Law 2014 a “third party” means a person acting (or persons acting together) without the consent (express or implied) of a candidate who incurs expenses for the supply or use of goods or for the provision of services, where those goods or services are used during the regulated period (being the 4 months to the day of the polls) either to promote or procure the election of any candidate in the election, or to prejudice the electoral prospects of any candidate in the election.

The action by a person or persons of merely inviting candidates for election to support a particular cause, policy or programme or to pledge to take certain political action if elected, is not something which, by itself, would make such person or persons a “third party” subject to the requirements of the Law concerning limits on, and declarations of, expenditure.

- (b) Under Article 3(1) of the Public Elections (Expenditure and Donations) (Jersey) Law 2014, if persons forming a political movement incur, with the express or implied consent of a candidate in an election, expenditure on goods or services that are used during the regulated period to promote or procure the election of that candidate or to prejudice the electoral prospects of any candidate in the election then this falls within the candidate’s expenditure to be declared and which is subject to a limit.

2.17 Deputy I. Gardiner of St. Helier North of the Minister for the Environment regarding disposals of PFAS-contaminated water from airport operations or associated land. (WQ. 73/2026)

Question

“Will the Minister advise what disposals, if any, his department (whether alone or in coordination with Ports of Jersey or another third party) has made of PFAS-contaminated water from airport operations or associated land; and what regulatory framework, data-monitoring and environmental safeguards were applied to any such disposals?”

Answer

The Minister for the Environment does not make any disposal of PFAS-contaminated water from airport operations or associated land, other than from the hydrogeological survey monitoring work. This generates small volumes of water from borehole monitoring that may contain PFAS. This water is stored and tested before any decision on appropriate disposal is made.

Disposing of PFAS-contaminated water into the foul sewer is regulated by the Minister for Infrastructure. Under the Drainage (Jersey) Law 2005, a trade effluent discharge consent regulates the disposal of liquids to the foul sewer network.

The Water Pollution (Jersey) Law 2000 is the regulatory framework for discharges of potentially polluting substances (including PFAS) into the water environment. A discharge permit regulates the discharges into the water environment.

2.18 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding Ifunding for children with a Record of Need. (WQ. 74/2026)

Question

“Will the Minister explain whether funding awarded for children with a Record of Need is applied solely to the individual child or, if not, how the funding is allocated?”

Answer

Record of Need (RoN) funding is calculated for each individual child using the High Needs Top Up Matrix. Each child with a RoN receives a base allocation plus a top up amount determined by their assessed banding. The top up element moves with the child if they transfer to another school, meaning the funding is generated specifically for that child and follows them.

Schools are required to use this allocation to meet the child’s assessed needs—for example, through curriculum adaptation, specialist support, assistive technology, equipment, or environmental adjustments— so that the child can access learning alongside their peers.

However, RoN funding is not solely allocated to or spent in isolation on a single child.

Schools are required, under Jersey education law, to consider all the arrangements needed for a child and to plan strategically how these will be delivered within their setting. This includes organising staffing, timetabling, interventions and resources in ways that ensure the efficient use of resources across the school.

RoN funding therefore supplements a school’s wider provision. It sits alongside, rather than replaces, the support already funded through the school’s mainstream budget and its generic SEND allocation.

In practice, the total cost of meeting a child’s needs typically exceeds the RoN allocation and schools contribute additional staffing and resources to ensure appropriate provision is in place.

What should a Record of Need related funding be spent on?

Schools must ensure that children and young people with a RoN can access a curriculum and full-time education along with their peers. To do so, the base and top-up funding should be used to remove any barriers to accessing learning and where necessary, provide a bespoke curriculum, appropriate support, assistive technology, specialist equipment and/or adapt environments to ensure children and young people make progress.

The method for allocation of Record of Need funding is explained in the School Funding Formula report on-line here:

<https://www.gov.je/SiteCollectionDocuments/Education/Jersey%20Funding%20Formula%20for%20Schools%20Report%202025.pdf>

2.19 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the 3% stamp duty surcharge on residential properties that are not a purchaser's main residence. (WQ. 75/2026)

Question

“Following the implementation of the 3% stamp duty surcharge on residential properties that are not a purchaser's main residence, will the Minister state –

- (a) the number of transactions in which the surcharge has been levied; and
- (b) the number of first-time buyer purchases since the implementation of the surcharge?”

Answer

The higher rate of stamp duty was enacted with effect from 1 January 2023 in both the Stamp Duties (Jersey) Law 1998 and the Taxation (Land Transactions) (Jersey) Law 2009. Information is provided for transactions under both laws.

Stamp Duty	Higher rate purchases	First-time buyer purchases
2023	51	96
2024	70	251
2025	73	305

Land Transaction Tax	Higher rate purchases	First-time buyer purchases
2023	233	111
2024	46	69
2025	60	86

Both	Higher rate purchases	First-time buyer purchases
2023	284	207
2024	116	320
2025	133	391

2.20 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding funding granted to non-public sector organisations commissioned by the Government to deliver public services. (WQ. 76/2026)

Question

“Will the Minister detail, for each of the last five years, the total amount of funding granted to non-public sector organisations commissioned by the Government to deliver public services?”

Answer

Information on grants is published annually within the Grants note of the Government of Jersey's Annual Report and Accounts. In line with established reporting practice, all grants over £75,000 are disclosed in full within these notes. The relevant figures for each of the last five years can therefore be obtained directly from the published Annual Report and Accounts for:

[States of Jersey Group 2024 Annual Report and Accounts](#) – Note 4.8 Grants

[States of Jersey Group 2023 Annual Report and Accounts](#) – Note 4.9 Grants

[States of Jersey Group 2022 Annual Report and Accounts](#) – Note 4.8 Grants

[States of Jersey Group 2021 Annual Report and Accounts](#) – Note 4.8 Grants

[States of Jersey Group 2020 Annual Report and Accounts](#) – Note 4.8 Grants

The States of Jersey Group 2025 Annual Report and Accounts are due to be publicly available on 17 April 2026. An annex containing a further breakdown of grants will be included in the 2025 Annual Accounts and Report.

2.21 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding endocrine disorders and thyroid disease. (WQ. 77/2026)

Question

“In relation to endocrine disorders and thyroid disease, will the Minister –

- (a) detail, for each of the last ten years, the number of Jersey residents diagnosed with thyroid disease, broken down by year and diagnosed type (including hypothyroidism, hyperthyroidism, autoimmune thyroid disorders (such as hashimoto's thyroiditis and graves disease) and thyroid cancer;
- (b) provide, for each of the last ten years –
 - (i) the annual budget allocated to thyroid-related clinical services, endocrinology services, and thyroid disease monitoring within Jersey's health system; and
 - (ii) the number of consultant and other endocrinologists and thyroid specialist clinical staff employed within the Health Department; and
- (c) advise whether –
 - (i) any epidemiological or public health review has been undertaken during the past ten years examining thyroid disease trends, clusters or increases in thyroid-related disease in Jersey's population;
 - (ii) the Health Department has assessed possible environmental contributors to thyroid disease, including exposure to persistent environmental pollutants; and
 - (iii) Jersey maintains any system for monitoring population-level trends in endocrine disorders that could indicate emerging public health concerns?”

Answer

(a)

Hypothyroidism is commonly diagnosed and managed in primary care, with diagnoses recorded in the EMIS system. Information in EMIS is held by GPs, rather than by the Government. Whilst the Government of Jersey can interrogate the EMIS system on a pseudo-anonymised basis, information is not quality assured (outside of conditions recorded under the Jersey Quality Improvement

Framework - JQIF). Primary care figures for thyroid disease are therefore not provided here, as they could be inaccurate or misleading.

For context, NHS England does not currently publish official statistics on hypothyroidism prevalence; with the indicator being retired from the English QOF (Quality Outcome Framework) in 2014.⁴

Some thyroid disease patients will be seen in secondary care. With regards outpatient data; it is not possible to disaggregate thyroid conditions from general specialism data (usually endocrinology) because outpatient activity is not officially clinically coded, and there are no dedicated thyroid-only clinics. With regards inpatient data; the data held represents activity rather than diagnosis of thyroid disease. Annual activity data for thyroid disease is shown (for context) in Table 1.

Additional Context - Coded inpatient episodes relating to Thyroid disease, 2016-2025, Health and Care Jersey

Table 1 shows the number of unique patients per year with a coded inpatient episode relating to one of the four types referenced in the question. It is important to note that much of the activity would take place in either the primary care or outpatient setting, which are not reflected in the data presented in this table.

In addition, small numbers of inpatient episodes from 2024 and 2025 are yet to be coded which may cause these numbers to increase slightly in the future.

Table 1. Coded inpatient episodes relating to Thyroid disease, 2016-2025, Health and Care Jersey

Discharge Year	Autoimmune thyroiditis (Hashimoto's thyroiditis)	Graves disease	Hyperthyroidism	Hypothyroidism
2016	6	16	32	699
2017	12	18	33	725
2018	11	23	45	844
2019	9	19	47	872
2020	13	19	49	738
2021	8	10	40	689
2022	13	18	52	590
2023	7	13	46	466
2024	12	12	36	334
2025	8	9	26	202

Thyroid cancer incidence has remained statistically similar over the last 10 years. Thyroid cancer diagnosis rates over the 2012 to 2022 period are shown in Table 2, alongside the age-standardised

rate (adjusted for Jersey's population) and statistical confidence intervals. Due to small numbers, data has been aggregated into three-year reporting periods (as standard in the Channel Islands Cancer Report).

Table 2. Thyroid cancer diagnosis counts and incidence rate, 2012-2022, Jersey

3-Year Period	Individuals Diagnosed	Age-standardised Incidence Rate (per 100,000 population)	95% Lower Confidence Limit	95% Upper Confidence Limit
2012-2014	17	5.33	3.09	8.55
2013-2015	20	6.68	4.05	10.34
2014-2016	22	7.23	4.51	10.97
2015-2017	25	8.03	5.18	11.88
2016-2018	19	6.04	3.63	9.46
2017-2019	14	4.57	2.48	7.68
2018-2020	20	6.18	3.76	9.56
2019-2021	24	7.37	4.71	10.98
2020-2022	29	8.81	5.89	12.67

In the last 10 years, there have been less than five deaths due to thyroid cancer in Jersey. Due to the small numbers, it is not possible to provide a breakdown of this data over time without disclosing sensitive information.

(b) (i)

The below figures are based on the closing budget in each year 2016-2025 for the Diabetes Service cost centres.

Year	Budget (£'000)
2016	1,021
2017	1,060
2018	1,281
2019	1,518
2020	1,313
2021	1,649
2022	2,128
2023	2,493
2024	2,481
2025	2,709

Notes:

For 2016-2022, this is based on the following cost centres KMS150- Diabetes, KNM210- Diabetes, KNM215- Diabetic Technology

For 2023-2025, this is based on cost centres 100554 Diabetes, 100957 Diabetic Technology

(b) (ii)

Two consultants are employed by Health & Care Jersey, covering all areas of diabetes and endocrinology, including thyroid. In addition, one Registrar works in diabetes and endocrinology as well as General Medicine; approximately 1.5 days of their working week are spent in Endocrinology.

(c)(i)

Public health monitors rates of all cancer types, through the commissioning of the Channel Islands Cancer Report (prepared by the National Cancer Registration and Analysis Service - NCRAS), including thyroid cancers, as detailed in part a.

(c)(ii)

There is currently no evidence of an increase in thyroid disease in Jersey, and therefore no indication at present of a need to investigate environmental contributors. The Government of Jersey routinely monitors a wide range of environmental pollutants in line with established regulations and standards. Should data ever indicate a concerning rise in thyroid disease, the Health Department would scope the need for a detailed assessment of whether any environmental exposures could be linked to the observed trend.

Recently, a Scientific Advisory Panel has been working to investigate PFAS, an environmental contaminant in Jersey. In their second report into the health effects of PFAS at high levels, they conclude *“The evidence linking PFAS exposure to endocrine disorders, including thyroid dysfunction and metabolic issues like obesity and type 2 diabetes, was found to be inconsistent. While some studies indicated potential associations, these were not uniformly supported across different populations and settings.”* The report can be found on www.gov.je/PFAS and the evidence for thyroid dysfunction is on page 63.

A 2013 review of cancer in Jersey looked at key risk ^{5[OBJ]} This included consideration of two environmental factors; Radon gas and UV light exposure, neither of which were linked to thyroid (Head & Neck group) cancers in the review.

(c)(iii)

Public health monitors rates of all cancer types, through the commissioning of the Channel Islands Cancer Report (prepared by the National Cancer Registration and Analysis Service - NCRAS), including thyroid cancers, as detailed in part a.

⁵ [Hypothyroidism-NHS England - QOF Database](#)

⁵ [R CANCER IN JERSEY 20130731 MC V1.pdf](#)

2.22 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding the partnership agreement between the Government of Jersey and Jersey Electricity for the installation of solar arrays on public buildings. (WQ. 79/2026)

Question

“In relation to the [partnership agreement](#) between the Government of Jersey and Jersey Electricity for the installation of solar arrays on public buildings, will the Minister advise –

- (a) which party will be responsible for funding the solar installations, to include the cost of solar panels, project management, installation and ongoing maintenance;
- (b) what financial contribution, if any, the Government is providing to the project if they are not funding the installations;
- (c) whether Jersey Electricity will own and operate the solar arrays and, if so, for what period;
- (d) whether the Government will receive any income, lease payments or other financial benefit from the use of public buildings for the solar installations;
- (e) whether electricity generated by these arrays will offset the electricity consumption of the relevant public buildings or whether it will instead be exported directly to the grid;
- (f) whether the Government will receive any discount, credit or financial benefit on its electricity costs; and
- (g) the current annual cost of electricity paid by the Government of Jersey across its estate, including a breakdown (where available) of the largest electricity-consuming sites?”

Answer

- (a) The JEC are responsible for funding the project management, capital procurement, installation and maintenance of the cost of PV panels on agreed public premises.
- (b) The government are making no financial contribution to the installation or maintenance of the equipment.
- (c) The intention for the roof top sites will be that the JEC will have a leased period of use. The length of time may vary from site to site and will depend on the age and construction of the roof, the available area and will acknowledge the cost of the capital investment.
- (d) The government will receive a rental income for the use of public buildings for solar power generation.
- (e) Power generated on these systems will be for the use of the JEC as it sees fit in its remit to generate energy for the Island.
- (f) The financial benefit accrued to the government is in the form of a guaranteed rental income for the roof space. This will go towards the maintenance and upkeep of the wider estate, but will also be factored into the JPH decarbonisation of the government estate.
- (g) In 2025, electricity expenditure totalled £7,698,422, covering consumption of over 39GWh (Giga Watt hours). The Energy from Waste Facility generated over 42GWh, which comprised both on-site usage and export to the electricity network. Export pricing information is commercially sensitive and is therefore not held within this department.

The largest users above £200,000 are:

Department	Site	2025 Cost
Department For Infrastructure	First Tower Pumping Station	£261,203
Department For Infrastructure	Bellozane 2 X 11 kV Supply	£579,182
Health & Social Services	General Hospital	£1,132,992
States of Jersey Police	States of Jersey Police	£254,796
Department For Infrastructure	Government - Union Street	£279,372

2.23 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding the mature tree outside the Blue Note Bar on Broad Street. (WQ. 80/2026)

Question

“Further to the [Scrutiny Hearing on 5th March 2026](#), and in relation to the mature tree outside the Blue Note Bar on Broad Street, will the Minister advise –

- (a) the estimated total cost of relocating the tree, including removal, transportation, replanting and associated works;
- (b) whether arboriculture advice was obtained to confirm it is an appropriate time of year to relocate a mature tree and, if so, whether this advice can be provided;
- (c) what specific aftercare programme will be implemented after relocation;
- (d) the total funding allocated for any such aftercare and how long it will be provided for;
- (e) whether there are records of mature trees being relocated in Jersey in recent years and, if so, how many have successfully survived relocation and how many have not;
- (f) whether the [Tree Strategy 2022](#) is still being followed and to what extent this is being used to inform the “vibrant core” of the [Public Realm Movement Strategy](#); and
- (g) what annual maintenance budget has been allocated to support the establishment and long-term health of the planned new trees on Broad Street?”

Answer

- (a) The cost of the tree relocation (including site preparation, tree removal, transportation, replanting, tying and watering) was £21,520.61.
- (b) The recommended time for tree relocation and planting is during the dormant season, between October and the end of March. It is also weather dependent. The Chartered Landscape Architects in the Public Realm team have technical expertise but also discussed this with relevant specialists.
- (c) The planned aftercare programme will be implemented over the next three years. Aftercare will focus on watering, mulching and feeding. The exact time and nature of the aftercare programme will depend on tree recovery and weather conditions and will be proactively adapted to give the tree the best chance of success.

- (d) The allocated budget for this year is £4,000. The aftercare programme and budget will be reviewed on a regular basis, depending on the tree's condition and needs.
- (e) The row of mature Maples (Acers) along Rue de L'Etau were relocated successfully using similar methodology.

- (f) We are following the guiding principles included in the Tree Strategy:



- 1. Right for Jersey: Right Tree, Right Place** – We are replacing a large tree planted in a small planter and a confined urban environment with more suitable and sustainable in-ground trees.
 - 2. Respect and Value Trees** – the tree has been given a second life in the countryside, where with the right aftercare, will be able to expand and thrive for longer.
 - 3. Look after Existing Trees** – as above; the condition of other trees at Broad Street have been improved by adding planters to allow more water, air and nutrition to get to their roots.
 - 4. Establish New Trees** – We are greening St Helier by planting more new trees in specialist underground cells giving them the right, more sustainable conditions to thrive in challenging urban environment.
 - 5. Leadership and Collaboration** – We are collaborating and raising awareness about the challenges of urban tree planting through CPD events and direct engagement with the public and other stakeholders
- (g) The annual maintenance budget to establish the new trees in Broad Street (Phase 1) is £4,000. During the first three years, the maintenance will be an external contractor's responsibility. Once the trees become established, this will be incorporated into the I&E maintenance programme.

2.24 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding independent reports on departments at Health Care Jersey (WQ. 81/2026)

Question

“Will the Minister advise –

- (a) whether a report into the General Surgical Acute On-Call Service (as requested by the Health Advisory Board in 2023) was commissioned and, if not, why not;
- (b) if it was commissioned, whether the report will be published and, if not, why not; and
- (c) whether any other independent reports on departments of Health Care Jersey have been commissioned by the Royal College of Physicians?”

Answer

a) The Royal College of Surgeons were commissioned in 2023 to conduct a review of the General Surgical Acute On-Call service by the Medical Director at that time. The Royal College visited Jersey with a review team in April 2024 and provided initial feedback at that time to the Chief Officer and Medical Director. The draft report was received in October 2024 and the final report following corrections and amendments received in December 2024 by the Medical Director and shared with the Surgical care group and Chief Officer. A response to the recommendations was provided to the college in January 2025.

b) The report was not published at that time because the initial version required factual clarification with the College, and further work was needed to ensure the findings accurately reflected the service. Given these matters, publication did not progress at that stage.

c) No other reports are awaited or have been commissioned of either the Royal College of physicians or surgeons.

2.25 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding PFAS concentration in public water supply. (WQ. 82/2026)

Question

“Regarding PFAS concentration in the public water supply, will the Minister –

- (a) provide figures for PFAS Chemicals (PFOA, PFOS, PFHxS, and PFNA) in the public water supply over the last 10 years; and
- (b) in relation to the [Draft Water Law \(Jersey\) Amendment Regulations 202- \(P.26/2026\)](#), advise what work he has done –
 - (i) to determine the likely cost of meeting the 4ng/L standard proposed in the Proposition; and
 - (ii) to test the capital costs anticipated by Jersey Water (£140 million to £210 million) as being required to meet the standard?”

Answer

- (a) Figures for the individual PFAS chemicals (PFOA, PFOS, PFHxS, and PFNA).

There are currently no limits for PFAS chemicals in the Water (Jersey) Law 1972 and therefore no requirements for Jersey Water to test for this or report this to Government. However, Jersey Water have been proactive in this matter and tested for PFAS chemicals in mains water since 2020 and included data in their annual water quality reports which are publicly available on their website. [Water Quality Report - Jersey Water](#)

These figures are reproduced below as maximum, minimum and mean levels. The table includes the four PFAS compounds that the question asks about and the Sum of PFAS (Sum of 17, 47, 48) for a specific particular year (the types of PFAS tested changes as analytical techniques change).

YEAR - PFAS	Treatment Works	Min (µ/l)	Mean (µ/l)	Max (µ/l)
		NOTE <LOD means less than the limit of detection		
2020 - 17 PFAS				
PFOA	Augres	0.003	0.004	0.005
	Handois	0.004	0.008	0.029
PFOS	Augres	0.004	0.009	0.017
	Handois	0.005	0.013	0.026
PFHxS	Augres	0.002	0.004	0.008
	Handois	0.004	0.006	0.012
PFNA	Augres	<LOD	<LOD	<LOD
	Handois	<LOD	<LOD	0.001
Total of 17 PFAS	Augres	0.023	0.040	0.052
	Handois	0.034	0.057	0.079
2021 - 17 PFAS				
PFOA	Augres	0.002	0.004	0.005
	Handois	0.004	0.005	0.006
PFOS	Augres	0.004	0.008	0.012
	Handois	0.006	0.010	0.016
PFHxS	Augres	0.002	0.004	0.006
	Handois	0.004	0.006	0.009
PFNA	Augres	<LOD	<LOD	<LOD
	Handois	<LOD	<LOD	0.001
Total of 17 PFAS	Augres	0.022	0.034	0.050
	Handois	0.034	0.049	0.078
2022 - 17 PFAS				
PFOA	Augres	0.003	0.006	0.026

YEAR - PFAS	Treatment Works	Min (µ/l)	Mean (µ/l)	Max (µ/l)
		NOTE <LOD means less than the limit of detection		
	Handois	0.003	0.006	0.008
PFOS	Augres	0.005	0.010	0.030
	Handois	0.004	0.012	0.023
PFHxS	Augres	0.003	0.004	0.005
	Handois	0.003	0.007	0.010
PFNA	Augres	<LOD	<LOD	<LOD
	Handois	<LOD	<LOD	<LOD
Total of 17 PFAS	Augres	0.022	0.038	0.083
	Handois	0.024	0.045	0.062
2023 - 47 PFAS				
PFOA	Augres	<0.005	<0.005	0.010
	Handois	<0.005	0.006	0.012
PFOS	Augres	<0.005	<0.005	0.016
	Handois	<0.005	<0.005	0.013
PFHxS	Augres	<0.005	<0.005	0.009
	Handois	<0.005	0.005	0.010
PFNA	Augres	<LOD	<LOD	<LOD
	Handois	<LOD	<LOD	<LOD
Total of 47 PFAS	Augres	0.005	0.027	0.058
	Handois	0.012	0.038	0.055
2024 - 48 PFAS				
PFOA	Augres	0.003	0.005	0.007
	Handois	0.005	0.007	0.009
PFOS	Augres	<0.001	0.003	0.006
	Handois	<0.001	0.004	0.006
PFHxS	Augres	0.002	0.003	0.004
	Handois	0.003	0.004	0.005
PFNA	Augres	<LOD	<LOD	<LOD
	Handois	<LOD	<LOD	<LOD
Total of 48 PFAS	Augres	0.011	0.027	0.037
	Handois	0.026	0.036	0.051
2025 - 48 PFAS				

YEAR - PFAS	Treatment Works	Min (µ/l)	Mean (µ/l)	Max (µ/l)
		NOTE <LOD means less than the limit of detection		
PFOA	Augres	0.004	0.005	0.007
	Handois	0.004	0.006	0.007
PFOS	Augres	0.002	0.004	0.006
	Handois	0.002	0.004	0.007
PFHxS	Augres	0.002	0.003	0.004
	Handois	0.003	0.003	0.005
PFNA	Augres	0.001	0.001	0.001
	Handois	<0.001	<0.001	<0.001
Total of 48 PFAS	Augres	0.021	0.029	0.040
	Handois	0.026	0.034	0.045
Sum of Four (PFOS, PFOA, PFNA & PFHxS)	Augres	0.009	0.012	0.015
	Handois	0.007	0.013	0.017

(b)

(i) The work and the recommendations from the Independent PFAS Scientific Advisory Panel have informed the limit that is in the Proposition (4ng/l for the sum of four PFAS). This is published in the 'DRAFT - Fourth Report of the Independent PFAS Scientific Advisory Panel for Jersey – PFAS and the Environment. March 2026'.

I have been briefed on the work of the Panel throughout, including discussing what is possible in terms of technological solutions, the state of readiness of the technology, reliability, costs and reasonable timescales to implement the various treatment options.

(ii) I have not been provided with any information to support Jersey Water's anticipated capital costs as this information is held by the Minister for Treasury and Resources.

2.26 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding the Draft Road Traffic (Drug Driving) (Jersey) Amendment Regulations 202- regarding (P.32/2026). (WQ.83/2026)

Question

“In relation to the [Draft Road Traffic Law \(Drug Driving\) \(Jersey\) Amendment Regulations 202–\(P.32/2026\)](#), will the Minister advise what consideration, if any, was given to the introduction of a

statutory medical defence as in Section 5A of the UK [Road Traffic Act 1988](#), and if no such consideration has been given, will he explain why not?”

Answer

Careful consideration was given to a statutory medical defence as used in the UK under Section 5A of the Road Traffic Act 1988, which provides a defence where a controlled drug is lawfully prescribed and taken in accordance with medical directions.

Having taken expert advice and reviewed the options, a clearer two-tiered limit approach tailored for Jersey has been proposed to account for medicinal cannabis users on the Island. Rather than introducing a statutory medical defence along with a single universal THC limit of 2µg/L, as is done in the UK, the draft Jersey regulations propose:

- 5 µg/L for the general driving population; and
- 2 µg/L for Group 2 (medium and heavy goods) / PSV licence holders (taxicabs and buses), registered driving instructors when instructing, and any driver who is also over the prescribed alcohol limit

In practice, the 5 µg/L general limit is intended to avoid per-se prosecutions of compliant medicinal-cannabis patients within the general driving population, who would often read above 2 µg/L but below 5 µg/L, while still applying a 2 µg/L threshold in higher-risk categories and in cases involving excess alcohol.

This approach recognises local prescribing patterns while providing clarity and enforceability. It avoids the need to litigate individual medical-use defences for compliant patients, saving time and reducing complexity for the Police and Courts, and it safeguards road safety by applying a lower limit to higher-risk driving categories and in situations involving excess alcohol.¹

Consequently, a separate statutory medical defence, was considered unnecessary within Jersey’s proposed framework.

2.27 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding PFAS levels in private boreholes in proximity of the airport ‘plume area’. (WQ. 84/2026)

Question

“Further to [Oral Question 34/2026](#), regarding PFAS levels in private boreholes in proximity of the airport ‘plume area’, will the Minister advise –

- (a) whether Jersey Water or any other body has tested boreholes in the La Pulente area to determine whether the PFAS ‘signature’ of airport firefighting foam, specifically Aqueous Film Forming Foam (AFFF), has been detected in the water, thereby ‘ground truthing’ the Arcadis model of the plume distribution;
- (b) whether any such testing indicates that the plume ‘signature’ may be present in the La Pulente area, either at 100ng/l or through the detection of any of the four main PFAS chemicals;

- (c) the cost per test to establish the level of the four PFAS chemicals related to the firefighting foam plume in borehole water; and
- (d) the rationale for the Environment Department not testing the La Pulente boreholes to establish whether the PFAS plume has extended to La Pulente?”

Answer

- a) I can advise that neither the Natural Environment Team within Infrastructure and Environment Department, nor Jersey Water or Arcadis (to my knowledge) have tested boreholes in the La Pulente area in the past 3 years to determine whether the PFAS ‘signature’ of airport firefighting foam is present, specifically Aqueous Film Forming Foam (AFFF). Jersey Water have undertaken tap tests last year as part of the requests from Water Quality and Safety Programme in 2025 to determine the levels of PFAS in drinking water within the home.

Broader groundwater monitoring took place during 2023-2024 to inform the hydrogeological model (PFAS distribution in a plume area defined by PFAS levels detected). This was reported in the PFAS Hydrogeological Study, Phase 2 Report Hydrogeological Risk Assessment and Remediation Optioneering Ref: Prepared By: Arcadis Consulting (UK) Ltd (available via this link [Microsoft Word - 10050570-ARC-XX-XX-RP-ZZ-0005-P3-Hydrogeological Risk Assessment & Remediation Optioneering P3 ISSUE](#))

- b) Tap testing at La Pulente properties was carried out in 2025 to determine the quality of drinking water. One of the tap tests carried out in August 2025 was sent to Arcadis for a preliminary assessment of the PFAS AFFF signature. Their response (sent to the residents on 11 December 2025) confirms that the La Pulente area is outside of the conceptual plume area defined by the Arcadis Hydrogeological Survey 2025. The assessment from Arcadis states that “*while the catchment is complex and some connection to the plume area cannot be ruled out, the PFAS signature within the [La Pulente] borehole water is **not** clearly similar to the PFAS signature as observed within the plume area*”.

However Arcadis qualify their assessment, which was based on a single tap test from a third party and therefore their comments are a high-level review of a single data point, and no reliance can be given to the commentary. This is reasonable given that a full investigation into the multiple sources of PFAS is a complex and time-consuming process and not one that can be conclusively delivered by a single data point. This was also confirmed by the PFAS Scientific Advisory Panel in their public online meeting on 12 March 2025 when they directly addressed this point and confirmed that in private meetings with residents, they are careful not to draw conclusions regarding the plume boundary, and in particular that scientific conclusions should not be drawn from single data sets. These meetings are recorded and available to view by emailing RegulationEnquiries@gov.je

- c) I am advised that water tests cost:
 Broad suite in waters - £272.02 per sample
 TOP Assay in waters - £425.72 per sample
 Prices for these will increase in April 2026. Fingerprinting analysis would require both tests in combination, and a broad suite would cover the “four chemicals”, over **multiple sampling occasions** over through a year to include seasonal effects. In addition, an assessment by

hydrogeological / PFAS consultancy with expertise in PFAS type signatures would also be needed, for which I do not have accurate costing as they are subject specific.

- d) The Natural Environment Team within Infrastructure and Environment Department, and Arcadis undertook sampling in 2023-2024 at multiple points around the airport to establish the 'conceptual plume'. They continue to monitor borehole A3 which is in the wellfield and is the closest to the La Pulente properties. Given the level of trace detections on this borehole, this continues to delineate the edge of the plume. Plumes are more concentrated by the source and will only increase again further away with additional inputs (sources). As a result, it was deemed unnecessary to test further away from the source and into La Pulente. The same rationale was used in deciding the northern edge of the plume.

2.28 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the valuation of Philip Le Feuvre House and Huguenot House. (WQ.85/2026)

Question

“Will the Minister provide the valuation of Philip Le Feuvre House and Huguenot House and advise how this has changed over the last 5 years?”

Answer

It should be noted, for context, that the secondary office market has weakened substantially in recent years, with occupiers increasingly prioritising Grade A high quality, energy efficient spaces.

As a result, secondary stock, such as Philip Le Feuvre House and Huguenot House – both older buildings requiring significant refurbishment – has become increasingly obsolescent in the current office market. Indeed, La Motte Street as a location has become increasingly unattractive to occupiers as newly developed office buildings around the Waterfront and the Esplanade have become established and are drawing demand away from this area of town.

Market Value

In 2023, a market valuation was carried out by a local independent valuer. This valued Philip Le Feuvre House at £2.62 million, and Huguenot House at £690,000.

Under standard valuation practice, value is defined as the estimated amount for which a property should exchange on the valuation date between a willing buyer and a willing seller after proper marketing. On this basis, the most reliable measure of the true Market Value of a building is what the market is demonstrably prepared to pay for it. It should also be acknowledged that some of the alternative uses of the site, such as open public space, would give the site a much lower valuation.

Both Philip Le Feuvre House and Huguenot House have now been exposed to the open market twice, in 2024 and again in 2026, providing direct evidence of market appetite and pricing.

Philip Le Feuvre House, Huguenot House and 38 La Motte Street were offered to the market in September 2024, attracting conditional and unconditional offers ranging between £2.325 million and £3.0 million. The sale was subsequently paused whilst further discussions were held by the Council of Ministers on potential alternative uses for the site.

It was subsequently agreed that 38 La Motte Street would be withdrawn from the sale and Philip Le Feuvre House and Huguenot House were remarketed in early 2026, resulting in three unconditional and conditional offers being received between £1.925 million and £2.705 million.

The market has significantly moved over the last five years and the recent marketing of the site and agreed sale value of £2.3 million (unconditional) represents the best overall value for money to the public of Jersey.

3. Oral Questions

3.1 Deputy M. Tadier of the Minister for Infrastructure regarding road safety improvement works planned in St. Brelade (OQ.46/2026):

Will the Minister advise what road safety improvement works are planned in St. Brelade over the next 2-year period, including any works under consideration on La Route de la Baie and in the area of La Moye?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy for his question. Clearly I can only comment on roads under our administration and not the Parish by-roads. In recent years, route reviews have been undertaken on both La Route de Noirmont and Route de la Baie to assess road safety issues, consider possible regulatory changes and identify opportunities to support active travel. A range of outlined scheme options have been developed for these routes. Their progression over the next 2 years will depend on the availability of funding and their prioritisation alongside other Island-wide schemes, including those linked to the Safer Routes to Schools programme. Within St. Brelade, 2 specific locations currently fall within this programme. Firstly, proposals for an improved school crossing on Route des Quennevais, and footpath and crossing improvements on Rue de la Sergente, the latter being subject of the acquisition of adjacent land. Should funding and prioritisation allow, the department intends to bring forward the most feasible of these options within the next 2-year period.

3.1.1 Deputy M. Tadier:

I know there were separate parts to this question, so the Minister may need to provide additional information later, but when it comes to La Route de la Baie - so St. Brelade's Bay in other words - there have been repeated calls for improvements for pedestrian crossings and perhaps for practical slowing down of traffic there. I am mindful that the officers from the Minister's department did do a walkabout with the representatives for the area. Can he advise us how close we are to implementing some of those changes specifically in that area, which is also an important area for tourists?

The Connétable of St. John:

My understanding is that La Route de la Baie is currently planned for resurfacing in 2032. The department carried out vehicle and pedestrian surveys in the Bay in 2023, showing good speed compliance. As I mentioned earlier, it will require funding to be available and be in the priorities.

3.1.2 Deputy J. Renouf of St. Brelade:

The Minister mentioned Rue de la Sergente, which he knows I have a considerable interest in. Is he able to provide any update on progress that his officers may have made in relation to that route crossing, both in terms of the pedestrian crossing and in terms of the road improvements on that road?

The Connétable of St. John:

I believe we are making some progress - small progress - with a small parcel of land, but I think the Deputy is well aware of the area that will unblock this scheme. I believe we are still waiting to hear back from the owner of the land.

The Deputy Bailiff:

Connétable of St. Brelade.

Deputy J. Renouf:

Do I get a supplementary?

The Deputy Bailiff:

Supplementary, yes.

3.1.3 Deputy J. Renouf:

The Minister mentioned the Safer Routes to Schools, and that this is on the Safer Routes to Schools. Would he indicate whether he has given instructions to his officers that this is therefore a priority project for them?

The Connétable of St. John:

It is one of many priorities, and only yesterday I met with a parishioner of St. Saviour to talk about safe routes to school in that area.

[9:45]

I have offered to meet with the landowner, and I am still waiting to hear back. I have offered to meet the landowner for over 12 months.

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

I am picking up, the Minister mentioned the acquisition of a land parcel on Rue de la Sergente. This has been going on for a significant number of years, and would the Minister confirm that he will progress this matter without further delay?

The Connétable of St. John:

I cannot give that commitment. I am a matter of days away from finishing as Minister for Infrastructure, so it will be up to my successor. I am fully aware of the challenges there. I have made a site visit on more than one occasion. We really need to encourage the landowner to help us with this. I know that some representatives have met with the landowner and have not been well-received particularly. My door is open, but I cannot make a long-term commitment.

The Connétable of St. Brelade:

I thank the Minister for that response.

3.1.5 Deputy M. Tadier:

While we know the Minister may not always be in this position, the officers were there before he took office and they will be there after he leaves office. Would the Minister consider instructing his officers or asking them whether there is a plan B for the area in la Sergente on to Le Feugerel so that actually if there is not a willing selling and a timely selling of the land that the department needs, that it could either be compulsorily purchased but actually a more likely route might be a solution that

does not require any purchase of private land to seek alternative road carving measures. Is that something the Minister can give an undertaking to do before he leaves office?

The Connétable of St. John:

I am very confident that the department will continue to do their very best in this area. Of course, they were dealing with this problem and many other problems long before I arrived as Minister, and I will take this opportunity to pay tribute to the transport team in Infrastructure, who do a fantastic job with limited resources, and they have many competing priorities.

3.2 Connétable K. Shenton-Stone of St. Martin of the Minister for Health and Social Services regarding extending private health insurance to Islanders (OQ.49/2026):

Will the Minister assure the Assembly that any discussions to extend private health insurance to Islanders (as mentioned by the Chief Minister during Questions without notice on 24th February 2026) will not include consideration of removing the provision of any universally available public health services in the Island?

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

As Members know, we are looking at various models of health funding, but I am pleased to reassure the Constable that we have no intention of removing the provision of any universally provided public health services.

The Deputy Bailiff:

Supplementary, Connétable?

The Connétable of St. Martin:

No, thank you, Sir. I think the question has been answered.

3.2.1 Deputy I. Gardiner of St. Helier North:

Would the Minister confirm if any future proposal for the private health insurance will be brought for debate to the Assembly and will not be a policy decision made by the Minister?

Deputy T.J.A. Binet:

As I think the Deputy will know, our terms come to an end very shortly and it will probably be in the hands of somebody else. But I would imagine, whoever that is, something as major and as important as that would have to come back to the Assembly in any event.

3.2.2 Deputy J. Renouf of St. Brelade:

I welcome the reassurance from the Minister. Will he therefore explain a little bit more about what is being proposed in terms of private healthcare, in terms of how it will impact patients?

Deputy T.J.A. Binet:

I think the Deputy knows that this is in its very early stages. I have not had a chance to catch up with the officer who is actually leading on this since our last Assembly meeting. It really is in its infancy and I am genuinely not in a position. I am not withholding anything, I am just not in a position to make any concrete statements of any sort.

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

What instructions will the Minister therefore be leaving behind for who may take over the role of Minister next?

Deputy T.J.A. Binet:

Simply to carry on with the work that is currently underway.

3.3 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding the States Assembly Decision Tracker (OQ.51/2026):

In relation to the States Assembly Decision Tracker available on the States Assembly website, will the chair advise the reasoning behind the decision to limit the information on the tracker to propositions dating back to June 2018 and whether it is anticipated that propositions prior to that date will be included; and if so, to what earlier date and if not, why not?

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

The tracker was completed back to the start of the 2018 term for operational and administrative reasons. When the tracker was introduced, as a requirement of Standing Orders, there was no obligation to look backwards. Starting the tracker from January 2024, when it was introduced, would have been sufficient procedurally. The States Greffe decided to complete it back to June 2018, as this was considered to strike an appropriate balance between providing the information desired by members and the public, and the resource and time required to populate the tracker. Going back further would evidently require more time. For that reason, there is no anticipation at present of populating the tracker with propositions from before June 2018.

3.3.1 Deputy M.R. Scott:

One of the propositions that is not included on the tracker as a result of this decision is P.32/2018, relating to the establishment of a public services ombudsman. Given that the P.P.C. (Privileges and Procedures Committee) has in the past been resistant to the implementation of this proposition, would the chair like to comment on whether it might be optically appropriate to at least go back another year?

Deputy S.M. Ahier:

I do not think it would be necessary to go back before that period. As the Deputy mentioned, she referenced P.32 by Deputy Ozouf, but it is quite clear that that particular proposition has not been forgotten because of all the engagement that Deputy Scott has had on this particular matter. I think that Members will be aware of those propositions which they believe should be brought forward, and I do not think it would be necessary to populate the tracker prior to that date at the current time.

3.4 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding spending on consultants (OQ.42/2026):

Will the Chief Minister state how much the Government has spent on consultants during this political term, and advise what steps the Government has taken to reduce spending on consultants across the public sector?

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

As reported in the Annual Report and Accounts, consultancy and temporary staffing spending dropped by £29 million in 2024 compared to 2023. The figures for 2025 will be published as part of the Government's report on the use of consultants and contingent labour and will be published before the pre-election period on 20th April. I think I should point out that the figures are subject to rigorous review, and that must be undertaken before publication. Once those figures have been reviewed and agreed, I will be able to provide the figure.

3.4.1 Deputy M.B. Andrews:

The C. and A.G. (Comptroller and Auditor General) mentioned the importance of the Government improving its internal processes to make sure that we utilise the people within the public sector before we utilise consultants. I want to know whether steps have been taken to address this area, and if so, how has the Chief Minister gone about it?

Deputy L.J. Farnham:

The short answer to that is yes. Controls on consultancy and spending were introduced in June 2024 for the chief officer and chief executive to approve. That included agency contracts in excess of 12 months, consultants, contingent labour, which includes interims, personal contract holders that are employed on day rates and other similar professional services. There has been a noticeable shift from use of off-Island project managers and temporary executive level to more on-Island temporary staff. The current policy is to utilise and transfer staff internally and to use local staff and consultants.

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

Could the Chief Minister clarify what proportion of the consultancy spend is directed towards strategic policy advice versus operational delivery?

Deputy L.J. Farnham:

Not off the top of my head. I would need some time to get those figures.

3.4.3 Deputy K.M. Wilson:

I take from that comment that the Chief Minister will be happy to provide that data when he has it.

Deputy L.J. Farnham:

I would be grateful if the Deputy could put in writing her exact question, and we will provide a prompt response.

3.5 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding the Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026) (OQ.41/2026):

Will the Minister state what discussions, if any, he had with the Council of Ministers and with Jersey Water prior to lodging the Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026); and what work, if any, was undertaken to understand the potential cost to Jersey Water of the legal requirements proposed in the regulations?

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

Throughout 2025, the Council of Ministers were kept updated with the opportunity for discussion on the emerging recommendations set out in report 4 of the independent P.F.A.S. (per- and polyfluoroalkyl substances) Scientific Advisory Panel. Steering Group meetings on P.F.A.S. remediation work involving Jersey Water and my officers have been taking place monthly since May 2025. However, I lodged my amendment in February without formal consultation with C.O.M. (Council of Ministers) or Jersey Water because I was conscious that there were very few opportunities to debate this important matter before the election. I am now certainly very aware that, had I not done so, another 6 months would have passed while a new Minister took office, was then briefed, and then had to bring forward a proposition on their own. I was aware that Jersey Water presented the independent P.F.A.S. Panel with its preferred solution for P.F.A.S. in March last year, adapting the 2 existing water treatment plants at an estimated cost of around £40 million. The panel drew on this when making its recommendations, which I am asking Members to support later in this sitting. If the company's plans have been revised, I am yet to be presented with the detail. My role as regulator is to set the standards for mains water, not to establish how Jersey Water should meet

the standard or how it should be funded. Setting a firm enforceable limit sends a message the public that we are taking P.F.A.S. seriously.

3.5.1 Deputy J. Renouf:

The Ministerial Code says that Executive Members should adopt a no-surprises approach regarding announcements, and it also says the Chief Minister must be notified of the intention to make significant announcements. Can the Minister therefore confirm that he did not follow the Ministerial Code, and can he explain why he acted with some contempt, I would say, for his colleagues in not consulting with them before making an announcement?

Deputy S.G. Luce:

It is clearly going to be a moot point between myself and the Deputy whether I consulted with C.O.M. or not, but throughout last year and this year I have said, and I quote actually: "I plan to introduce the standard in this term of Government." I have been absolutely clear throughout this work that I intended, during my time as Minister, to bring forward limits. I worked with the panel on that. Everybody was completely aware of that: C.O.M., Jersey Water, all people concerned. It should be no surprise, if the Deputy wants to accuse me of things because I did not formally inform C.O.M. the week before I set this, he is welcome to do so.

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

The Minister, in his first answer to the Assembly, talked about the preferred ... in March, that the steering group was aware that Jersey Water had put £40 million, and that the treatment works and the current treatments works was the preferred option.

[10:00]

Could the Minister confirm whether he received any communications, advice or cost estimates from Jersey Water since March and prior to lodging his proposition regarding the potential need for a new treatment work and what the scale of costs would be involved?

Deputy S.G. Luce:

Certainly, I was conscious, and I am sure everybody would be aware, that during discussions during last year a whole range of options were discussed and put on the table. One of the reasons for that is that during the year the panel indicated that 4 nanograms per litre might be a limit they would go for, but they would also consider reducing that limit further to 2 nanograms, if the results of the food testing indicated that that was necessary. It was clear to me, and I am sure to everyone else, that one of the options on the table was a new treatment works, that it would be expensive. But the information was very clear also that that was something that would come with a level of 2 nanograms, which was clearly not going to be achievable at the existing treatment works. But the panel, once the food had been analysed and the results had been published, were very clear they were going to stick with 4 nanograms. All the way through Jersey Water, although they said the word "challenging" - it might be challenging - that certainly does not mean to me it is not possible. But they said it might be challenging. The indication was that the 2 treatment works could be fitted out to reduce P.F.A.S. in drinking water to that level.

3.5.3 Deputy H.L. Jeune:

I think at our P.F.A.S. hearing on Friday, Minister, you reiterated what you were saying is that you saw that the current 2 treatments works were where the treatments could happen. Of course, the panel has received a letter from Jersey Water saying that that will not be possible. I was wondering if the Minister has met with Jersey Water, since the lodging of the proposition, to discuss these concerns raised by Jersey Water.

Deputy S.G. Luce:

I am aware that the panel have received a letter from Jersey Water, but that is since and after I lodged my proposition,. I certainly, despite their attempts to meet me, have not found it possible to meet with Jersey Water since I lodged my proposition, and I would repeat what I said to the panel on Friday. It is very disappointing that all the way through this process the official numbers I have had from Jersey Water have indicated that they would work with 4 nanograms in 5 years. The moment I lodged my proposition, Jersey Water have been coming out with an alternative proposition. It is disappointing that that has been the case, but the official and the recommendations, the representations made to the official scientific panel by Jersey Water, never changed, and the scientific panel's recommendations is what I have proposed.

3.5.4 Deputy L.K.F. Stephenson:

I find it extraordinary that we have got 3 separate proposals from 3 different Ministers on this subject, none of which appear to have been developed in consultation with one another. Will the Minister please provide some clarity about the Government's long-term strategy on this matter, as without it how does he expect the public to have any confidence in any new legislation or the ability to meet the requirements that it will set?

Deputy S.G. Luce:

I am tempted to ask the Deputy to repeat that question, it is quite a long one. But I think what I will say is this. It is an interesting scenario where the regulator appointed by Government comes up against the shareholder and also part of Government. It is certainly something that happens very, very rarely. In this instance, I have been quite clear that my position as regulator means that I should regulate. I have said all along that we engaged a scientific panel to do this work for us, and they gave recommendations on the basis of best public health. I think it is my job, pretty much irrespective of what I might think personally, as regulator, to put forward the recommendations of the scientific panel. I have done that in the knowledge that other people, including Ministers, including any States Member, may not feel happy about that. But I feel that it is my role to put forward these recommendations and if others, regardless of where they come from, seek to amend that, that is what the States Assembly is for, and we will debate the options.

3.5.5 Deputy L.K.F. Stephenson:

I think I know the answer to this next question, but I will ask it anyway. Does the Minister have any intention to consider withdrawing his proposition pending further collaborative work between Ministers, Jersey Water and other stakeholders to find a pragmatic way forward on this important subject so that this Assembly does not get itself into potentially a bit of a mess here today?

Deputy S.G. Luce:

Absolutely not.

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

There seem to be a number of extraordinary things about this proposition, but I would like to ask the Minister: given that Jersey Water cannot afford to implement the legal obligation which it is proposed to impose upon it, who is going to pay for it?

Deputy S.G. Luce:

As unpalatable as it might be to hear, I have said already in my answer that my role as regulator is not to concern itself with the cost of the recommendations I might put forward. I say that quite flippantly, and I do not mean that I do not consider it, but the P.F.A.S. Panel have been very clear. They have come out with a level that they think is acceptable from a public health perspective. Jersey Water have indicated all along they feel that they can do the work necessary to get to that level at their 2 existing works at a level of cost of around £20 million per works. That has always been the position. I do not feel, or rather if I could say it this way, I think I would feel that as regulator, if I

was taking more concern of the cost of doing the work and less concern of the public health implications, I might find myself in very deep water.

3.5.7 Deputy K.L. Moore:

Given, as Deputy Stephenson described, the great differences of views from Ministers, what mediation or discussion has taken place with the Minister and his colleagues since he published the Draft Water Law Amendment, as surely his Ministerial colleagues would have voiced their concerns about it at the time?

Deputy S.G. Luce:

Absolutely, we have had a number of discussions privately and in the Council of Ministers about this. But I reiterate that my position as regulator has always been clear, and I was going to put forward the recommendations of the P.F.A.S. Panel. We have to remember, and we will come to it in the debate later, that the P.F.A.S. Panel are hugely respected experts in their field, they are dealing here with chemicals and all sorts of stuff, which is way beyond my comprehension, and I rely on them entirely to come out with recommendations about safe levels for public health. That is what they have done and, as regulator, I am putting forward those to the Assembly. I am perfectly comfortable with the potential for every Member of this Assembly to vote against me, and if that is what Members want to do that is fine. But I see my job, as regulator, to put forward the recommendations of the panel who we have employed. As I say, they are global experts in their field and I feel bound to put forward their recommendations to this Assembly.

3.5.8 Deputy K.L. Moore:

I applaud the Minister for trying to do the right thing in the face of such adversity. Just a question about those conversations. At what point or has any discussion been had about the polluter pays concept and whether Ports should be involved in finding some funding for this?

Deputy S.G. Luce:

The situation with Ports and the airport fire training ground, indeed the airport itself, is a bit of a separate conversation inasmuch as the fire training ground at the airport is a pollution hotspot; that is the reason why we have a plume area below in St. Ouen's Bay. That is being addressed through a separate steering group made up of Government officers, Jersey Water and Ports of Jersey. They will very shortly have concluded the work they engaged with 7 or 8 months ago, which will come up with the recommendations and their preferred way of remediating the pollution that is happening on that site. At that stage, I would expect Ports to be having discussions with Government. At the end of the day, Government owns Ports of Jersey entirely. But certainly, the other side of the argument would be that Ports took on the responsibility - liability, if you like - for P.F.A.S. when it was incorporated back in 2014, I believe.

3.5.9 Deputy J. Renouf:

Last week I went to the public meeting that launched the latest interim report from the P.F.A.S. Panel, and in response to a question from me about the situation with regard to Jersey Water's objections, if you like, or stated views about the costs, they admitted that they had not taken into account Jersey Water's views when they published the interim report, and the reason for this was because they ...

The Deputy Bailiff:

Can you get to the question please, Deputy?

Deputy J. Renouf:

I will, Sir, but it is the context of the question.

The Deputy Bailiff:

I know, but it is conveying quite a lot of information.

Deputy J. Renouf:

The question is: given that the P.F.A.S. Panel have said that they have not taken account of Jersey Water's comments in their recommendations, does he not think that this is a reason why he should revisit the timetable and the proposition that he has brought?

Deputy S.G. Luce:

As I have said previously, I would like to repeat 2 things. The first thing is that the level of 4 nanograms per litre is a level being recommended by the panel on public health grounds. They have analysed food, they have agreed that 20 per cent of your intake of P.F.A.S. comes through water and when you analyse the food it leaves you with a calculation which then says where the safe level of P.F.A.S. and water is set. In this case it is going to be 4 nanograms per litre. As for the timing, we have not spoken about derogations but I have always said that, as they do currently have a derogation for nitrates in water, Jersey Water would be very much at liberty to come forward in the future if they cannot quite make the timescale for getting this work done, that derogations would be available to them from any Minister. I am very comfortable with that.

3.6 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding PFAS concentrations in washwater treatment cake (OQ.44/2026):

Will the Minister, as shareholder representative, advise what information, if any, she has received from Jersey Water in relation to P.F.A.S. concentrations in washwater treatment cake and what discussions, if any, have taken place regarding its disposal; and if no such discussions have taken place, will she explain why not?

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

I thank the Deputy for her question. I have, of course, had briefings with Jersey Water in my shareholder capacity. As part of those discussions, the concentration of P.F.A.S. in washwater treatment cake has been mentioned at a high level, as well as potential options and indeed challenges for disposal of that cake. However, the more detailed discussions, which relate largely to operational matters, are in the best place with the Minister for the Environment and the scientific panel, who are the experts in the subject.

3.6.1 Deputy K.L. Moore:

I do believe the scientific panel have raised concerns about the washwater cake, its disposal, but also its storage while we wait for disposal and any potential that it might have been spread in the past on land, which could again contribute to concentration of P.F.A.S. in our system. Therefore, what urgency is the Minister placing on finding solutions to this issue?

Deputy M.E. Millar:

Without going into the debate that we will have later on the Minister's proposition, this is very much part of the ongoing debate. I am not a scientist. I do not protest any expertise in this. We have not discussed how far wastewater treatment cake has been disclosed in the past, but my understanding is that this is one of the crucial things that has to be looked at going forward. My non-scientific understanding is that the treatment cake will absorb P.F.A.S. It will reach a saturation point. We do not yet know, without further testing, at what point is the saturation point of that cake. Whether that occurs after 2 weeks, 4 weeks or 6 weeks. So that there will be a cost to how often. My belief, which could be wrong, is that it can be cleansed and reused. There would be a cost to doing that, and there is a cost to disposal. Those are all things that Jersey Water is still working through in connection

with its ongoing work in terms of how we reduce levels of P.F.A.S. further. I would just take the opportunity to remind everybody again, that our water is already comfortably under existing U.K. (United Kingdom) and E.U. (European Union) standards, and is safe to drink.

3.6.2 Deputy I. Gardiner of St. Helier North:

I would like to take it back to the original question and I would like to check with the Minister if, as a shareholder, she has requested formal assurance from Jersey Water regarding the management and disposal of the P.F.A.S. related materials?

[10:15]

Deputy M.E. Millar:

No, as a shareholder, I have not asked for that assurance. That is an operational matter that sits with the Minister as regulator in terms of the ongoing work on reducing P.F.A.S. I have to remind Members again that, as shareholder, my principal concern is the governance of the company and its financial stability, it is well operated, and operational decisions about what they do on a day-to-day basis. In the case of States-owned entities, it sits with another Minister who establishes the policy for that company and monitors policy aspects on a daily basis. That is not the full extent of my role.

3.6.3 Deputy I. Gardiner:

I am sure that the Minister would agree that the financial stability of the company depends on the operational matters as well. Because the Minister referred to different Ministers - which several Ministers are involved - does the Minister consider that the current shareholder oversight arrangements are sufficient for an issue of this environmental and public health significance?

Deputy M.E. Millar:

Yes, I believe they are, and the financial impacts are largely why I brought my amendment to the proposition.

3.6.4 Deputy K.L. Moore:

Clearly there is a conflict here between the financial aspect of the Minister's role but also her collective responsibilities in terms of protecting public health and the health of Islanders. How does the Minister weigh up those responsibilities and decide which is heavier in that balance?

Deputy M.E. Millar:

The only way of addressing this; I think conflict of interest is more perceived than real. The only way we can avoid any conflict of interest is to sell Jersey Water and privatise it completely. If we are going to own a water company, then we have to recognise that we have an interest in how it is regulated. The Minister is responsible for regulation. As he says, this has been discussed at high level at C.O.M., and I am quite sure that ... well, the minutes are possibly not that detailed, but I am sure that my question at C.O.M. would have been: why is Jersey apparently leading the charge on this? There are lots of discussions to be had on this, but we cannot ... I think it would be rash and irresponsible to agree to a regulatory standard that Jersey Water simply cannot afford to meet, or it cannot afford to ... it is forced into the most expensive option. But that is pre-judging our debate that we will be having later in the sitting.

3.7 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the decision to sell Philip Le Feuvre House and Huguenot House (OQ.47/2026):

Will the Minister advise how consideration of obtaining value for money informed his decision to sell Philip Le Feuvre House and Huguenot House and will he explain why the decision was taken to sell the site in 2 parts (excluding 38 La Motte Street)?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy for his question. Value for money is always at the forefront of my mind. I think I have explained in this Assembly that every fortnight I get an update on empty properties, including their rental value and the value of the property. In respect of the question, it is natural that when someone is selling a property, they want to get the best deal possible, and this property sale was no different. To drive the best value, we used an experienced, independent external agent and have marketed the properties twice in the past 2 years. I believe we have delivered the best overall value for the Social Security Fund. The property is not being sold in 2 parts. La Motte Street is being retained and will be transferred in due course to Health and Care Jersey for their ongoing use.

3.7.1 Deputy D.J. Warr:

Does the Minister recognise that by selling the site in 2 parts - and I appreciate he has just said that we are not selling the site in 2 parts, but the fact is that it is being split out - there is a real danger that the site may well be land-banked while the developer waits for the adjacent site to come on the market? Are there any mechanisms in place to ensure that the development of the site is not delayed?

The Connétable of St. John:

The part of the site that we have retained is going to be used for very important mental health services. I would encourage Members to go and see the facility that is currently being served at the back of that site, which will be moving to the front of the site. In terms of the site being delayed, I think the market value dictates that it is a tough time in the market, and that is why we got the price we got.

Deputy D.J. Warr:

That has not answered my question about are there any mechanisms in place to ensure the development of the site is not delayed?

The Deputy Bailiff:

Can you help with that Minister?

The Connétable of St. John:

The sale of the property will see us receive a significant sum on passing contracts in court, and then we receive the balance within 6 months of that contract being passed. There is nothing in the contract to ensure that the development takes place in 6 weeks, 6 months or 6 years.

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

The Minister just answered part of where I was going to ask on this. But given that the site was zoned in this Island Plan with designation or anticipation for a type of housing in that the most recent Government Plans have also re-emphasised a level of affordable housing provision on that site, and given that the market value was based on those, will the Minister just clarify that, notwithstanding there is no protection within the contract of sale, to actually deliver what the market value was based upon? That obviously all things in and around those policies could change and that his officers have not baked in any protections whatsoever?

The Connétable of St. John:

The sale has been made, subject to the debate we are going to have later in this Assembly, for freehold property, and any development there will be subject to planning guidelines at the time.

3.7.3 Deputy A.F. Curtis:

Could the Minister just then further clarify if there is any policy consideration when it came to sale that the site would be providing housing, or whether he considers this just a pure disposal of a site for ... well, he describes a large amount, a small amount of £2.3 million? I should declare I own and live on the road and we should declare on questions.

The Deputy Bailiff:

Noted.

The Connétable of St. John:

I understand that the site is going to be developed for housing, but that, as I said earlier, will be subject to receiving the appropriate planning.

3.7.4 Deputy D.J. Warr:

I am concerned, and I follow up with my colleague here, Deputy Curtis, is this a sign of a flog-and-forget approach which is being taken here by the Infrastructure Department? The Minister must recognise that we have sites around town, and I am not sure if I am allowed to name them ... am I allowed to name sites around town, which remain undeveloped at this time? Yes. We have the old Apollo Hotel site, we have Les Sablons site; there is a real danger that we yet again end up with another site which is sitting there empty, which is not encouraging people to invest in our capital city. Does the Minister understand why it is important that we get on with these developments and they are developed?

The Connétable of St. John:

I certainly do, and this Minister for Infrastructure has taken decisions to invest in our capital St. Helier, invest in public realm, invest to try and encourage other people to invest in St. Helier, to make it a nice place to live, to work and to visit. I certainly hope that the sites mentioned by the Deputy are developed as soon as possible. The same Deputy criticises us for holding on to empty sites. Here we have a fund that owns the site, not Property Holdings. We act as the agent. We have sold the property on behalf of the fund, and we will encourage the buyer to develop as soon as practically possible.

3.8 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding washwater cake material (OQ.45/2026):

Will the Minister state where washwater cake material is currently disposed of and whether it is applied to land during, or following, its disposal; and what assessment, if any, has been made of the associated risks linked to its disposal?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy for her question. The sewage treatment works produces around 7,000 cubic metres of biosolids each year. Around ½ of this is incinerated through the energy recovery facility, while the other ½ is spread to agricultural land as fertiliser. Biosolids are analysed regularly for potentially toxic elements and nutrient value, the results of which are used to inform the risk of each individual piece of land's use, proposed cropping plan and other soil requirements. This use of biosolids reduces the reliance on imported chemical fertilisers.

3.8.1 Deputy K.L. Moore:

I believe the Minister missed out the part of the question asked what assessment has been made to the associated risks, and in asking him to do so I would like him to speak to the known concentration levels of 93 milligrams per kilo of P.F.A.S. in those in that wastewater cake.

The Connétable of St. John:

I thought I had addressed that in terms of looking at the nutrient balance of results and the individual pieces of land. I am pleased to say that an intervention that was agreed through the P.F.A.S. Steering Group was to stop the disposal of groundwater from boreholes at the airport fire training ground to the Island's foul sewer network. Since pumping ceased, monitoring shows that P.F.A.S. loading in

the sewage treatment work system has reduced by two-thirds. Results also show a corresponding reduction in P.F.A.S. concentrations in the enhanced treated biosolids produced at Bellozanne. This matters because reductions in biosolids P.F.A.S. concentrations support current handling decisions for the management of the output from the sewage treatment works.

3.8.2 Deputy J. Renouf of St. Brelade:

I think the Minister edged towards an answer to the question I wanted to ask there, but could he confirm, therefore, that P.F.A.S. concentrations in that biosolid waste are routinely measured before material is spread on fields, so that it can be tailored to the known concentrations of individual fields?

The Connétable of St. John:

I am not sure of the Deputy's definition of "routinely". I am aware that there is frequent testing that is carried out, and we have seen significant improvements in those testing results. I should say that the testing has shown there is no indication that produce from outside the airport fire training ground P.F.A.S. hotspot have been affected more than global background levels.

3.8.3 Deputy K.L. Moore:

Have any concerns been raised with the Minister regarding the incineration of this waste at the Energy from Waste plant?

The Connétable of St. John:

No, in short. It is not something that I have been made aware of, but I am happy to go away and check if we have had any feedback

3.9 Connétable K. Shenton-Stone of St. Martin of the Chief Minister regarding the Island's key supply chains (OQ.50/2026):

Will the Chief Minister advise whether any consideration has been given to developing a strategy to identify flexibility within, and the ability to make rapid adjustments to, the Island's key supply chains in the event of future conflicts and developments, such as are currently occurring in the Strait of Hormuz?

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

Yes, the Government continues to actively monitor the impact of the conflict in the Middle East, specifically on Jersey. While we are seeing inflationary pressures, we are fortunate to benefit from strong, resilient and established supply chains from the U.K. and from France. These are currently not anticipating any impact upon them. This is however a fast-moving situation. The Emergencies Council has a response plan and has established a lead on potential impacts, including on supply chains and cost-of-living matters. The Emergencies Council met again last Friday to monitor developments and will continue to consider what flexibility and adjustments may be required, and a further update to States Members is being planned.

The Connétable of St. Martin:

I look forward to the update to the States Members.

3.9.1 Deputy J. Renouf of St. Brelade:

My understanding is that the supply of gas - particularly gas but maybe also heavy oil - there is a delay between the supply of that material and the prices. In other words, there are tankers still on their way at the old price, but the new price that will be much higher will start affecting us in the next few weeks. Is the Minister therefore taking any steps or is he aware of any issues that might arise in relation to the supply, or cost price I should say, of gas or fuel oil?

Deputy L.J. Farnham:

As I said, the prices are being monitored closely. The Minister for Sustainable Economic Development and the Minister for the Environment, I understand, following Friday's Emergency Council meeting, are liaising with energy suppliers to ensure that the Emergency Council is provided with up-to-date information on energy supply chains energy prices.

[10:30]

Of course, we will use all of the information to ensure we have a considered response or take any action that is necessary. The short answer is we are not aware of any, shall we say, I am not sure if the Deputy is referring to additional profit taking, but we are monitoring the situation closely.

3.9.2 Deputy J. Renouf:

I think my concern is the concern that the prices have not yet fed through, and we may therefore see a price shock coming down the line. I just would like to know whether the Minister has considered that, particularly in relation to gas, that there may be price shocks coming, and can he offer any reassurance, if he has looked at this, that he believes that we might be insulated from that for some reason?

Deputy L.J. Farnham:

Our supply chain is insulated insofar as we import the vast majority from the U.K. and their supply chains are largely unimpacted by the troubles in the Middle East, except for the price. I understand Jersey Gas are making an announcement today about an increase in the gas price, and we have seen small, but not insignificant, pump price increases for road fuel.

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

Given that jurisdictions such as New Zealand, I heard over the weekend, have limited storage capacity of some 40 days, is the Chief Minister satisfied that we have sufficient storage capacity on the Island to cope with a disruption of the supply chain should they arise?

Deputy L.J. Farnham:

Yes, I am, and I have asked officials to investigate the need to hold greater stocks, if necessary, on-Island, as part of the risk assessment, which is a part of the response plan. So, that is something that is being considered but, of course, that does come with a price that we are actively considering that. It is currently not necessary.

3.10 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding alternative uses of Philip Le Feuvre House (OQ.48/2026):

I know I am becoming his favourite Deputy. Will the Minister advise what consideration, if any, was given to alternative uses of Philip Le Feuvre House, including whether consideration was given to the potential for providing green space or reducing housing density in the area?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I do not want to disappoint the Deputy, but he is not in my top 20 yet. [Laughter]

The Deputy Bailiff:

Careful, Minister, you might get a question on who is in the top 20.

The Connétable of St. John:

As a former Minister for Housing, I am sure the Deputy is aware that the use of the site had been agreed by the previous Assembly. There were, however, a number of alternative proposals made for the site, and these were given full and serious consideration by the Regeneration Steering Group, including most recently at a meeting on 19th November 2025. Generally, they required capital for

the development that would have resulted in an ongoing revenue burden on the Government to maintain. This included a park and also included the use of the site as a car park. They would also have resulted in the need to reconcile the value of the building to the Social Security Fund. That is why we have proceeded as we have done, which we believe represents the best value for the public and meets our policy of reducing the number of States properties instead of continuing to hold on to empty buildings which we have no need for.

3.10.1 Deputy D.J. Warr:

Can the Minister confirm if any conversations were held with Andium Homes because clearly a deal was done on Gas Place with the department for Andium Homes to sell that site? Is there not an opportunity for Andium Homes here to purchase this site and maybe potentially reduce the return to Government, which I know Deputy Mézec is so keen to see reduced?

The Connétable of St. John:

I am happy to confirm that both Andium Homes and the States of Jersey Development Company were engaged to see if they were interested in the site. Neither provided bids, and we are where we are.

3.10.2 Deputy I. Gardiner of St. Helier North:

I am grateful to the Minister that he mentioned alternative uses which were considered. Would the Minister confirm if the Parish representatives were involved and, if any engagement was taken with the Parish, if the Parish would be willing to take it all on?

The Connétable of St. John:

We did have discussions with the Parish, and the Parish put in a bid, but that was not deemed to be sufficient for the Social Security Fund, the owners of the building, and therefore we did not proceed with that initiative.

3.10.3 Deputy I. Gardiner:

Would the Minister confirm only monetary value was considered or also social and the well-being values were incorporated into the scoring?

The Connétable of St. John:

I can say that the Parish's bid did not get anywhere near the point, but we did give serious consideration to alternative uses. We are concerned about the density, and that is why we accepted the middle bid, because we believe the density needs to be reasonable and not over cramped.

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

Staying on the alternative uses, the listing says that the use will ultimately be affordable housing, and the listing with the professional agent says freehold interest, offered as a single lot subject to affordable housing development conditions. Can the Minister clarify whether, given those appear not to be in there, that there are no restrictions that the developer could buy, no statutory mechanisms to compel the current use or any use by the future owner?

The Connétable of St. John:

The site was listed in the Bridging Island Plan, which the Deputy is very familiar with, and any planning application will have to meet the planning guidelines at the time of application.

3.10.5 Deputy A.F. Curtis:

Will the Minister identify and share with Members where in the Bridging Island Plan, under which policy, this site was safeguarded for 100 per cent affordable homes? As, to my understanding, while

it may feature in the preamble as a Government-owned site, the Minister's assertion that that would be the protection may not be well founded.

The Connétable of St. John:

I have to give way to my colleague, whose knowledge of the Bridging Island Plan is far greater than mine. I have not kept up with it since the debate some 5 years ago.

3.11 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the future use of Les Creux Pavilion (OQ.43/2026):

Again, about Les Creux. Further to Oral Question 8/2026 and Oral Question 29/2026, will the Minister provide an update on discussions towards the agreement of a lease for the future use of Les Creux Pavilion?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I am pleased to confirm that the Les Creux Community Hub and Nursery have been selected as the preferred bidder, and I have asked that discussions commence for the agreement of a lease. I have also agreed they can begin engagement and consultation with the community to ensure that their proposed operation at Les Creux maximises community involvement. It is important to be clear, however, that their bid remains subject not only to the agreement of a lease with the public, but also to agreement in respect of the change of use permissions that will be required as part of their proposal. I am, however, encouraged by the excellent potential for this organisation as preferred bidder to ensure Les Creux becomes a focal point for the community engagement, particularly in St. Brelade.

3.11.1 Deputy J. Renouf:

Can I wholeheartedly welcome that announcement from the Minister and thank him for it? We will soon be entering a period of non-political activity, where these things could easily get kicked into the long grass. Can he provide any reassurance to parishioners, and indeed Islanders with an interest in this progressing, about what instructions he will be giving to officers to help solve problems that might arise over the next few weeks and months, prior to the establishment of a new Government?

The Connétable of St. John:

I am very aware of the timing and I, like the representatives of St. Brelade, have been keen to see this result, but we have a number of challenges. The department are working closely with the landowner, with the preferred bidder, and I hope that we are going to be able to conclude positively and also that the dialogue with the community, including the Parish, will also be productive.

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

I too, as representative of St. Brelade, welcome the announcement by the Minister for Infrastructure. Could the Minister please clarify who is going to be responsible for the change of use planning application? Will it be the owner, as in Jersey Property Holdings, or will it be the preferred bidder?

The Connétable of St. John:

Jersey Property Holdings are the leaseholder, not the owner of the land and building. So, Jersey Property Holdings are in discussions with the landowner. It will be Jersey Property Holdings that would put in any application.

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

Can I just ask one question, is it a nursery for plants or is it a nursery for children?

The Connétable of St. John:

It is for growing little people.

The Deputy Bailiff:

Any supplementary?

Deputy A. Howell:

No, I am very grateful for the clarification.

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

I am grateful to hear the news that the Minister has just announced regarding the direction of travel. I would just like to understand what the timeline might be, picking up Deputy Renouf's point as to when we might see some action or a planning application, should that be needed.

The Connétable of St. John:

The timeline is really dependent on the landowner. I think I mentioned in the last Assembly that they have been on a lengthy vacation. The dialogue, I understand, is underway. We are hopeful that this will become, again, a great community asset for all the community and people like myself, who walk my dog at Les Creux from time to time, hopefully I will be able to have a cup of tea when I get back from my dog walk.

3.11.5 Deputy J. Renouf:

I wonder if the Minister could clarify whether that planning application is something that he anticipates to happen, which could happen, during the period of political non-activity, or will it require further Ministerial intervention? In other words, is there a possibility that this thing could be stopped in its tracks before it really gets going?

The Connétable of St. John:

I am hopeful that the planning application will be going in very shortly. I think we understand what is required, and I am hopeful that that will happen. Clearly, when anything is subject to planning applications, then there is always the chance that that will get stopped. Not everybody agrees with applications. I should also place on record my thanks to the team at Jersey Property Holdings. They often get a lot of criticism. They are hardworking, dedicated individuals, who do their very best with limited resources, and I have been pleased to work with them.

The Deputy Bailiff:

That brings the period for oral questions with notice to an end.

The Connétable of St. Brelade:

Sir, if I may, before we proceed, just ask that the *défait* that was previously addressed for the Connétable of St. Mary be changed, if possible. I have just picked up a message he sent last night saying that he was on States business with B.I.P.A. (British-Irish Parliamentary Assembly) in Tralee, County Kerry, and, assuming his flight will not be delayed, will be back tomorrow. Could he be marked down as *excusé* at this stage?

The Deputy Bailiff:

Are Members content to mark the Connétable of St. Mary *défait excusé*? Then the Connétable is marked *défait excusé*.

Deputy L.J. Farnham:

Sir, did I miss something, are we allowing only an hour for oral questions?

The Deputy Bailiff:

No, Chief Minister. That is the end of the list of oral questions with notice, so we are moving to questions without notice.

Deputy L.J. Farnham:

Sorry, I thought you said we had timed out, Sir?

The Deputy Bailiff:

No, Chief Minister.

Deputy L.J. Farnham:

Time goes so quickly when you are enjoying yourself.

The Deputy Bailiff:

You will have your usual period of questions without notice, Chief Minister. In that case, we move to questions without notice. The first question period is for the Minister for Children and Families.

4. Questions to Ministers without notice - The Minister for Children and Families

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

What action is the Minister taking to protect children from online harms and has he had any engagement with other jurisdictions to assess differing approaches to this question?

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

Yes, we have been progressing this since I was given overall responsibility for online harms. The Chief Minister has progressed the M.D. (Ministerial Decisions) to establish the Ministerial group, which met in December. I have written to the chair of the Law Commission, and we will be meeting to discuss - well we have met to discuss - the principle of legislative benchmarking work, which will start shortly. Via the legislation for Violence Against Women and Girls, we have updated Jersey's criminal law to include digital harms.

[10:45]

Amendments include intimate image abuse, offences criminalising the creation of sexually explicit deepfake images and a number of other measures. We met with the telecoms' services from around the Island and are in discussions with how we can progress the quality of advice and guidance. Officers have made contact with a number of jurisdictions. However, I think perhaps I should mention that myself and Deputy Gorst had the opportunity to meet with Kanishka Narayan, the Minister for AI and Online Security at Westminster. We went last week to meet with him. We thought it was important that there was Ministerial contact. I am very aware that it will probably be the next Government that will deal with that. I can say that we were very pleased that he was very receptive to helping us, even though we had not taken up the P.E.C. (permissive extent clause).

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

The Minister has previously told us that there is a review of residential short-breaks provision underway, and that we were due to expect the publication in 2026. Would the Minister please update the Assembly of the progress of that review?

The Connétable of St. Peter:

Yes, we have undertaken a comprehensive review of the current short breaks, and I think that was long overdue. We are aware that it was something that needed to be done. Further work has been conducted through engagement with both current and potential providers, the review of current short-break provision, including engagement with providers. I do not have the exact date, but it will certainly be shortly and I will get that to you. Out of that, we have noted from that review that there is rising demand. We need to further engage with universal providers, and we need to improve the

access, and we are working on that. So, in fact, I do have the ... the review will be considered by the Improvement Board on 24th March. That was today.

4.2.1 Deputy H.M. Miles:

I thank the Minister for the question. I specifically asked about the overnight respite service, and I wonder if the Minister could address that. Also, whether the Minister can tell the Assembly how many children are on the waiting list for an overnight respite service.

The Connétable of St. Peter:

I am sorry, I do not have the numbers off the top of my head of the number of children waiting for the overnight service. It is one of the services which I am very much aware that we need to improve on. Short breaks has been, as I said, one of those areas that continues to be a concern to me, and obviously if there was more time available, I would have looked at it earlier. However, I am happy to give you greater detail in a written answer.

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

Given the Minister's previous statements about the future development of Le Squez Youth Centre, will the Minister confirm to young people in St. Clement if any specific progress has been made to achieve the 2027 timeline that was set for developing the project?

The Connétable of St. Peter:

Certainly, Le Squez has not been forgotten about. I think in the Assembly on a number of occasions I have explained the reasoning why the St. Helier Youth Centre went first, and in fact that when Le Squez is being developed that centre will be necessary. Some remedial work has taken place at Le Squez. At this point, I have no reason to believe that that 2027 guideline date will change, but of course that will be in the hands of another Government.

4.3.1 Deputy K.M. Wilson:

The Minister gave an undertaking to make sure that there was some feasibility work done in preparation. Can he give some clarity as to whether any progress has been made on that at all?

The Connétable of St. Peter:

At this point, I do not believe we have started the feasibility.

4.4 Deputy J. Renouf of St. Brelade:

In Written Question 45, I asked about the situation with regard to Children's Services that were being provided by Medway Council and of course the head of Children's Services was, I believe, recruited from Medway. Can the Minister confirm that some officers and/or consultants have also been recruited from Medway Council, and can he confirm that due process was followed in terms of the awards of contracts with Medway, and whether alternatives were also considered?

The Connétable of St. Peter:

I believe that any appointment would be subject to the normal regulation and guidelines, and I have no reason to believe that that has not taken place with respect to staff that have been recruited from Medway. Absolutely none whatsoever.

Deputy J. Renouf:

Before I ask the supplementary, I did ask can he confirm that due process was followed in terms of the contract with Medway. I do not believe that was answered.

The Connétable of St. Peter:

Was the question, was due ...

The Deputy Bailiff:

Was due process followed in relation to the contracts with Medway ...

Deputy J. Renouf:

And whether alternatives were considered.

The Deputy Bailiff:

... and whether alternatives were explored?

The Connétable of St. Peter:

Due process would certainly have been followed. As I said before, I have no reason to suspect that that would not be the case. I would think in all cases alternatives would have been looked at. Obviously with individual contracts, I am not totally familiar with them all. However, a number of these are specialist areas, and I think there would be a limited number of people who would apply for some of these positions.

4.4.1 Deputy J. Renouf:

Point taken, although it would be a surprise if they were only located in Medway. Does the Minister accept that there is a risk at least that an officer surrounds themselves with people who they may know personally, may be personally loyal, but that that might expose the department in terms of if that person were to leave, then we are in a situation where the recruitment has been based around one particular person rather than around the needs of the department?

The Connétable of St. Peter:

I do not really believe that recruitment is based around one particular person. I do not believe that in any way it affects the stability of the department. It is clear that staff in Medway have certainly become aware of Children's Services through that connection. I think going back, if we move back to where many of these posts were filled by contract staff, I think that was a far greater risk. We come back to the fact that in many cases, there are very few people who will come forward for these posts.

4.5 Deputy M. Tadier of St. Brelade:

Further to his comments last month, could the Minister give an update of where his department is with regard to fostering and adoption services, both in terms of the service but also in terms of ensuring that there are enough families in Jersey to provide fostering and adoption?

The Connétable of St. Peter:

Yes, I am happy to do that. The fostering service does have its challenges, as it does, of course, in the whole of the U.K. where people coming forward who wish to foster and then engage with the service and follow through with the training have become more and more limited. The service currently has 17 fostering homes, 5 connected carers and 3 specialist short break carers. During the last year, the service has reduced in total by 10 foster carers or foster families. These include 6 resignations, 2 of the people became staying-put carers, where the young people stay with them over the age of 18, one adopted one of the children, and one carer was deregistered by the service.

4.5.1 Deputy M. Tadier:

Is the Minister planning any new drives to raise awareness of the benefits and rewards for people engaging in fostering and adoption in Jersey? Does he think it needs to have more of a push?

The Connétable of St. Peter:

Yes, as you are probably aware, we had a number of campaigns last year. There was a great deal of interest, however, the interest falls away quite rapidly into the number of people we ultimately train.

The latest campaign was for States employees, which we may have seen on our screensavers recently. That has resulted in 3 people coming forward as potential new carers, and I think that those are looking quite encouraging.

The Deputy Bailiff:

I have got 3 more questioners, but only 5 more minutes for this Minister.

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

Could the Minister update the Assembly on the St. Helier Youth Centre and what progress, if any, is being made?

The Connétable of St. Peter:

During December 2025 we purchased the site and in early January 2026 the development contract was signed between Dandara and the Government for development at Belmont House and the brewhouse building in Ann Street, because it is now, in effect, 2 projects. Belmont House is being developed for the Y.E.S. (Youth Enquiry Service) service, and that is due for completion in January 2027. I am very pleased about the rapid progress on that. The brewhouse - the Youth Centre - is due for completion in March 2028. Monthly meetings are taking place between the Government and Dandara, and Dandara have already moved on to the site and started work.

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

The Minister will be aware that Brighter Futures are holding an Early Intervention Matters Conference today. One of the speakers is the chief executive of the 1001 Critical Days Foundation, and he is seeking parliamentarians across the world to sign a declaration which states we believe that every baby should experience the best start in life. Will the Minister join with myself and Deputy Tadier in signing this declaration?

The Connétable of St. Peter:

I would be quite happy to do so. I am due to visit the conference at lunchtime today. It is unfortunate that it has coincided with the Assembly. I think the start of a young person's life is the most important part of their life, and I would have no hesitation in signing that.

4.7.1 Deputy K.L. Moore:

As he reflects back on his time in office, could the Minister describe to Members how he has progressed the issue of early intervention in early childhood?

The Connétable of St. Peter:

I think that we have recognised the need for early intervention. I think it is sad that I became Minister and very shortly afterwards there was an inspection report that said, prior to that time in fact, early intervention had not really been taking place in the way that it should. We are certainly addressing that. It is sad that what we see coming through now are older children where early intervention simply had not taken place, and that is very sad. The outcomes, unfortunately, for those children have been less than positive. It is something we certainly have addressed and continue to address.

The Deputy Bailiff:

Deputy Kovacs, I think we have just got time for you. Is it saying 16? So it is, very well then. Sorry, I was going by the clock

[11:00]

Deputy R.S. Kovacs of St. Saviour:

Can I ask the question and the Minister can respond in writing?

The Deputy Bailiff:

In writing, very quickly then.

4.8 Deputy R.S. Kovacs:

It is just an update. So, in June 2024, the Assembly agreed my proposal to evaluate with consultation making the Youth Service statutory by March 2026. Can the Minister update on progress, confirm whether this deadline will be met, and if not explain why, provide a timeline and assure the Assembly this will be upheld?

The Deputy Bailiff:

In writing, Minister, thank you.

5. Questions to Ministers without notice - The Minister for Education and Lifelong Learning

The Deputy Bailiff:

We move on to the second period of questions without notice, and that is for the Minister for Education and Lifelong learning. Plenty of questions.

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

Can the Minister provide his assessment of town primary schools in the greater St. Helier area and provide his expectations of what these schools should be in the future.

Deputy R.J. Ward of St. Helier Central (The Minister for Education and Lifelong Learning):

Yes, 2 town primary schools in particular - Springfield and St. Luke's - desperately need replacing. The plan for the new town school will not only replace those schools with fit-for-purpose facilities for the first time for a long time, but it will be the first school built with community access in mind and become a real asset for the local community. That school will also provide, for the first time, a fit-for-purpose facility for those primary school students from La Passerelle School. So, that project is absolutely vital for those schools. All other schools in town face challenges regards repairs and where they are. Some are a lot better than others, but without those 2 new schools - without that new school project - nothing else can move on because it has been a blockage for far too long. But I am pleased to see that repeatedly the Assembly has supported that project.

5.1.1 Deputy T.A. Coles:

Can the Minister outline what he believes is the biggest issue surrounding the current schools in their state, and how it impacts on students and their learning?

Deputy R.J. Ward:

There are a number of things. For example, we have recognised the increasing need in our schools, not just in terms of S.E.N.D. (Special Educational Needs and Disabilities) - that is formally recognised - but the needs of our children in general. One of the problems we have is a lack of space, and that lack of space means there are not the breakout areas and the areas that can be ... to enable that one to one and that significant support for young people and our children in our schools, that allows them to access the curriculum. Space is a really important issue, let alone the modern facilities that are recognised as being best for our children. I would suggest that there are numerous others, but I would pick that one out in particular first of all.

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

Last year the Minister increased thresholds of grants for higher education by 5.2 per cent. Is it his intention to do the same this year before he leaves office?

Deputy R.J. Ward:

The student grants ... sorry, is the Deputy referring to the maintenance grant or the grant for fees, because they are 2 different things? I will answer both. The fees will go up according to the fee increases in the U.K. That has been set for future reference, so that is a simple thing for any Minister to be giving out. Maintenance grant amounts will go up according to U.K. inflation, because the vast majority of the money we give is spent in the U.K. and that is where the costs are. So, yes, they will be taking place. They have been linked to inflation.

5.2.1 Deputy S.M. Ahier:

How does the Minister intend to fund those increases? Are there enough fund resources available?

Deputy R.J. Ward:

Yes, there are resources available. It is a complex figure, but it is a figure that is certainly manageable. They are not vast increases in terms of inflation, but yes, they are part of the long-term planning for the fund that supports that costing.

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

The Best Start Partnership was established in 2022. To quote from their website: "... brings together the voices of children and families with representatives from the public, private, community and voluntary sectors in the development, implementation and evaluation of government strategy and policy". I understand from an article published yesterday in local media that the Partnership has been dismantled and the independent chair's contract has not been renewed. Can the Minister explain the rationale for this decision.

Deputy R.J. Ward:

I would say to the Deputy, do not believe everything that you read. I think it was Bruce Springsteen who said: "Do not believe ½ of what you hear, or none of what you read." The Best Start Partnership is far from being dismantled. Indeed, I can announce there is a new chair. I am not going to announce their name, because I do not think that is fair yet until that is finally agreed, but we met recently and that is a new beginning, if you like, for exactly the reasons and the use of the Best Start Partnership that we want to have. I believe that we will be asking for a correction from the *J.E.P. (Jersey Evening Post)* for that article.

Deputy D.J. Warr:

That answers my question.

5.4 Deputy J. Renouf of St. Brelade:

Population projections show that the Island is heading towards a large surplus of primary school places, potentially up to, I think, about 900 surplus primary school places. Can the Minister outline what work is underway to deal with this, whether this might involve school closures or amalgamations or any other response that he is currently working on.

Deputy R.J. Ward:

This is a really important issue. Those demographic changes are not even across the Island. For example, St. Helier suffers - if that is the word - less from those significant decreases. The biggest risk, if you like, is to some of the country primary schools. What we have done gradually is that you can go from 2 form to one-form entry in schools. That assists the situation as it arises. We have to take account of migration as well, because we do have a significant number arriving with families, and that may also increase. The collective, what we have announced recently of schools grouping together in order to work, I think, is another way in which we can address that. Personally, I see that decrease of class size as a positive, and if we keep the money in the system and enable those decreases

in class size, with the increase in need, and so we have to take account of the increasing need of our children, then that can be a real positive for us. I do not envisage the closing of schools soon. In the long term, whatever Minister is in this post, will have some difficult decisions to make long term, absolutely.

5.4.1 Deputy J. Renouf:

Nine hundred places is about 30 classes, I think. Can the Minister confirm that his preferred option first of all is to, say, improve pupil-teacher ratios rather than to keep pupil-teacher ratios as they are, and then potentially have closures.

Deputy R.J. Ward:

Absolutely. I think as we look forward in Education, what we have learnt in the last few years through the reports that we have commissioned is that as need increases, class size really does matter. So do the facilities that our young people are in. Decreasing numbers in poor facilities are still children in poor facilities. Improving those facilities, regardless of what is happening with the numbers of our children, is very important. So, every investment we make in that comes back tenfold with the ability and success of our children in our future economy, and most importantly, their role in our society.

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

Staying on the theme, will the Minister provide more information to parents about what the new operating model, which will link primary schools in clusters, will look like on a day-to-day basis for children and families? Will they notice any differences day to day?

Deputy R.J. Ward:

Initially, there will be no notable negative differences seen by schools. This is about the operation of schools and, indeed, increasing the access to facilities across schools. What they may see in the long term is an improvement in what can be provided. For example, if there is a shortage in one area of teaching and, in another area, there is an excess of those skills, they can be used in other schools. So, you should see an improvement in the skills base of all of the teachers available and also the provision of opportunities in our schools. I hope it is a positive outcome. It is a 2-year initial trial. We have to remember that. If things are not working, do not keep doing them. It is a really important thing. Whatever Minister is in this role, I really urge them to not have any fear of saying: "No, we are going to do something different." I think that is a really positive thing to do.

5.5.1 Deputy L.K.F. Stephenson:

Again, staying on the theme, I think we are working quite nicely together on our questions today. Is the Minister aware of any learnings from the last time such a model was implemented, and will anything be done differently this time to improve it?

Deputy R.J. Ward:

I am not sure which model we would compare to. There is a lot of learning from models in the U.K. which I would not bring on board. I do not believe that the academisation of U.K. schools has been as successful as people think. I think it has created a lot of competition that is not necessary. We are, effectively, a significant but small local authority comparison. We have the ability here to get our schools working together for a collective approach, where at the basis of that is simply the wellbeing and the best opportunity for our children. I think this is the beginning of those attempts to take that on at face value and make those changes. I think this is a unique model. I think it has had a good input from headteachers. Now we need to move into schools, and we need to listen to teachers. But I will say, and of course I am biased in this, the professionalism of our teachers is the most vital thing that we need to respect, and we need to let them do their job because they are very good at it.

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

Will the Minister be meeting with the 1001 Critical Days Foundation and signing their declaration that states we believe that every baby should experience the best start in life?

Deputy R.J. Ward:

I believe I do have a meeting in one of the lunchtimes. So, in terms of signing the declaration; yes, we can sign the declaration. It is very easy to sign declarations, but what it is not easy to do is to deliver those commitments. I would say that in the last 2 years I have worked hard to deliver as many commitments as I possibly can. So, signing declarations is fine - we can all do that - but I think it is a question of how we make those declarations come true, and I hope that future Assemblies and future Ministers do not go down the line of austerity, because that does not work for our children in their first 1001 days.

5.6.1 Deputy K.L. Moore:

I thank the Minister for his answer. What advice will he be giving to his successor in regards to making sure that early intervention matters?

Deputy R.J. Ward:

There are a number of pieces of advice. First of all, please do not change the nursery provision and build upon it, because I think that is a really important part of early intervention. The second thing is about providing ... there is much wider than education. I would suggest that any Government needs to work to make housing affordability a reality, the cost-of-living crisis needs to be addressed, and we need to think really carefully about those who can contribute contributing all that they can and taking the pressure off others. It is a much wider question than just education, but I think that the facilities that we build, the drive towards keeping money in the education system, even if we have less children in it, is the one way in which we can really push to have the best start for all of our children way into the future.

5.7 Deputy K.M. Wilson of St. Clement

Can the Minister confirm if the development of the school partnership initiative has the agreement of all headteachers, and if not, why not? If all schools are not involved, does he consider that any significant issues may emerge when it comes to planning teacher-pupil ratios and recruitment of teachers?

Deputy R.J. Ward:

I believe that when the headteachers went out to them, over 80 per cent were in favour, so you are always going to get ... I think any survey that gives you 100 per cent, yes, probably would not be believed anyway, to be quite frank. In terms of the headlines regards to the headteachers unions, U.K. unions and local unions, as a previous union leader I completely understand that sometimes those communications can go slightly awry, but that is an issue for the trade unions. But I think those are usually positive. In terms of those schools that are not involved, at the moment we are not involving the fee-paying schools or Hautlieu and Highlands because I think we need to look wider. But if you are going to start a project to get collaboration between schools, let us start where we can take those actions early on and see the success that comes from those. This is a new model, but it is a model that is about driving the use of the skills and the abilities that we have to the best we possibly can for the well-being of our children into the long term. That is the underpinning notion behind this.

5.7.1 Deputy K.M. Wilson

The Minister mentioned about strengthening skills and developments. Does he envisage taking any steps to strengthen the partnerships between Skills Jersey and Highlands College in the longer term to ensure that vocational training aligns to some of the developments in the partnerships?

Deputy R.J. Ward:

I would say that Skills Jersey is already very aligned at Highlands College. It is now based in Highlands College, so it is the first one-stop-shop there.

[11:15]

There is a new principal of Highlands College being interviewed for this week. Obviously, that will be an important relationship. Skills Jersey does an enormous amount of work with the information that is needed and the information regards apprenticeships, how many there are; there are about 460 at the moment that are going on. An example of where it has been successful is the launch of the Green Skills Academy, which was recently announced, where a need is recognised. It worked with Highlands College, it worked with the J.E.C. (Jersey Electricity Company). All those things were brought together in order to provide this longer-term solution to an identified shortage in our provision across the Island. Remember that that provision, for example - and this is why it is a good example - is not simply for J.E.C. but it is for the industry as a whole. So, it becomes a training centre. I think Skills Jersey has the ability to do those things already but, of course, the more integration there is the better. But that is growing, I believe.

The Deputy Bailiff:

I am afraid that brings to end the second period of questions without notice.

6. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

We move on to questions without notice to the Chief Minister.

6.1 Deputy J. Renouf of St. Brelade:

Does the Chief Minister support the recommendation of the report by Deputy Scott into the complaints system, which says a J.P.S.O. (Jersey Public Services Ombudsperson) should be established as a matter of priority?

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

In principle, I do support the set up of an ombudsperson, but, of course, not at any costs.

6.1.1 Deputy J. Renouf:

An independent ombudsperson was first recommended by Clothier; the Jersey Law Commission made the same recommendation in 2017; in 2018, the Assembly voted to establish it; public consultation in 2019; briefing paper in 2022; a Law Commission follow-up report in 2024; and now Deputy Scott's excellent report. Yet we still have not implemented the recommendation that has been consistently supported by every expert body. How would the Chief Minister explain this failure to the Jersey public?

Deputy L.J. Farnham:

First of all, I would say that I admire the Deputy's level of commitment to his understanding of the matter. But there has been no failure. Unlike past Governments, we have kept this moving forward, as per the States discussion earlier on in the term of this Government. We said if we were going to change course on it, we would come back to the Assembly. I asked Deputy Scott to do a report on it, which she has now done; and I thank her for that. It is a thorough, comprehensive report, and I very much hope that will support and advise the next Government, and they will proceed with what is recommended, subject to them agreeing to the detail. So, I think we have kept it going. We have provided the budget for it so the work can start.

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

I am going to ask the Chief Minister the same question that I asked the Minister for the Environment earlier. Will the Chief Minister provide clarity about the Government's long-term strategy on P.F.A.S. levels in drinking water as without it how does he expect the public to have any confidence in any new legislation or the ability to meet the requirements it will set, let alone in public health?

Deputy L.J. Farnham:

At a high level, the Government strategy and policy is to reduce the levels of P.F.A.S. in line with the advice of our scientific panel that is currently sitting. That is what we are working towards.

6.2.1 Deputy L.K.F. Stephenson:

Has the Chief Minister had any discussions with the Minister for the Environment asking him to withdraw his proposition on P.F.A.S. limits in drinking water pending further collaborative work between Ministers, Jersey Water and other stakeholders?

Deputy L.J. Farnham:

Not directly, but there have been comprehensive discussions at Council of Ministers, where this has been discussed and the Minister for the Environment has been clear to the Assembly, he has been clear to the Council of Ministers, that as a regulator he made an undertaking to bring this forward, and that is exactly what he has done, and I support his position to do that. Having said that, I think, as Members know, there is not total agreement across the Council of Ministers, which is why we have some amendments and, of course, in situations like this where we do not agree, we fall back to the wisdom and democratic process of this Assembly.

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

I was approached by a very concerned employee from AquaSplash who still awaits any communication from the Government as to whether their job will be safe when the Government takes over in October. What reassurance can the Chief Minister offer them with regards to job security?

Deputy L.J. Farnham:

I am led to believe that when the Government takes over, the existing staff will be re-employed.

6.3.1 Deputy D.J. Warr:

Would the Chief Minister agree with me the disappointment at the relevant Government department's lack of engagement with employees around the impact of the Government take over? I am advised they only knew about the takeover through media outlets. Will the Chief Minister ensure that future communications happen sooner rather than later?

Deputy L.J. Farnham:

I can say that the matter was discussed at the States Employment Board yesterday, and we will ensure that communication is appropriate. We look forward to welcoming AquaSplash into the portfolio of the active unit.

6.4 Deputy M. Tadier of St. Brelade:

I understand the Chief Minister has relatively recently taken over as chair of Age Concern in Jersey. Would he be able to answer in his capacity as Chief Minister whether there are any considerations around policies for the elderly in Jersey which he thinks need greater attention that perhaps have not had the attention they need up until now?

Deputy L.J. Farnham:

I think Members will know when we look at our demographic forecasts that, thankfully, a welcome statistic is that we are all going to live longer, and we want to make sure that society and the States

provide the facility and support, especially medical support and social support to support a growing, ageing population. I think moving forward, future Governments will need to provide more focus into that. That is a view, I think, shared at the heart of - I know it is not part of the question - the charity, Age Concern.

6.4.1 Deputy M. Tadier:

While many old people will be quite technologically able, does he accept that there are certain conditions which will increasingly affect the elderly disproportionately? Given that, if he does agree with that, has he had any chance to solicit or to canvas experiences of the elderly, and Age Concern perhaps also, when it comes to the use of cash and the acceptance of cash in Jersey for the provision for goods and services?

Deputy L.J. Farnham:

I recently had lunch with members of Age Concern at the charity's headquarters in Val Plaisant the week before last, where we discussed a number of matters, this being one of them. Largely the people I have spoken to, as I and I think many Members, want to see the continuation of cash. Some members of the senior community were not that bothered. They are more tech savvy than others. Of course, as we all get older, in 20 years from now - well, I will certainly be an octogenarian, hopefully, if I am still here - and I think generations of us getting older will be more tech savvy. The Government - and we are going to have a discussion and a debate about this later - supports the use of cash but thinks it is helpful to do more research and carry out a review before we impose any legislation.

6.5 Deputy I. Gardiner of St. Helier North:

Following the response to Deputy Renouf's question, I looked at the history of a public ombudsman. First this was raised in 2000, 2018 was a political decision, 2023 everything was ready to launch, and in 2024 we would establish a public ombudsman. Could the Chief Minister explain how these 2 years and the review that he conducted end up with no public ombudsman and no commitment to the public?

Deputy L.J. Farnham:

As I have explained on a number of occasions, the Council of Ministers is not united on this issue. There are mixed views, which is one of the reasons I asked Deputy Scott to carry out the comprehensive review she has done. That was published a couple of weeks ago. It has been a lengthy piece of work, because there has been a lot of work which has gone into it. Like I said before, I hope this guides the next Government into moving forward.

6.5.1 Deputy I. Gardiner:

Would the Chief Minister agree that this review was just a delay and to get over 2 years?

Deputy L.J. Farnham:

No. I hope Members will realise that when we make a decision, we take that without hanging about. If this Council of Minister had wanted to not proceed, we would have brought a rescindment motion to the States Assembly. We did not do that because we wanted to get more details, which is what Deputy Scott has provided us with.

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

I am aware that the Chief Minister is aware of some social media activity by one of his Ministers that can only be described as offensive, one particularly targeted a Secretary of State. What action has been taken in relation to this social media activity and its breach of the Code of Conduct?

Deputy L.J. Farnham:

I am not aware of any social media activity by Ministers that has been offensive or breached the Ministerial code of conduct.

6.6.1 Deputy K.L. Moore:

As I stated, I am aware that he is aware, and I would like him to answer the question please.

Deputy L.J. Farnham:

I would ask Deputy Moore to withdraw that. I said I am not aware of any offensive social media comments made by Ministers. I am not lying. She has insinuated that I am, and I think that should be withdrawn.

The Deputy Bailiff:

I think that you have answered the question, Chief Minister, so we will leave it at that.

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

I return to the topic of the Jersey public services ombudsman, which has been a concern for our Scrutiny Panel, and indeed if the Connétable of St. Mary was here, he would be jumping to his feet to ask plenty of questions. Does the Chief Minister accept the report's conclusion that the Complaints Panel has fundamental structural weaknesses?

Deputy L.J. Farnham:

I am sorry, I just missed the first part of the question.

Deputy H.M. Miles:

Does the Chief Minister accept that the Complaints Panel has fundamental structural weaknesses?

Deputy L.J. Farnham:

In general, or is the Deputy relating to a specific case?

Deputy H.M. Miles:

I am referring to the evidence presented in the report.

Deputy L.J. Farnham:

Sorry, that is the bit I missed. Are you talking about Deputy Scott's report?

Deputy H.M. Miles:

Yes.

Deputy L.J. Farnham:

OK, fine, thank you. I missed the first ½ of what she said. First, I want to place on record our thanks to the Complaints Panel. I think they do, on the whole, a very good job. But the Deputy has highlighted both strengths and weaknesses in the current system with which I generally concur.

6.7.1 Deputy H.M. Miles:

I asked the specific question: does the Chief Minister accept the report's conclusion that the current panel has fundamental structural weaknesses. It is a simple yes or no.

Deputy L.J. Farnham:

Well, I did say I concur with the findings of the report. So, I guess that is a yes.

6.8 Deputy J. Renouf:

Can the Chief Minister say how much notice the Minister for the Environment gave him before lodging his proposition to set new P.F.A.S. standards in the public water supply?

Deputy L.J. Farnham:

I cannot remember. I think it was not a lot. I think we talked about it a day or 2 before it was lodged and I made it clear to Deputy Luce that we needed to take this to the Council of Ministers at the next meeting, which was some days later, which we did.

6.8.1 Deputy J. Renouf:

Given the Ministerial Code says that Executive Members should adopt a no-surprises approach regarding announcements, does the Chief Minister think that the Minister for the Environment kept to the provisions of that code, and does he not think that it would have been more appropriate, given that he has just said he wanted it taken to the Council of Ministers, for that lodging to have been postponed until after the Council of Ministers had discussed the matter?

Deputy L.J. Farnham:

No, I do not agree with that. The Minister for the Environment has been clear for some time of his intention to lodge that, and the fact that we put the matter before the Council of Ministers for discussion, and Ministers were informed of its lodging, and the fact that we put the matter before the Council of Ministers and have since discussed it thoroughly on a number of occasions, has led to some good democratic debate on the matter and robust discussions around the Council of Ministers. We find ourselves in the position here where we are going to debate that with amendments, which I think is a good part of the political process.

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

As this is the last opportunity for me to get to ask the Chief Minister a question, I thought this was the right time to ask it. Is the Chief Minister aware that putting 2 microphones on does not make him in stereo? [Laughter]

The Deputy Bailiff:

Does not make him, sorry?

Deputy T.A. Coles:

In stereo.

The Deputy Bailiff:

In stereo, right, very well.

Deputy L.J. Farnham:

Yes.

6.10 Deputy H.M. Miles:

Just to use up the last 90 seconds, back to the Jersey public services ombudsman.

[11:30]

The report also states that reforming the panel would cost as much as creating a Jersey public services ombudsman. Does the Chief Minister dispute that conclusion?

Deputy L.J. Farnham:

I admit that I would need to look at those figures a bit further before answering that question.

The Deputy Bailiff:

I also have Deputy Wilson. Sorry, did you have a supplementary Deputy Miles? I beg your pardon.

6.10.1 Deputy H.M. Miles:

I did have a supplementary, Sir. Thank you. Does the Chief Minister accept the finding that the current system has lost public and officer confidence?

Deputy L.J. Farnham:

Not totally. There has been some loss of confidence, but I think there still are levels of confidence in some of the work.

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

Does the Government have an agreed position on public protection when it comes to P.F.A.S.? If so, why are there amendments to the regulator's proposals to uphold public protection from the Council of Ministers?

Deputy L.J. Farnham:

The Government is aligned with the scientific panel on the direction of travel. The debate is about the timeline and the cost.

6.11.1 Deputy K.M. Wilson:

Does the Chief Minister accept that the strength of concerns about P.F.A.S. are related to public protection? How will he balance his duties as shareholder as well as regulator in this debate?

Deputy L.J. Farnham:

Can I refer my answer to the exact answer that the Minister for Treasury and Resources gave earlier on and reiterate that the drinking water provided by Jersey Water is comfortably well within the limits. It is very safe.

The Deputy Bailiff:

That concludes the questions without notice so we move on to Statements. There are no Personal Statements but there is a Statement on a Matter of Official Responsibility. The Assistant Minister for Sustainable Economic Development and the Assistant Minister for External Relations will make a statement concerning our review of the final stage complaints against public services.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Assistant Minister for Sustainable Economic Development and External Relations made a Statement regarding their report on the review of final stage complaints against public services

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

In October 2024, the Chief Minister tasked me with leading the next phase of developing a final stage complaint handling mechanism to reform or replace the current States of Jersey Complaints Panel. This included reviewing the case for establishing a Jersey public services ombudsman. The report was published on Government's website last Friday. Firstly, the report identified the admirable efforts and dedication of past and present volunteer members of the Jersey Complaints Panel. Secondly, the report recommends urgent progress of proposition P.32/2018 to replace the Complaints Panel with a Jersey public services ombudsman service, and that further policy work include the development of a roadmap for implementation. The report has identified and addresses 2 main objections to the establishment of a public services ombudsman. The grounds of cost and a perception that the main need for our community is for the Complaints Panel to have teeth. The Administrative Decisions (Jersey) Law constituted the Complaints Panel in 1982, 35 years before the July 2017 report of the Jersey Care Inquiry exposed one of a number of critical gaps in complaints handling against public services. Children's voices were not consistently heard within Government and systemic failures within Government were going unchecked. The cost of that inquiry was

reported to be in the region of £23 million. The recommendation of the inquiry that Jersey establish an independent Jersey Children's Commissioner was implemented. But this role is not the same as a children's ombudsman. Broader governance, systemic and cultural flaws within Government have been the focus of Jersey's Comptroller and Auditor General who was established in 2014. Unlike a public services ombudsman, this statutory watchdog does not inquire into the handling of individual complaints nor seek to resolve them as a final review process before potential judicial review. In October 2017, Jersey's Law Commission published a report recommending the establishment of a public services ombudsman with a wider scope. The following year, the States Assembly supported proposition P.32/2018 to effect this, brought by Deputy Ozouf. Jersey's Children's Commissioner established in 2019 is not an ombudsman. Her investigation powers are confined to actions or admissions of a relevant authority providing services to children that infringe or adversely affect the rights of children and young people. The Children's Commissioner may also assist a child or young person in making a complaint to the relevant authority and inquire into its progress. Unlike a Public Services Ombudsman, she does not investigate individual complaints and cannot make findings on individual cases of maladministration, nor does she have the power to recommend remedies in specific cases or function as a formal dispute resolution body. Our Children's Commissioner has worked in the office of the ombudsman for children in Ireland. This is a hybrid model handling both advocacy and final investigation of individual complaints. Conversely, in both the U.K. and New Zealand, these 2 functions are split between a children's commissioner and a public services ombudsman. In my report, I recommend not only a single ombudsman but also a rationalised complaints handling landscape to improve Islanders' experiences while reducing public sector cost. The administrative justice principles upon which a regulatory authority, a court tribunal or a public services ombudsman investigates a complaint differs substantially from the format of a Scrutiny hearing administered by the Greffe. The States Greffier serves the panel as an administrator rather than a professional investigator. The Complaints Panel is an anachronism in the context of modern privacy rights. Its methodology and resourcing no longer conform with international modern standards of administrative justice. These aim to ensure complaints are investigated adequately and parties are heard fairly even in the absence of a public hearing. Complaints handling mechanisms can be weaponised against public officials. Our local press often acts as a voice for Islanders, along with easily accessible States Members. It is not appropriate for Government machinery to allow grievances to be aired in matters of public reputation without a robust safeguarding structure. Policy officers and I have received many emotive submissions from different people who have engaged with public services and the Complaints Panel. Unlike the format of a Scrutiny Report and more in line with a report of the Comptroller and Auditor General, my report has kept this content private while publishing the anonymised results of a public consultation that supports a complaints resolution service consistent with the service provided by a public services ombudsman. This statement has outlined what now could be perceived as a history of administrative resistance towards the implementation of P.32/2018. I would advise present and future States Members to be mindful of conflicts that could be perceived to compromise advice on this matter. There is evidence that nearly all recommendations of the British public ombudsman are implemented and have driven improvement in public services. Thank you. I now would be happy to answer any questions from Members.

The Deputy Bailiff:

There now follows a period of 15 minutes for questions to the Assistant Minister.

7.1.1 Deputy J. Renouf of St. Brelade:

I thank the Assistant Minister for a very thorough and very well-written report. One thing that would be helpful to clear up is: can the Assistant Minister say why the report was not published as a Government report? It is not listed on the Government's report website.

Deputy M.R. Scott:

I am confused by the question because the report has been published on the Government website. Perhaps the Deputy could explain a bit more what he is referring to?

Deputy J. Renouf:

I may be wrong but I have not seen it published as an R.

Deputy M.R. Scott:

I cannot answer that question. I suggest that is directed perhaps to the Greffier or somebody else. I have no idea.

7.1.2 Deputy J. Renouf:

I have got another question relating to the reception of the report. The Government's chief executive has in the past spoken out against the establishment of new bodies because the administrative burden is too great for a small jurisdiction; I paraphrase roughly. Can she explain why she takes a different view?

Deputy M.R. Scott:

I respect the chief executive officer's attention to the need to contain public cost, and indeed my report acknowledges that. I believe that there has been certain resistance, and that is one of the reasons why I say one has to be mindful of potential conflicts when it comes to approaching these issues. It is never particularly easy for organisations to have any sort of watchdog. It would seem that the chief executive believes that the service is good enough. I hope that my report explains why I differ on that score.

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

I would like to join Deputy Renouf in thanking Deputy Scott for a very comprehensive report and also for publishing the consultation. Just picking up on the theme of resistance from those defending the current Complaints Panel, a common argument is that the panel simply needs more teeth. I wonder if the Minister could tell us what her analysis shows? That the issue is not enforcement powers but credibility, methodology and outdated legal foundations.

Deputy M.R. Scott:

I thank the Deputy for her question. It is very key to the issue in terms of how the perceived problem with the Complaints Panel has been identified. This matter has actually been explored by the Law Commission in a previous public consultation. There is a constitutional issue regarding having any official who basically is unelected and telling Ministers what to do. The public consultation very much supported that recommendation to not be enforced by an unelected official against an elected official. Nevertheless, the research has shown that the recommendations of public services ombudsmen in British jurisdictions generally are accepted. In the course of this research, I did a lot of interrogation into the reasons why recommendations were not being accepted. Indeed, the process whereby they were produced was part of the problem. The report highlights some of these issues regarding process, although some of them are nothing new. They might have been addressed. For example, agreed statements of fact that assist in terms of investigation ...

The Deputy Bailiff:

I hesitate to interrupt but the question was specifically in relation to lack of teeth for the Complaints Panel. Can you focus your answer on that please?

Deputy M.R. Scott:

Yes, indeed. The extent to which officials regard the methodology to be fair and reasonable is a factor in this. On the other hand, it is not just officials who have had difficulty in understanding

Jersey Complaints Panel's decisions. Members of the public who have not had their cases brought to the panel have not felt they have had clear enough reasons to understand why that is the case.

7.1.4 Deputy H.M. Miles:

That was resistance from those defending the current Complaints Panel but there has been some resistance from internal bodies within the States Assembly.

[11:45]

Indeed, the Comité des Connétables has opposed Parish inclusion in the Jersey public services ombudsman. I wonder if the Minister could maybe help with what she thinks lies behind this resistance and how she would propose to address the concerns that the Comité have in a constructive way.

Deputy M.R. Scott:

I would suggest that the Comité simply read the report and understand that basically, given the options of having the Jersey Complaints Panel's processes extended to them as opposed to a public services ombudsman, why they would choose, I believe, to have a public services ombudsman that uses a different methodology, is more discreet and does not potentially damage reputations in a way that would not be acceptable in other administrative processes? Otherwise, they need to consider why would they resist any sort of review before a judicial review?

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

I want to follow up that question on teeth because one of the primary findings of the Deputy is that the existing panel lacks teeth in the sense of being able to compel Ministers to accept its findings. Is it correct that the Deputy is not proposing that the new ombudsman should have teeth either?

Deputy M.R. Scott:

In fact, it is not correct to say that I have found that the panel does not have teeth; I have said that there is a perception it does not have teeth. The actual question comes down to: does it need to have teeth if, in fact, its recommendations were simply accepted by Government on a basis that they have been reasonably formed and are reasonably made? My finding is that there are a fair number of cases where that has not been the view, sometimes in terms of the actual restricted scope of the panel, but sometimes in terms of its methodology. One of the things that the report does recommend is that the public ombudsman might well have a position of making findings in terms of ethical conduct that could result in disciplinary consideration within existing Government processes. I believe that could at least give the public some comfort that ethical issues are being addressed in that way.

7.1.6 Deputy Sir P.M. Bailhache:

Would the Deputy not accept that the real problem is with a failure on the part of some Ministers - and I expressly exclude the Chief Minister - from showing respect to the findings of the panel? What is going to be the difference if Ministers continue to treat an ombudsperson in exactly the same way as they treat the panel?

Deputy M.R. Scott:

I do not accept that Ministers do not respect the panel, and in particular the panel members. Indeed, my experience of interviewing Ministers and public officials is a respect for the panel members but more of a concern in terms of the processes. I will say that I personally have attended a hearing of the panel which gave me more insights into its methodology and its impact on the people who participate in it. It has led me to enquire at times, at least on one occasion, into the well-being of those who participated. I will say no more than that.

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

The Assistant Minister referred to costs in the report. The chief executive has repeatedly mentioned he did not think that we could afford the costs of an ombudsperson, and I tend to agree with that. What would be her observations on the costs and the reality of the costs being proposed?

Deputy M.R. Scott:

My observations would be that there has been a cost benefit analysis done - as well as it might be in terms of some lack of data - that has found that the actual tops would be £1.5 million a year if Health were included. One needs to put this into a perspective in terms of a Children's Commissioner that was incorporated as a Children's Commissioner rather than a combined role, and a Comptroller and Auditor General, and the costs of those. If you add the costs of running those officers together, that is equal. On top of that, you might add the costs of running certain other agencies that have been set up which, in some cases, duplicate areas, in other cases there are gaps. My report suggests or recommends that these gaps should be addressed, these duplications should be addressed because then, in conjunction with the introduction of a Jersey public services ombudsman, we will have a more efficiently-run system. Complaints will be handled more effectively and more satisfactorily for the public whom we all serve.

7.1.8 The Connétable of St. Brelade:

From that answer, would the Assistant Minister confirm that there is the potential for there being a net negative cost or additional net cost, that if the elements she mentioned were combined, the costs would be to the public neutral?

Deputy M.R. Scott:

I have explored this because, as the Constable points out, some of the costs to the public organisation that I have identified have been in terms of the cost of responding to cases that are brought before the Complaints Panel in a way that information is provided to them, and evidence is not evaluated in the way that some other processes might be. In addition to that are the costs that can be saved through settlement. I noticed that there was one case mentioned today in the Health sector which did lead to a settlement. So, it is true to say that there is quite a potential offset there, but unfortunately there was not sufficient data to give precise figures to these. The policy officers did research into the operations of ombudsmen in different jurisdictions to make a comparative evaluation of costs in that respect. I remain of the view that in terms of a social benefit, the efficiency benefit, and indeed even the management of our own times as States Members, we often are the resort of people for whom complaints have not been adequately handled and, in fact, often more than one of us at the same time. I would advise Members to think of this bigger picture.

The Deputy Bailiff:

We have just over a minute left.

7.1.9 Deputy J. Renouf:

Yes, just one other point. The focus has been on complaints so far, but another aspect of the report was the role of the ombudsman in what are known as own-initiative reports where the ombudsman investigates an area of administrative concern. Does the Assistant Minister agree that own-initiative reports are perhaps the key to delivering value for money in terms of making an ombudsman work for the Island?

Deputy M.R. Scott:

They have been found very helpful where ombudsmen have been used in other jurisdictions. I do believe that simply reviewing individual complaints is useful. My experience in interviews with Government officers has been that they have taken recommendations to the panel seriously. Unfortunately, there have been quite a number of cases where perhaps there has not been sufficient

enquiry into processes, and that could be to do with the limited time of volunteers and indeed the actual process by which investigations are made.

PUBLIC BUSINESS

8. Reduction of Lodging Periods

The Deputy Bailiff:

There is the opportunity to extend this period of questions by a further 15 minutes. Very well, we will move on. So, before we get to Public Business, the Assembly will need to make decisions about whether to reduce the minimum lodging period for quite a number of matters that are listed as Public Business in the Order Paper. I counted that there were 9. The first item where Members will need to consider reducing the minimum lodging period is the Draft Dogs Law Amendment Regulations. Chair of the Environment, Housing and Infrastructure Scrutiny Panel, Deputy Jeune, do you wish to make the proposition ...

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

I wonder in the interests of proceeding at pace - and Members may disagree - if perhaps we could take them *en bloc*; if you could read them all out. It seems to me perfectly reasonable that it is the last sitting, so we should take all of them, but we have to have the process whereby the Assembly agree.

The Deputy Bailiff:

Yes. So, the test that Members have to consider in terms of reducing the minimum lodging period: is it in the public interest to do so? So, the Minister for External Relations is suggesting in the interests of time, that I read out the list of, I make it 9 items of Public Business that Members can consider reducing the minimum lodging period. So, I will read those out and it may be that Members are content to reduce the minimum lodging period for all those items, or it may be that Members will wish to debate some of those items individually. We will take it logically; I will start by reading them all out. The first item, as I said, is the Draft Dogs Law Amendment Regulations. The next item is the Draft Water Law Amendment Regulations. The third item is a second amendment to the Draft Water Law Amendment Regulations. The fourth item is the Draft Road Traffic Law (Drug Driving) (Jersey) Amendment Regulations.

Connétable A.N. Jehan of St. John:

That is withdrawn, Sir.

The Deputy Bailiff:

Yes, that is withdrawn. Very well then, the fourth item is the Draft Wills and Succession Probate (Jersey) Amendment Law. The fifth item is the Draft Mental Health, Capacity and Self-Determination Amendment Law. The sixth item is the Draft Companies Amendment No. 2 Law. Then the seventh item is the Channel Islands Lottery Distribution of Proceeds 2026 proposition. The final item is the Deferral of Land Transaction Philip Le Feuvre House and Huguenot House proposition. So those are now the 8 items that Members can consider reducing the minimum lodging period in the public interest. Is that a proposition, Minister?

8.1 Deputy I.J. Gorst:

Yes, I make that proposition. It seems to me that all of them can be argued as being in the public interest.

The Deputy Bailiff:

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

8.1.1 Deputy M. Tadier of St. Brelade:

I know this is the last sitting and there is a haste to be more expedient. If, on the balance of public interest, we think it is right to reduce lodging periods, I do think doing it *en bloc* takes away the onus from each Minister or each mover of the proposition to explain why the propositions are being lodged late and why they think it is in the public interest to reduce the lodging period. While it might be pragmatic to take these *en bloc*, I think it is incumbent on every Minister who is bringing forward any of these propositions to explain to the Assembly why it is not just a general reason to take these, but why specifically these need to be taken now and why they could not roll on to the next Assembly. We do also have to remember that there is a corollary to lodging such late propositions in this term. Not only would they not normally be in time but, secondly, there is not the time for Scrutiny to do its job necessarily. I know Scrutiny might have scrutinised some of these already, there might have been real-time scrutiny. Sometimes things come up in debate which were never envisaged which might get referred to Scrutiny, so of course there is a risk in lodging late anyway.

[12:00]

I think those are the only points that I need to make. I am not going to hold these up, but I do think we should not lose sight of the fact that Ministers do need to make the case and not take the Assembly for granted.

8.1.2 Deputy J. Renouf of St. Brelade:

I respect entirely the position the Deputy is taking but from my point of view, looking down the list, it is not only Ministers, it is also Scrutiny and private Members. I can see the reasons why in each case these have been lodged. Some of that is perhaps because I am on Scrutiny and therefore able to have a bit more background to them. I cannot see that if we debate them independently as shortening lodging periods, that we will come to any other different conclusion other than voting for all to be debated. On that basis, I am happy to take them *en bloc*.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? Minister, do you wish to reply to ...

8.1.3 Deputy I.J. Gorst:

If I may. I am obviously grateful for Deputy Tadier's intervention; he is right to make the point. If I take my own piece of legislation, the Draft Companies (Jersey) Amendment No. 2 Law, I am very grateful that his Scrutiny Panel have scrutinised that and are supportive of it. I also think that all of the other amendments, Members know how busy they are, and how busy the Greffe has been in supporting Members to get these amendments into the States, and we are grateful for them. I do think it is in the public interest to take them at this sitting.

The Deputy Bailiff:

I close the debate. Are Members content to show? The proposition is to reduce the minimum lodging periods for all 8 items of legislation. Those Members in favour of the proposition, kindly show. Then the proposition is adopted.

9. Draft Animal Welfare (Jersey) Law 202- (P.97/2025) - as amended (P.97/2025 Amd.)

The Deputy Bailiff:

Then we move to the first item of Public Business, the Draft Animal Welfare Law, and I call upon the Greffier to read the proposition.

The Greffier of the States:

Draft Animal Welfare (Jersey) Law 202-. A Law to make provision about the welfare of animals and to regulate the keeping and use of animals, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

The Deputy Bailiff:

Deputy Jeune, is it for you to make the proposition? No? Yes, I beg your pardon, it is lodged by the Minister for the Environment. For the purposes of the debate, the main respondent will be the chair of the Environment, Housing and Infrastructure Scrutiny Panel, who is Deputy Jeune. The debate resumes following the adoption of the principles back in January and then a referral to the Scrutiny Panel. We are dealing with this proposition in Second Reading. We begin with the debate on the Articles in Second Reading. There are 3 amendments for consideration: 2 amendments that have been lodged by the Minister in relation to Articles 40 and 34, and then there is one further amendment from the Environment, Housing and Infrastructure Scrutiny Panel to Articles 1, 17, 18 and 34. In relation to the Articles, Minister, do you wish to propose the Articles as amended by your 2 amendments?

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

I have a speech, I would like to propose the Articles *en bloc*. I obviously accept the 2 amendments I brought myself. I would suggest after my proposition *en bloc* we debate the amendment. I am not sure ...

The Deputy Bailiff:

First, can we ask Members if they are content to take the Articles as amended by the Minister?

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

No, the Scrutiny Panel is not content for the second amendment on Article 34 and would like to debate that separately.

The Deputy Bailiff:

Very well, but the first amendment you are content with, Deputy Jeune?

Deputy H.L. Jeune:

Yes, Sir.

The Deputy Bailiff:

Then in terms of the amendment from the Scrutiny Panel, Minister, are you accepting the Environment, Housing and Infrastructure Scrutiny Panel's amendments?

Deputy S.G. Luce:

I am not, Sir.

The Deputy Bailiff:

Very well. In terms of the Articles, do you propose the Articles as amended by your first amendment, Minister?

Deputy S.G. Luce:

I do, yes.

The Deputy Bailiff:

Are the Articles as amended by the first amendment seconded? **[Seconded]** Minister, I invite you to propose the Articles as amended by your first amendment.

9.1 Deputy S.G. Luce (The Minister for the Environment):

As Members will remember, this Assembly voted unanimously in favour of the new Draft Animal Welfare (Jersey) Law in the First Reading on 22nd January this year. That vote in principle allows the new legislation, which is designed to replace the outdated Animal Welfare (Jersey) Law 2004, to move forward to final approval today, hopefully. In January, we all agreed that the outdated Animal Welfare Law needed to be replaced with a new, modernised framework, strengthening the Island's ability to prevent neglect and cruelty to animals. Jersey's current law is based on older U.K. legislation dating back as far as 1911. That U.K. legislation has since been replaced by a 2006 Act, meaning Jersey's framework no longer reflects modern scientific, ethical or veterinary standards. The current law, therefore, is no longer fit for purpose. The draft new law aims to incorporate up-to-date welfare standards based on the U.K., E.U., and wider international best practice. It is intended to ensure Jersey makes contemporary expectations on animal care, protection and enforcement. The new law aims to shift Jersey from a largely reactive model, acting after harm occurs, to a preventative system that actively reduces the risks of animal suffering. This aligns with modern welfare principles that focus on meeting animals' needs before problems arise. Yes, change is difficult and sometimes uncomfortable, but in this case we are all agreed that change and improvement are necessary to protect animal welfare in Jersey. We now have a deeper understanding of how animals think, feel and depend on us. We have new scientific knowledge, new best practice, and new expectations from the community about how animals should be treated, whether they are family pets, working animals, or livestock. This new law embraces that progress. It gives us clearer responsibilities, stronger protections, and a more modern system to ensure animal welfare comes first. It replaces outdated provisions with practical, thoughtful measures that reflect the reality of life today. Updating the law is therefore not optional, it is essential for Jersey to maintain credibility and high standards of animal care. There have been some concerns about licensing by order. As I have already noted, the Draft Welfare (Jersey) Law aims to move Jersey from a reactive model, acting only after harm occurs, to a proactive, prevention-based system aligned with modern U.K. and E.U. standards. A licensing system is a key tool in achieving that shift by clearly setting conditions before animals are placed at risk. Orders allow this system to be implemented more efficiently, quickly and to be flexible in response to any changes or trends. There are several precedents in doing licensing by Order already, including, for example, the animal health importation work which talks about aquaculture fish, shellfish, horses and other exotic animals. Or similarly, import controls dealing with animal matters such as dangerous dogs, cows' milk, bumblebees, bovine semen and others. Licensing is intended to benefit business and their customers to set standards for a business to meet and can benefit society generally by enabling changes to the welfare of animals. The amendment to Article 34 proposed by my Scrutiny colleagues, while unquestionably well-intentioned, considers only the potential burden on owners and operators and does not really improve welfare for animals. The Animal Welfare Law is about improving animal welfare and ensuring welfare standards are guaranteed and not assumed. Keeping animals for whatever purpose should be seen as a privilege, and owners and keepers have responsibilities to ensure animals are kept to the highest welfare standards. By supporting this law, we are not only protecting animals, we are strengthening trust, trust between farmers and the community, trust between pet owners and the authorities, and trust between charities, agencies and the people they serve. The law encourages better co-operation, clearer roles, and higher standards across the board. It offers tools that allow us to intervene earlier when animals are at risk, rather than waiting until harm has occurred. It ensures that Jersey remains aligned with international standards of welfare and responsibility and, importantly, it sends a message to future generations. Respect is one of the values that shapes our Island, after all. I now propose to provide a quick summary - as quick as I can - overview of the 7 parts of the law as amended by myself in parts 1 and 2. Part 1: the Articles 1 to 4 cover interpretation, the meaning of animal, activities to which this law does not apply, responsibility for animals and provides specific meanings for a range of terms to ensure a universal understanding. There is a Ministerial power to extend the meaning of animals to include other species if there is scientific data supporting that. The law will not apply to anything that occurs in the normal course of fishing and other activities specified by Order. In Article 4, the owner will always be

responsible for an animal, as well as a person who is in charge of an animal at the relevant time. The Draft Animal Welfare Law mirrors English legislation, Scottish-equivalent legislation and the Isle of Man, as well in definition of the responsibility for animals. Part 2, the Articles 5 to 10, detail offences against animals. These begin with offences of causing or allowing another person to cause unnecessary suffering to an animal, including a wild animal. Article 6 makes it an offence to carry out a prohibited procedure, which is a procedure that interferes with the tissue or bone structure of an animal unless carried out by a veterinary surgeon or procedure exempted by Order. Article 7 makes it an offence to carry out a restricted procedure, one that might cause suffering or lasting harm on an animal, without a licence, and the definition of an animal has been expanded to include foetal and embryonic animals. Article 8 enables a restricted procedure to be lawfully carried out if the person acts under the authority of a licence issued by the States veterinary officer and the restricted procedure relates to the conservation of one or more species. The States veterinary officer may set conditions under that licence. Article 9 makes it an offence to abandon or neglect an animal. Article 10 makes it an offence to sell an animal to a person under 16; however, it shall not be an offence if an adult agrees to be responsible for that animal. It is also an offence to offer an animal as a prize. Part 3 refers to the Articles 11 to 13 and relates to the protection of animals. Article 11 makes it an offence for a person responsible for an animal to fail to take reasonable steps to ensure the needs of the animal are met. Animal needs are 5 freedoms and these are, firstly, a suitable environment; second, a suitable diet; third, that the animal can exhibit natural behaviour; fourth, freedom from pain, injury and disease; and, finally, a freedom from fear and distress. Article 12 makes provision for improvement notices to be issued if a person is failing to take steps required by Article 11 or otherwise failing to comply with a requirement about animal welfare. An improvement notice issued under this Article may be issued by an inspector, and this includes a police officer. Article 13 makes provision for taking possession of an animal that is suffering. If an inspector believes an animal is suffering, the inspector may take steps to alleviate or prevent the suffering of that animal. If the inspector believes the animal is likely to suffer, then if a veterinary surgeon confirms the inspector's belief, the inspector may take steps to alleviate or prevent the suffering of the animal.

[12:15]

Part 4 includes Articles 14 to 17 and lays down the detailed processes for when dealing with livestock straying into a public place and the meaning of a public road. Articles 14, 15 and 16 provide definitions that can be amended by Order, makes it an offence to fail to secure livestock and to co-operate with inspectors if livestock stray into a public place, and gives powers to police and inspectors in relation to straying livestock. Article 17 makes provision for improvement notices to be issued in relation to straying livestock. The bar set under this Article for an improvement notice is higher than that in Article 11 because a veterinary inspector must confirm to an inspector, including a police officer, that livestock is at risk of suffering or being injured as a result of straying into a public place. The improvement notice may be served on the person responsible for the livestock. Part 5 refers to Articles 18 to 20 and enables the Minister to make an order setting up a licensing scheme for an activity that requires a licence. A person acting under a licence must keep a copy of that licence and produce it on request by an inspector. The law makes it an offence to provide false information in relation to applications for a licence. Article 6 deals with Articles 21 to 33 and details powers for inspection and enforcement. Article 21 provides for the designation of inspectors and veterinary inspectors. Articles 22 to 26 give inspectors a wide range of powers, including power of entry and further powers once entry has been made. The Bailiff or Jurat may grant a warrant authorising an inspector to enter premises. An inspector may exercise powers to enter a premise or a vehicle if the inspector has reason to believe that an animal is experiencing suffering and immediate action is required to alleviate that suffering, for example, an animal appearing to be overheating in a car. These powers are considered crucial to the ability to exercise adequate and sufficient control when dealing with the most serious animal welfare incidents known. They require inspectors to have reasonable

suspicion before application, and for exceptional circumstances, a veterinary inspector to carry out an assessment and, if deemed necessary and proportionate, license, exempt or prohibit a person from animal welfare legislation to ensure the welfare of an animal. Articles 28 to 33 give the court power to remove an animal from a convicted owner and to make a consequential order and to make provision for a person disqualified from keeping an animal or from holding a licence to apply to have that disqualification removed, gives the court powers of seizure and forfeiture. Articles 31 and 32 make it an offence to contravene or fail to comply with any requirement of animal welfare legislation and sets out the penalties provided to the court for offences and setting out again how they can be calculated. Article 33 gives the court power of seizure and forfeiture of any vehicle, animal, weapon, instrument or other thing used to commit the offence. Part 7 refers to Article 34 and it is an Order-making power providing Ministerial powers to enact secondary legislation to meet Jersey's obligations based on the U.K. and E.U. law and best practice to protect animal welfare. This is the most efficient and effective means of ensuring we remain current in our application of these obligations. Certain matters previously included in the 2004 law will be updated, expanded and set out in Orders. These include the animal fights, use of poisons, exemptions from prohibited procedures, licensing of animal activities, businesses and animal sanctuaries. The amendment rectifies a typo substituting (b) by (c) in Article 34, paragraph 2, to ensure the cross-reference is correct. It is also amended by the addition of Article 34 in paragraph 5, making it a legal requirement for the Minister to inform the Scrutiny Panel before making Orders under the law, but we will come to that when we get to the panel's objection ...

The Deputy Bailiff:

Third amendment.

Deputy S.G. Luce:

... to my second amendment. Article 35 makes provision for the Minister to issue Codes of Practice. The present codes will be moved under the new law and updated as necessary. Article 36 makes provision about the use of samples so that they can be used to protect or promote animal welfare, animal health or human health. Article 39 revokes the Animal Welfare Law 2004 and 2 Orders about poisons and fees. The Animal Welfare (Calves) (Jersey) Law 2020 continues and animal welfare licences issued under Article 18 of the current law continue until they expire. My first amendment adds a second paragraph to Article 40 defining animal shelter in the Dogs (Jersey) Law and is now to be read as 'animal shelter' means a place (including a private dwelling) that regularly receives, for the purpose of temporary or permanent accommodation with or without the provision of treatment abandoned animals, animals separated from their keeper for any reason, or animals previously living wild in Jersey that have been captured because they are injured or sick. This is a consequential amendment; it does not change any substantial requirements, if any, of the laws. The amendment allows the Dogs (Jersey) Law 1961 to be updated. Finally, there is a standard citation and commencement provision. I hope Members would agree that these changes are proportionate and sensible, as well as modernising, and by voting in favour we would affirm that Jersey is a place where animal welfare matters are important. I wholeheartedly support this new Animal Welfare Law, and I encourage Members to do the same, not because it is easy to do but because it is the right thing to do. Having, keeping and caring for animals is not a right, it is a privilege and a responsibility, and I ask Members to support this in the Second Reading.

The Deputy Bailiff:

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

9.2 Draft Animal Welfare (Jersey) Law 202- (P.97/2025): third amendment (P.97/2025 Amd.(3))

The Deputy Bailiff:

We will deal first with the third amendment from the Environment, Housing and Infrastructure Scrutiny Panel, and I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 16, Article 1 – In Article 1 – (a) for the definition “animal welfare legislation” substitute – “animal welfare legislation” means – (a) this Law and Regulations and Orders made under this Law; and (b) Regulations or Orders dealing with animal welfare made under the European Union Legislation (Implementation) (Jersey) Law 2014; (b) after the definition “premises” insert – “restricted procedure” is defined in Article 7(4) and (5);. Page 25, Article 17 – (1) delete Article 17. (2) Renumber the subsequent Articles and cross-references accordingly. Page 25, Article 18 – (1) In Article 18 (renumbered as Article 17), for paragraph (1) substitute – (1) The States may by Regulations specify activities relating to animal welfare that must not be carried out without a licence. (2) Regulations under paragraph (1) must not specify an activity that is – (a) a restricted procedure; (b) authorised under Regulations or Orders dealing with animal welfare made under the European Union Legislation (Implementation) (Jersey) Law 2014. (3) The Minister may by Order make provision for a licensing system for the grant of a licence required by Regulations under paragraph (1), including – (a) the procedure for – (i) applying for a licence; (ii) amending or varying a licence; (iii) revoking or suspending a licence; (iv) appealing a decision made in relation to a licence; (b) the conditions of the licence; (c) any fee payable in relation to the licence. (2) Renumber the subsequent paragraph accordingly. Page 31, Article 34 – In Article 34 (renumbered as Article 33) – (a) after paragraph (2) insert – (3) An Order must not specify activities relating to animal welfare that must not be carried out without a licence. (b) renumber the subsequent paragraphs accordingly.

The Deputy Bailiff:

I invite Deputy Jeune as chair to propose the third amendment.

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

I will be taking these amendments in 2 sections to be voted on, first, focusing on part 2 of the amendment which looks at Article 17 of the draft law on livestock straying, and then taking together parts 1, 3 and 4 of the amendment which focuses primarily on Article 18 of the draft law on orders, which is the substance of our amendment. Then parts 1 and 4 try to clean up and there is more of a technical amendment to that part 3. The first I would like to deal with is the panel is asking Members to support the deletion of Article 17, which deals with improvement notices and why. So, part 4 of the draft law introduces new offences relating to straying livestock and it also allows inspectors to issue improvement notices where livestock are considered at risk because of the condition of boundaries or fencing. Failure to comply with such a notice would become a criminal offence punishable by up to 6 months’ imprisonment and a fine. We carefully considered the evidence on this issue, and we heard consistent concerns from across Jersey’s agricultural and conservation sectors, received submissions from the Jersey Farmers Union, the Reserve Farm, Jersey Milk Marketing Board, Royal Jersey and Agricultural and Horticultural Society and the Conservation Grazing Group. While these organisations represent different parts of the sector, their concerns were remarkably consistent. All stakeholders felt the proposals were disproportionate and misaligned with Jersey’s farming context. They told us that livestock can and do stray for reasons beyond the keeper’s control. Storm damage can bring down fencing, animals can be chased from boundaries and, in many cases, livestock graze on land where the keeper is not the landowner and does not necessarily control the fencing. Yet, under Article 17 an improvement notice could still be issued to the livestock keeper even where they do not own, control or have the ability to repair the boundary that has caused the problem. Members, that creates a very real risk of criminal liability being placed on the wrong person. The panel also heard important evidence from the Honorary Police. They explained that

straying livestock is not unusual but that it is generally managed effectively. When livestock stray, the keeper is contacted and in most cases they respond quickly and responsibly to retrieve their animals. In other words, the existing system largely works. This raised an important question for the panel: why escalate this issue to the level of a criminal offence carrying imprisonment? The Minister explained that the purpose was to demonstrate that we are taking the issue seriously, but seriousness in legislation should not be demonstrated simply by creating new offences. It should be demonstrated by ensuring that the law is targeted, proportionate and workable in practice, so the panel is particularly concerned about the improvement notice mechanism under Article 17. If a livestock keeper receives such a notice and cannot comply, perhaps because the fencing belongs to a landowner, they could face criminal sanctions. Yet, the draft law provides no clear right of appeal or review against such notices, so we would have a situation where someone could be placed at risk of criminal liability without a clear route to challenge the notice, even if the responsibility for the boundary does not lie with them. During the Ministerial hearing, the Minister himself acknowledged that some form of recourse would be reasonable, and indicated he could consider this further, and the panel agrees. However, that safeguard is not currently in the legislation before us today. Evidence submitted from conservation organisations explain that on some sites, particularly steep or ecologically-sensitive landscapes, traditional fencing is neither practical nor environmentally appropriate. Conservation grazing plays an important role in managing Jersey landscapes and biodiversity. There is genuine concern that these provisions could undermine those operations if improvement notices are issued in circumstances that conventional fencing simply cannot be maintained. The panel's amendment, therefore, removes Article 17, meaning inspectors would no longer be able to issue improvement notices specifically linked to boundary conditions that cause livestock to stray. However - and this is important - the wide improvement notice powers remain in place. We heard from the Minister in his summing up earlier of all the Articles, under Article 12 inspectors can still issue improvement notices to any animal keeper or landowner who fails to take reasonable steps to meet an animal's welfare needs in accordance with good practice, so the ability to protect animal welfare is not removed.

[12:30]

There is also Article 11, the duty to protect animal welfare. A person who is responsible for an animal commits an offence if they fail to take reasonable steps in circumstances to ensure the needs of the animal are met, for example, a suitable environment or a need to protect from suffering injury and disease. This would, of course, come into play if animals consistently stray on to main roads, a very different welfare risk for the animal when wandering on to Rue de Fliquet, for example. What we are doing is removing a provision that risks placing criminal responsibility on individuals who may neither have caused the problem nor have the ability to fix it, so legislation must reflect the realities of how land is managed. Our Island's complex land ownership arrangements, shared responsibilities and diverse landscapes also do not recognise these realities and risk being unfair to practice and difficult to enforce. The panel believes that Article 17 could create unintended and disproportionate consequences. There are still clear duties and improvement notices to protect animal welfare under Articles 11 and 12, so for this reason, I would ask Members to support the panel's amendment and vote to delete Article 17. The second section of the amendment is that the panel is asking Members to support the amendments proposed by the panel to Articles 18 of the draft law with Articles 1 and 34 being technical amendments to follow which deals with Order-making powers. Why? This is related to parts 1, 3 and 4 of our amendment. It relates to changing the licensing of activities to be brought by Regulations instead of Orders and specifically relating to Article 18, which is, under part 4 of the draft law, establishing licensing frameworks. At the heart of this amendment is a simple principle: significant regulatory powers should be subject to appropriate democratic oversight. The panel fully supports the intention to modernise Jersey's animal welfare legislation and introduce licensing frameworks where they are necessary and proportionate. Licensing can play an important role to ensure high welfare standards and reasonable practice within animal-related

businesses. However, the panel's concern is not with the concept of licensing but with how the draft law allows those licensing schemes to be created. As currently drafted, Article 18 allows the Minister to establish licensing schemes for any activity that requires a licence through Ministerial Order. This means large parts of the future regulatory framework could be instituted through Ministerial Orders alone. This issue emerged as one of the most common concerns raised during the panel's review and which is far broader than the stated policy intent for licensing schemes only for businesses. The J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) raised particular concern that future Orders may not necessarily be subject to consultation, Assembly debate or Scrutiny review. While the Jersey Farmers' Union simply noted that these powers could allow significant new regulatory provisions to be introduced without the level of oversight that Members might expect. The panel also received submissions from animal service providers. For example, Spotted Wellies, a local animal service business, highlighted the uncertainty created by the drafting of Article 18. They told the panel that, while they support the idea of modernising licensing, there is currently no clarity about which activities would require licences, what fees might apply or how the licences would need to be renewed. For a business operating in this sector, those questions are not minor, they can have a direct impact on their livelihoods and operating costs. During the Ministerial hearing, the panel explored the potential scope of Article 18. We asked whether, as drafted, the provisions could allow a future Minister to introduce licensing requirements for keeping of animals when none currently exist including, for example, domestic animal keepers, imposition of licensing fees or establishing licensing schemes covering the ownership of animals more generally. The Minister and officers acknowledged that in theory the wording could allow any such schemes to be introduced. Officers emphasised that this was not the policy intention and that licensing was intended to apply only to animal businesses, not private or non-commercial keepers. However - and this is important - the difficulty is that policy intention is not the same as legislative wording. As currently drafted, the law does not contain that limitation and no wording in Article 18 limits these powers just to commercial operators. The panel considers that this is a gap between what is intended and what the law allows, which presents significant risks. Licensing schemes are not minor measures; they determine who can operate, under what conditions and at what cost. They can create real regulatory and financial obligations for businesses and service providers, yet Order-making powers within this draft law are extremely broad, enabling key parts of the framework to be introduced without any consultation, Assembly debate or meaningful Scrutiny, as I have said before. The non-exhaustive list of future Orders that we have seen, that the Minister has also mentioned, only reinforces how open-ended these powers are. Given the potential scale of impact, the panel does not consider it appropriate that such schemes should be created solely through Ministerial Order without guaranteed Assembly oversight. I would ask Members to cast their minds back to the last sitting when we debated the licensing scheme for food businesses. There were concerns, particularly around fees, and the panel ourselves brought that concern to Members, but Members had a clearer understanding of how that scheme would be developed. It had been shaped through consultation with the industry and, while not every detail had been resolved, the overall structure was viable and understood. This is not the case here. An entire sector of animal-related services, and potentially impacting on private individuals, could be brought into licensing through Ministerial Order alone. The Minister would not need to return to this Assembly to debate the scope of any schemes before they are introduced. That creates uncertainty for those affected and risks material impacts and livelihoods without proper oversight. The panel's concerns were further reinforced by a recent example that arose during our review. Late last year, a Ministerial Order reduced the bird registration threshold from 30 birds - so focusing on businesses specifically - to one, which brings in private individuals. This came to public attention only after the fact, with limited communication over the Christmas period. The Minister acknowledged that communication had been poor and that the full practical impacts had not been fully considered; yet, the penalties attached included up to 2 years' imprisonment and a fine. I was contacted by individuals with just a small number of chickens for domestic use who were understandably alarmed, not by the principle of registration, but by the way the change was

introduced, the lack of awareness and the severity of potential consequences. For some, there were even professional implications if they were unknowingly in breach. This is exactly why robust oversight matters. The panel's amendment offers a balanced and practical solution. It does not remove the Minister's ability to introduce licensing schemes, it simply ensures that this Assembly determines which activities require a licence through regulation. Once that scope is agreed, the Minister retains full flexibility to manage the operational detail. Application processes, conditions, fees, enforcement, that is the right balance: democratic oversight on scope; Ministerial flexibility on delivery. As we saw with the food licensing debate, it would still be preferable for any future scheme to be brought forward with a clear overview so that Members and those affected understand the system and can identify any unintended consequences. This approach preserves the flexibility needed for effective regulation while ensuring that the fundamental decision about what and who requires a licence remains with this Assembly. The panel recognises that Ministerial Orders are often the most appropriate mechanism for technical welfare standards, where responsive and flexibility are important, and this is outlined in Article 34. The panel is not amending Article 34 for this matter, we are specifically focusing on the creation of licensing frameworks, particularly those that may affect entire sectors of animal-related activity which requires a high level, we believe, of democratic oversight; therefore our amendment restores this balance. Given the scale of potential impact on businesses, private animal keepers and livelihoods, such powers should not be left to the Minister's discretion alone. The panel proposes to amend the draft law to change the ability for any activity that requires a licence to ensure the Assembly retains its proper role in determining the scope of licensing. For clarity, while the substantive focus of this amendment - and this particular part is part 3 amending Article 18 - there is also the supporting technical amendments in parts 1 and 4. Part 1 introduces a standalone definition of restricted procedure within the interpretation Article, as the term is now used more broadly across the draft law, and that ensures clarity and consistency, and part 4 when it makes explicit that the Minister cannot use order-making powers specifically when activities require a licence. For this reason, I would ask Members to support the panel's amendment for parts 1, 3 and 4. As I mentioned earlier, we will be taking it in 2 parts to ensure we can vote specifically on livestock straying, and Article 17, and this specifically on Article 18.

The Deputy Bailiff:

Thank you, Chair. Is the third amendment seconded? **[Seconded]** Does any Member wish to speak on the third amendment?

9.2.2 Deputy S.G. Luce:

Before I start my written speech, can I just say a few words about chickens. It is the registration of chickens. It is not a licensing scheme for chickens; it is the registration of chickens. I take the opportunity to apologise to those people who keep chickens in Jersey for the way the change was communicated before Christmas. I say that because it is not very many years ago where every chicken in Jersey had to be registered. We relaxed the rules because the threats of health and disease to chickens very much abated and made it easier that the number of chickens owned over 30 needed to be registered. But more recently, diseases for animals, and pests and diseases are becoming more prevalent, especially for birds, and I felt it necessary to reintroduce something we had had previously. I changed the Order, very naively not informing enough people about it. It has been done with the best of intentions, but I could have announced it better. Leaving that aside, I just want to stand now to say that I am not supporting Scrutiny's amendment. I thank my colleagues in Scrutiny for the time afforded and the attention that they have paid to this draft law. It is important to begin, however, by stating clearly, like I said, I am not going to support what they are proposing. The intentions are well-meaning, but the reality is that introducing changes without fully considering the broader implications risks creating a legal document which is a little inconsistent, unclear and, in some cases, difficult and unworkable from an operational perspective. We really do need to consider the legislation as a whole, not as a collection of isolated fixes. If we adopt the amendment that respond

to perceived shortcomings rather than reinforcing the legal framework already put in place, we risk undermining the very protections that these laws are designed to provide. As the chair has already said, the proposed amendment from Scrutiny basically falls into 2 parts: the first about Article 17 improvement notices, and then the other bit relates mainly to Article 34. Talking to the first point, can I just say the proposed amendment to remove Article 17 refers to the service of improvement notices. If, and only, a veterinary inspector confirms to an inspector or a police officer that livestock is at risk of suffering or being injured as a result of straying into a public place because of the condition of the boundaries of the premises on which the livestock is kept, this Article is included in the draft law to offer additional assurances in the case of straying livestock. Improvement notices can be served by inspectors under Article 12 if that inspector believes there has been a failure to protect animal welfare. By removing Article 17 where an improvement notice may be served but needs a veterinary inspector input regarding the potential for suffering, any inspector can now serve an improvement notice under Article 12. Article 17 was added to the law with a purpose: to be effectively a safeguard measure to prevent an inspector, including a police officer, acting independently and who may not be fully informed in serving that improvement notice when the livestock have strayed. It requires a veterinary inspector to consider that the animals are indeed at risk of suffering due to straying into a public place. Article 17 indeed limits the ability of an inspector to serve an improvement notice for straying. In practice, this proposed amendment from Scrutiny makes it easier for an improvement notice to be issued for straying animals but does not achieve or change anything positively. Surely we must agree that a keeper is responsible for keeping their animals safe and remove them to safety as soon as possible. Surely we have got to agree that a keeper is responsible for ensuring that threats to animal welfare and animal safety should be minimised.

[12:45]

Animals are capable of such responsible thoughts, so surely too their keeper is responsible for ensuring animals do not escape onto public roads. It is the keepers who have to take measures to ensure such threats are mitigated against and not to happen again. The second part of Scrutiny's amendment around the Article 34 and the insistence from the Scrutiny Panel is that licensing must be done under regulations, excluding the restricted procedures. This proposal specifies that: "The States may, by Regulations, specify activities relating to animal welfare that must not be carried out without a licence." Any activity involving an animal can be deemed to be an activity relating to animal welfare. The proposed amendment does not look to improve animal welfare as such, it purely relates to the protection of business and keepers and, ironically, could be to the detriment of animal welfare standards. This is not about animal welfare; this is about people's comfort. Change is not easy, but it is often necessary and required to be done in a timely manner. The Minister needs the flexibility to act quickly in response to fast-moving welfare issues and/or changes, including the response to international trends and ensuring some consistency with the U.K. and for many reasons also includes trade and non-commercial animal movements. For example, the U.K. Government is strengthening controls on the puppy trade in response to puppy farming concerns, and we would be expected to have similar controls due to the nature of our free trade between the U.K. and Jersey. We cannot have Jersey acting as a back door for something like puppy smuggling. Not implementing equivalent controls on puppy imports may jeopardise free movement from the U.K. Scrutiny's proposed amendment considers mitigation for some of the comments received during their review but to my mind, unfortunately, does not consider the law as a whole. Implementing this amendment would most definitely add additional layers of oversight, meaning delays to protective measures, measures designed to protect animals. This proposed amendment might be placing procedure above animal safeguarding. Animal welfare orders are often technical, they quite often require expert input on the ground, rather than, potentially, protracted political debate. This proposed amendment is likely to result in inconsistencies, rather than a unified holistic approach that the proposed law is intending to promote. Under the proposed amendment the Minister can still prohibit activities by order but can no longer permit activities by Order. This seems a little disproportionate and illogical and defeating

the proactive proportional benefits of the law in general. Broadly, there are 2 types of licensing regimes; one allowing activities to happen, which handle animals such as dog-walking, grooming, sanctuaries and the other licensing regime allowing activities that may be otherwise prohibited if the risk is deemed low, for example, licensing a dog to enter Jersey that had a mutilated tail due to a veterinary procedure. The scrutiny amendment does not define activities related to animal welfare, so one has to assume it refers to all activities involving animals because all of these may have an impact on animal welfare. This will mean that the requirement for regulations will affect both types of licensing. Scrutiny's proposed amendment does not consider the whole law holistically, does not consider consequential effects on the law or in the secondary legislation. Ultimately, this amendment is not about specifically improving animal welfare. It is not about animals but more about process and control. Some of these inconsistencies are as follows: the amendment is proposing to have activities related to animals defined by regulations. These regulations, however, do not allow for penalties or offences to be created. This means that regulations can define what activities need to be licensed but cannot define penalties or offences. Penalties or offences are defined by the law, and the proposed law only defines offences and penalties for the law itself and for Orders. This amendment overlooks the penalties and offences when adopting regulations. The proposed amendment excludes restricted procedures under Article 18 part 2 from the regulation requirement but does not amend Article 26 part 2, which refers to exceptional measures and prohibited procedures. This means for some, prohibited procedures would still need to be defined by regulations. There may be further consequential issues created by this amendment that we may not be aware of yet and may make the law difficult to implement. We must look at the law as a whole and cannot accept an amendment that results in a weakening of the law. We should not afford to patch the system with measures that merely respond to the law's perceived weaknesses. We must evaluate the legislation as a whole carefully, coherently and with a commitment to long-term effectiveness. If we accept amendments that undermine clarity or weaken enforceability, we risk creating a framework that fails both on the public and those responsible for upholding it. Our duty is to ensure that the law remains robust, coherent and practical, anything less would compromise its purpose. Ultimately, this law is about animal welfare and the protection of animals, and that is what should be on our mind when voting. I cannot support the amendment because it threatens to weaken the clarity, compromises the enforceability and, potentially, introduces contradictions into a system which must be reliable and robust. My responsibility is not to adjust laws reactively but to ensure they remain consistent, effective and fit for purpose, and for that reason I will reject the amendment.

The Deputy Bailiff:

Deputy Alex Curtis, you indicated you wish to speak. We are coming up to 1 o'clock, will that give you sufficient time to make your speech?

Deputy A.F. Curtis:

I should take no more than 10 minutes, which will take us to 1.02 p.m. I will probably be less than that.

The Deputy Bailiff:

Thank you. Are Members content that we proceed? Very well.

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

I will go quickly. Quickly but not with my words. I will just reiterate some of the points and, as I go, I will try to address some of what the Minister has said. But I would like to start by that reframing that the chair made about the last sitting in which we debated the food regulations and the E.H.I. (Environment, Housing and Infrastructure) Panel proposed its amendment. Members will remember that the amendment to that was around fee structures and was narrowly rejected. But I got the sense that Members were weighing up the balance as to Assembly oversight of regulation that this

Assembly passes. The main regulations we were debating were about the creation of a licensing scheme; one that did not exist. The Scrutiny Panel took time to review it and I believe, and the Minister can nod, that he felt that Scrutiny's work in scrutinising a new licensing scheme was beneficial for his officers, for the law itself and, ultimately, it received an Assembly mandate to exist. Today we are debating a similar debate, not about how much a licence should cost but the in-principle decision as to what licences should even exist. The Minister has made a key case about prohibited activities or things that should not happen, but Members should be clear that today what the panel is asking about is about creating licensing schemes that restrict permissive activities. Should you be allowed to own an animal without a licence? Should you be able to operate a business in an area of animals without a licence? Examples the Minister gave might be repeating existing things; dog walking or kennelling and boarding but this legislation will allow for much more than that. Really I think we have got to look at how wide that goes. The chair gave an example that this could go to domestic animals; it could. This law provides a power for the Minister to regulate the ownership of cats, for example. We have a Dogs Law. This provides sufficient power to create ownerships and licensing for cat ownership and the fees associated with cat ownership. The Minister said that this would not be his intention. In Scrutiny he believed that the powers in this law were for commercial, until we pushed him, and he understands that they go broader. When it comes to the clarity of legislation in front of us, we have to ask it in both ways. This also is contrary to the words the Minister had during the principles debate. When I pushed him, either in a question or in that sitting, about this he said: "Whether it is 2 livestock" and this was about livestock licensing, "or 200, the animal's welfare always mattered regardless as to who owned it." The Minister has not been consistent as to who should be covered by licensing either. I will make quickly the other point that this is about animal welfare, the Minister says, and I will challenge that. Regardless as to whether an activity is licensed or not, the Minister has made the key and, I think, valid case that this law improves powers for managing animal welfare. If an activity is not licensed this does not prohibit improvement notices or inspectors entering premises and handling animal welfare. What we are talking about is whether they need to get permission first. When we stop people doing stuff without permission we have to think, as an Assembly, long and hard; that is an in-principle debate, and I believe it should live here. I will remake the point I made last sitting, but I will make it even more important. This is all still subordinate legislation and if it was made by order a Member could still request an annulment. But this is a reactive negative Act, and regulations allow for more collegiate and better legislation. The Minister or a future Minister may well propose to license livestock. The Assembly at large may wish to exempt domestic or non-commercial use. Regulations are the perfect forum to allow that. Orders are a negative combative way to fight that without baby out with the bath water. A couple of things, we had a hearing with the Minister for Infrastructure who said: "It is going to be hard to find a new Minister for Infrastructure because of the battles." As we are forming new laws and perhaps ceding more powers to Ministers, we have to look at whether our Ministries are becoming toxic; they are too hard and too much for one person. Look at some of the debates we have had. Imagine if trees legislation came in by Order, the attack we would have to annul it. Think about the importance of other licensing schemes we have had. The Rented Dwelling Licensing Scheme, the Minister at the time was in Scrutiny proposing 10 and consolidated to one amendment. He probably felt licensing of something like that benefited from scrutiny, and I think a new licensing scheme for something as important as perhaps owning livestock, owning domestic animals should warrant the same amount. Looking back at the time, we have debated over almost 300 propositions in this term alone, not including amendments. Some of those have been minor, those are things like appointments to boards or technical, like changes to the companies' legislation or things that the Minister for External Relations brings. Some of them are now in scope, such as minimum catch or size limits; another piece by the Minister. These have all come in front of us and we have not batted an eyelid to the burden it puts on this Assembly. In fact, it makes us all support the respective Ministers in their role as the Executive. The debates in these have been proportionate to the Scrutiny and Assembly input needed. Where there is clarity and the principles are there, these debates are

very short. When we find there is more the debates are longer, and that is time well spent. To turn to the need to act quickly the Minister said: "It is essential in this area." But we know that we are able to act quickly as an Assembly. We should strive to work proportionately. We can lower lodging periods. While we will talk at the lunch adjournment about his amendment, any consultation with Scrutiny would equally cost as much time no doubt than just providing regulations to this Assembly. I will make the real case that Order-making powers to create licensing schemes is not an appropriate balance. These are wide-ranging powers and, as an Assembly, we must look to find a way to provide support for the new legislation we provide, to get a common mandate, to get good quality legislation. There is no evidential case the Minister has provided that makes this a more burdensome route on his department and on this Assembly's valuable time. I would say if he is concerned about technical elements about the amendment that weaken the law, my count is that unamended this law is equally not fit for purpose. If Members are truly concerned with the consequential outcomes of this amendment, they should vote against the law as drafted by him.

The Deputy Bailiff:

Do you propose the adjournment?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Is the adjournment agreed? Very well. We will adjourn until 2 o'clock, and I believe that we have a photograph, so we will adjourn until 2 o'clock.

[12:59]

LUNCHEON ADJOURNMENT

[14:00]

The Deputy Bailiff:

Can I ask Members to return to the Assembly because at the moment we are not quorate? Can I give Members a final warning before I call a roll call by the buttons? Could Members please return to the Assembly because we are not quorate? I gather we are now quorate. But before we resume the debate on the third amendment to the Animal Welfare Law, I would remind Members that certain Standing Orders would have the effect of a proposition being withdrawn if they are invoked. The Standing Orders are Standing Order 72, which is the referral of a draft law or regulations for Scrutiny. Standing Order 79, which is the suspension of the debate for the purposes of Scrutiny or Standing Order 85, which is moving to the next item. If any of those Standing Orders are invoked, this being the last sitting of the Assembly before the elections, then the effect would be that there is no possibility of the debate resuming on that proposition or regulations before the election. The effect would be that the propositions would be deemed to be withdrawn.

Deputy S.G. Luce:

Sir, could I ask for a further ...

The Deputy Bailiff:

Yes, Minister.

Deputy S.G. Luce:

If a proposed law was not proposed in the Third Reading, would it have the same effect all the way?

The Deputy Bailiff:

Yes, it would have the same effect, Minister.

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

Sir, could I also have a point of clarification or order? That if the item is withdrawn rather than defeated on the floor of the Assembly means it can be brought back and more quickly, so not having to wait the minimum 6 months.

The Deputy Bailiff:

No. I stand corrected, it can be relodged after the Assembly, notwithstanding that it is within a 6-month period. There is a further Standing Order I draw Members' attention to and that is Standing Order 83. That concerns references back and that cannot be invoked because paragraph (2) of that Standing Order prevents the Presiding Officer from allowing a proposed reference back if the effect of that were to prevent the debate on a proposition resuming at a future meeting. Obviously, that is a future meeting of the term of this Assembly; that cannot happen, so that Standing Order cannot be invoked. I hope that is useful to Members. With that reminder we can resume the debate on the third amendment to the Draft Animal Welfare Law. Does any Member wish to speak on the third amendment?

9.2.4 Deputy T.A. Coles:

I really rise just to make some clarifications; they were slightly different from what the Minister said in his opening speech to these amendments. The Minister commented that we were doing amendments to Article 34 of the law, which, as the Minister did correctly point out in his speech, that this deals with things like animals who were being imported with docked tails and cropped ears, things that the law does not allow to take effect in Jersey and grant permissions to people to have animals with - I will use the term - mutilations, because it is probably the easiest way to describe them, but sometimes they were done for medical purposes. But we are not really changing anything. As a member of the Environment, Housing and Infrastructure Scrutiny Panel, the panel is not changing these Articles in any way. The only amendment to Article 34 that we are bringing is what enables our changes, which are to Article 18 of the law, which specifies about animal welfare-related activities. As Deputy Curtis mentioned in his speech and Deputy Jeune in her opening speech, this is where we believe as a panel that the Assembly should have the right to decide what activities, what forms of employment, what forms of animal husbandry ownership should be requiring a licence. Because where at one point we may have what may seem as a sensible Minister, or maybe that is the term I will use, that they will not overprescribe regulations by Order, we might have one who is a little bit more strict and harsh and thinks everybody who has anything from a goldfish should need a licence. This law, as drafted, would allow a Minister of the time by Order to require the Constable of St. Saviour to have a licence for his goldfish. That would be pushing the boat a bit too far but, of course, we are then also talking about whether licensed activities are meeting a required standard or are absolutely necessary. I think many of us, and most of the Constables will probably agree, that dog-walkers should need a licence, but should the Assembly have some input on whether that is walking one dog, 2 dogs or 20 dogs? Those are just the questions because that is what our amendment is trying to instil. I do urge Members to support us. You might have your own opinions around the improvement notices because there are benefits and there are differences. Personally, I believe that, as the Minister said continuously through our hearings with him and the regulation team, that his team generally goes by the 4 Es of regulation, which is to engage, educate. I can never remember all 4 of them, maybe the Minister will remind me afterwards. But it gets to education, engagement and enforcement is the last option. I do not think the need for improvement notices is required because that is the mantra that they use in their regulation anyway. Engage with livestock owners, make sure that they fix the problems, and if it keeps on happening then it will get to the point where they will enforce and the law still allows him that enforcement power. I do hope Members of this Assembly

will support us in our amendments to this law because I think this law is very much in need for updating and these will make it a more useful and practical law going forward.

The Deputy Bailiff:

Deputy Jeune, you indicated you had a question for the Attorney General.

Deputy H.L. Jeune:

Yes, Sir, thank you. In fact I have 2 and I was focusing on some of the comments the Minister made. Could the A.G. (Attorney General) clarify if under Article 17 if livestock keepers would be criminally liable for fencing, even if the fencing was not their responsibility?

The Deputy Bailiff:

Criminal liability for fencing for livestock owners. Attorney General, do you want some time to consider?

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

I am happy to venture and answer now. It is proposed to be an offence under Article 12(7) that: “A person who fails to comply with an improvement notice commits an offence.” Article 17, improvement notices, provides that the improvement notice: “If the veterinary inspector confirms to an inspector that livestock is at risk of suffering or being injured as a result of straying into a public place because of the condition of the boundaries of the premises on which the livestock is kept, the inspector may serve an improvement notice under Article 12 on the person responsible for the livestock.” Not on the person responsible for the boundaries. They may be the same person, they may not be. My view as a prosecutor, if I were asked to look at an infraction of an improvement notice in these circumstances, I would first, I think, want to have regard to the terms of any lease or licence under which the person responsible for the livestock was occupying the land. If it were genuinely the case that a tenant farmer had no control whatsoever in practice over his boundaries, well that is a matter that I might want to consider as part of the public interest test as to whether a prosecution met the public interest or not. It might, in the event of a prosecution and conviction, be relevant to mitigation of sentence. I hope that is helpful.

The Deputy Bailiff:

Deputy Jeune, you indicated you have a second question.

Deputy H.L. Jeune:

Yes, and it is related, to just clarify the effect of our amendment for Article 18 requiring that the regulations for specific activities relating to animal welfare must not be carried out without a licence and this licence must be brought in by regulation. Just for clarification, what the effect of that would be for the Minister to be able to bring in by Orders, for example, around penalties because I believe the Minister was saying that that would not be possible; it would have to come under regulations. But could the Minister, for example, with Scrutiny’s amendment, by Order still be able to go into details about what that licensing scheme would be, including penalties, for example?

The Attorney General:

The penalties are already provided for in the draft law. The Minister would not, I think, need to go into penalties, therefore, by making Orders because a breach of the condition of a licence would be an offence under the law, as it is presently proposed. But the effect I take to be of the amendment is this, and I do not know if Members have it open but Article 18, paragraph (1), the effect of that is that it would be for the Assembly by regulation to specify those types of activity which needed to be licensed. It would then be for the Minister in paragraph (3) to provide the detail by Order of what that licensing scheme would look like. Those details would include a list of things, not exhaustive I think because the word “including” is used. But down at (3)(b): “including the conditions of the

licence.” We then turn to the law as proposed at Article 31(3), we see some offences and penalties provisions. Article 31(3) provides that: “A person is guilty of an offence and liable to imprisonment for 2 years and to a fine if the person knowingly or recklessly contravenes any requirement of an order made under this law, including the terms of any notice, licence or other requirement imposed under it.” That, I think, reads back directly to Article 18(3)(b), as proposed to be amended by the panel. The effect would be that the offence provisions would still pertain to licences made pursuant to Order; that is how I read it.

Connétable K.C. Lewis of St. Saviour:

Another one for the Attorney General. Apologies if I have missed it, I cannot find the page now. It is a reference to technical mutilation of animals. There is a company locally who imports dogs, namely from Spain and other countries, that have had their tails docked, which obviously would count as a mutilation. Importation of such animals would not be covered by regulations or not? I had a little dog, my best friend for 13 years, lovely dog but, as I said, the Spanish people did have a habit of docking tails.

The Attorney General:

No, the prohibited procedure at Article 6 applies to procedures carried out within our jurisdiction. This law in itself does not prohibit the importation of such animals. Whether there is another law on the statute book which may I would have to look, but I do not immediately know the answer to that. There we are.

9.2.5 Connétable M. Labey of Grouville:

I am a little bit anxious about the criminalisation of livestock owners. Just giving you 2 practical examples of incidences that I have been made aware of, of livestock becoming free of their boundary, 3 sheep in particular, very well-known to the conservation shepherd who goes all over the Island chasing after 3 sheep he calls Harry Houdini 1, 2, 3, who are regularly going through any fence that he puts in their way.

[14:15]

In fact, I have met these 3 sheep on the top of the bank below Boulivot football pitch. They had escaped through their fence as always and were heading towards the football pitch which was lush and green and looked very tasty to these sheep. I am not making light of when livestock gets out because if those sheep had come into contact with a cyclist, for example, those sheep would have been severely injured, let alone what would have happened to the rider. But I would say that I have also come into contact with 2 heifers that came into my yard when I was playing football, 2 heifers that had escaped from Trinity Manor and they had gone through every hedge and fence for probably 3 miles and arrived in my yard and we had to wrestle them to the floor because they were very frisky to say the least. Those heifers would have damaged any vehicle they would have come into contact with. Criminalising anybody that has livestock anywhere in the Island to me I have a problem with because those heifers literally had gone through everything in their way.

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

Like the Constable of Grouville, my husband has been in the Honorary Police in Trinity for about 11 years. Their major things are animals that have got out; horses who have eaten other people's trees, cows that are all over the road, and sheep that we have had to find that have gone from quite on top of Trinity all the way down to a field, and that has been quite a thing, and horses. I do think we should not be criminalising people for this. Although the Honorary Police have had a bit of job, when the farmer came with his bucket and his oats or his nuts, they have got them in very quickly. But I just think we have to be quite mindful. These are laws, I do not think we should be imposing laws on people for something that is dealt with in our local Parishes. I also worry about having to have a licence for a guinea pig or a stick insect.

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

I am going to try not to regale Members with escaped animals but that of course is part of living in the countryside; it cannot be helped. Animals are natural creatures and we, as humans, fence them in. The point I wanted to make was I heard the mover of the proposition in opening comments and I thought to myself: “Why on earth are we not supporting the amendment from Scrutiny? Why on earth are we not?” I leaned across, and I hope I did not breach Standing Orders, and spoke to the Minister. It became quite clear why we are not supporting it. Because of the reasons, if it were just simply by removing 17, all of these problems went away, then of course we would be supporting it. The problem is all that that Article does is remove at any point the requirement for a vet to agree with what the inspector has said. By taking away Article 17 we are making it even worse because, with the greatest of respect to the Minister and his department and his officials, I would rather have veterinary oversight and have that second defence whereby before they can be issued a warning or in a way started on a criminal process, a vet has to come along and say: “There was some harm to the life of that animal.” I believe in the amusing illustrations that the Constable of Grouville gave us, at no point was there a threat to the livelihood of those animals, other than the fact that they might have walked down a road. But I think a vet would be very practical and would act as a stay upon an overenthusiastic or over-officious inspector. That is why I cannot support the amendment, because it makes it more likely that someone may be criminalised if their animal got loose. I, like the mover of the proposition, do not want to see that. This amendment does not decriminalise any actions. It simply says you are taking away the backstop of having a vet say it is life-threatening to the animal. Without that backstop it is simply in the hands of an inspector, and I cannot accept that. I am cautious about the whole thing because we are adding additional legislation, but I am even more unhappy with the removal of that backstop.

Deputy T.A. Coles:

Sir, would the Minister give way for a point of clarification, as in the Minister for External Relations or the Deputy?

Deputy I.J. Gorst:

Of course I will, yes.

Deputy T.A. Coles:

Thank you. It is just the Deputy said he cannot support this amendment, could he just clarify? His case in his speech only relates to Article 17 and the Deputy did highlight - the chair of the panel - that this is taken in 2 parts. Could he clarify when he stated that he cannot support this amendment, given this is broken into 2 votes, whether that objection relates to both parts or only the parts he spoke about and gave substantive reasons?

Deputy I.J. Gorst:

I am not sure that really is a point of clarification. But, of course, I spoke about the part of the amendment that I spoke about.

Deputy J. Renouf of St. Brelade:

I wonder if I could ask the A.G. a question before I start. Deputy Gorst raised this question around the application of Article 17, I think it is. Could the Attorney General opine on whether the interpretation that was placed upon the effect of the amendment in relation to that is as Deputy Gorst said?

The Attorney General:

I am going to apologise because I was busy dealing with another email and was not focusing, as I perhaps should have done otherwise, on what the Deputy was saying.

The Deputy Bailiff:

Deputy Gorst considered that the effect of Article 17 improvement notices is to make it more difficult for an improvement notice to be issued because of the requirement to obtain first confirmation from a veterinary inspector.

The Attorney General:

Very well, I am grateful, Sir.

Deputy I.J. Gorst:

The Attorney General really does not need to apologise for not listening to my speech. [Laughter]

The Attorney General:

Yes, that is the effect of this. I am just trying to find the other passage for improvement notices. Yes, if one looks at Article 12 for just general improvement notices, it is an inspector who reasonably believes, and that is the trigger mechanism for an improvement notice under 12. But the improvement notice under 17 in respect of enforcement action for boundaries first requires the veterinary inspector to confirm to an inspector. As it were, it is the next man or woman up the chain who is making the decision and passing it down, so there is that extra level of protection.

Deputy J. Renouf:

The effect of removing that ...

The Deputy Bailiff:

Through the Chair.

Deputy J. Renouf:

Sorry, I beg your pardon, Sir. If I could clarify, the effect of removing that through the amendment would be to make it potentially simpler but without the involvement of a vet?

The Deputy Bailiff:

Mr. Attorney, do you want time to consider that?

The Attorney General:

No, it does have the effect that Deputy Gorst is suggesting it has, because it is conceivable under Article 12 that an inspector alone could issue an improvement notice in respect of defective boundaries. Because the inspector is able to take steps, any steps described in Article 11(1) as improvement, and 11(1) provides that it is steps that are: "A failure to take reasonable steps in the circumstances to ensure that the needs of animals are met to the extent required by good practice." In my view, ensuring that livestock is properly fenced is inevitably a step that is required by good practice to ensure the animal's welfare. It is an extra protection in practice.

The Deputy Bailiff:

Deputy Alex Coles, you also have a question for the Attorney General.

Deputy A.F. Curtis:

Deputy Alex Curtis; I know Deputy Coles and I look quite alike. It was for the A.G. on the back of that, it is just to understand the technical implementation. So that if improvement notices sit both within 17 or 11 or 12, is there still the *vires* to use those earlier Articles, even though Article 17 exists? The effect being described originally was if we remove the improvement notice under Article 17 it is easier because one can use, I think, Article 11. Is the effect that if we retain Article 17 an improvement notice cannot be issued under Article 11, a general improvement notice or do the powers still sit to issue regardless under 11 or 17? Notwithstanding one might go up the chain, as it

were, there is no need to; there are multiple Articles in which the law would allow the issuing of improvement notices nonetheless.

The Attorney General:

I think the better view is that where the law expressly provides for a more rigorous mechanism, then there is the expectation that the more rigorous mechanism will be used. I do not think one could properly circumvent the requirements of Article 17 by saying we can do it under Article 12 and it does not matter.

Deputy A.F. Curtis:

I thank the A.G.

The Deputy Bailiff:

Deputy Renouf, you have indicated you wish to speak as well.

9.2.8 Deputy J. Renouf:

I hope I am not the only person whose head is slightly spinning in trying to follow all of that. But the central point I want to make is that it seems to me, following all the A.G.'s interpretations, that I still cannot quite understand what the Minister is really concerned about with the amendments. The Scrutiny amendments are about, first of all, limiting the Minister's discretionary power. He has to come back for some of the issues around licensing. He would have to come back to the Assembly to say more and make a case about why he wanted to licence certain things because he would have to do it through regulations and not Orders. That seems to me a sensible thing for Scrutiny to be saying. The ability to have such wide-ranging powers through Order does feel like a danger of overreach. I cannot see the huge harm in bringing those powers back under the control of the Assembly through regulation. I still feel that the central case that the Scrutiny Panel have made about the potential criminalisation of livestock owners for issues which are beyond their control is a step too far. We have seen from the Scrutiny Panel report multiple organisations are concerned about it. Again, it feels like overreach. It feels like the ends that the Minister is seeking to achieve can still be achieved reasonably and proportionately without the need for that power. It just goes one step too far. For those reasons, I think I shall be supporting the Scrutiny amendments.

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

When I have looked at the Scrutiny amendment there are 2 issues that I have been thinking about. One is the safeguarding of animals and the other is safeguarding of democracy. I do have some sympathy for the parts that do not relate to Article 17 in terms of concerns about Orders being brought in that could introduce whole regulatory frameworks, bearing in mind that if in fact the same department is collecting the money for the licences and things, that that could be a potential conflict that needs to be prevented. Where I have a little bit more difficulty is in terms of this proposed deletion of Article 17 and I think it is quite important. I know that people have been attempting to do that, other Members have been attempting to do that, to just go back to the powers of an inspector themselves. Because they are to ensure that they come in if they regard a person is: "Failing to take reasonable steps in the circumstances to ensure that the needs of the animal are met." Then it says: "To the extent required by good practice."

[14:30]

They are considering what is good practice. Then you have this additional provision, and it does not give effect to the power, it just says: "If a veterinary inspector confirms to an inspector that livestock is at risk of suffering or being injured as a result of straying into a public place because of the condition of the boundaries of the premises on which the livestock is kept, the inspector may serve an improvement notice under Article 12 on the person responsible for the livestock." It does not change this whole assessment of good practice that has to be done by the inspector. The reason why

I balk at deleting this particular provision or supporting its deletion is I have a statement here: “If a veterinary inspector confirms to an inspector that livestock is at risk of suffering or being injured as a result of straying into a public place”, yes, it is raising a concern. Why should they not raise that concern? Because what that leads to is an inspector thinking: “Nevertheless what is good practice here?” I do not think it really changes that assessment. I am happy to listen to more in a way of a response to that. When it is a States Member voting against something that seems to be intending to address a concern that animals may suffer or be at risk of injury, I find myself a little uncomfortable with doing that. I do await to hear a bit more.

The Deputy Bailiff:

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

9.2.10 Deputy H.L. Jeune:

I will try to unpick maybe a little bit of what has gone on. First of all, I hope that Members can take comfort in that the Scrutiny Panel has reviewed the entire law in a Scrutiny review. We specifically set up a Scrutiny review for the Animal Welfare and Control Review, which obviously is the Dogs Law amendment that we are bringing next. We looked at this law in the round, and we really did scrutinise it fully. It is disappointing that the Minister mentions that he felt that we were looking at these Articles on their own and not in the round, because we very much were looking at this in the whole. Also, of course working with the Law Officers’ Department to ensure that any amendments that we were bringing, whether deletion or amendment, fitted within the law. Specifically focusing on livestock straying, as has been said, it has been going back and forth. What we are concerned with is that the onus is on the livestock keeper, even if the boundary fences are not their responsibility. This is something that livestock keepers have contacted the Scrutiny Panel about and that they were very concerned. They were also concerned about whether a veterinary inspector has the *vires* to be able and the knowledge to know if a fence is erected in a way to keep in the animals or not. I think it is really important, because of course the veterinary inspector - and Articles 11 and 12 give that responsibility to the veterinary inspector and the whole law in fact does - can give that confirmation if there is a risk of suffering and injury to the animals, and this talks to Deputy Scott’s point. But the point of Article 17 is not about bringing up that suffering and being injured as a result, it is about the veterinary inspector looking at the conditions of the boundaries of the premise and saying whether their livestock is going to be able to be kept in or not. Livestock keepers raised their concern, how would a veterinary inspector know and have that final responsibility to know whether a particular fence is put in in a right way or not to ensure to hold livestock together? We also looked at it from the bureaucracy; this feels very top down, it feels very heavy. As we have heard from many people, we all have experiences of coming across straying livestock in Jersey. It means that it does happen. Hopefully, with modern fencing it is not as much as when we were younger maybe. But when it does that, does that mean every time a veterinary inspector will have to be called out at the expense of Government to then issue an improvement notice? It feels very top heavy. When we have the *vires* within Articles 11 and 12 to ensure that ... going back to the risk of suffering and being injured for the animals, of course that is really important, and the Scrutiny Panel is very much aware of this. But we are not taking away those powers in the law for any inspectors to be able to make that judgment call. What we are concerned about is that extra layer of bureaucracy, the criminalisation of livestock keepers specifically, and about the understanding of fencing and who has that final power in deciding whether a fence can keep in livestock or not. The Minister talked about our amendments being inconsistent, unclear and unworkable but we are exactly saying the opposite. We think our amendments, especially to Article 18, ensures that there is clarity. Because we are saying that any new licensing scheme must be created by regulations and not by Ministerial Order, so that there is no ambiguity, so that the States can work together, this Assembly can work together to understand and give support to the Minister. Deputy Alex Curtis mentioned this before, giving the support to

the Minister to be able to go ahead and develop that licensing scheme. But, as we heard from the Attorney General, the Minister then will have the powers under that by Order to be able to develop the scheme specifically and how they would want to, whether it is how to apply for the licence, how to vary the licence, how to suspend a licence or deal with the costs and the fees around the licence. I must push that the Minister talked about penalties but, as we again heard from the Attorney General, penalties are already in the law under Article 31. We are not taking away penalties or introducing new penalties. All we are saying is that we believe that, based on the conclusions of our review, activities around livelihoods, businesses, private animal keepers need to be ensured that that comes through as regulation that the Assembly as a whole believes that that should happen before we give then the Minister to go ahead and the discretion to develop anything more by Order. At the moment we feel that, as it stands in Article 18 - not Article 34 as the Minister talked about because that is not what we are asking, we are specifically talking about amendments to Article 18 - any new licensing scheme should come back to the Assembly and for the Assembly to give the go-ahead for the Minister to do that. We believe that that is a democratic oversight. It gives us scrutiny; it gives us ability to discuss with those stakeholders that could be affected to understand any unintended consequences. With that I would hope that Members will be able to support our amendment. I will be taking it in 2 parts, as I indicated before, and hope that Members will support the panel.

The Deputy Bailiff:

Which part would you like to take first?

Deputy H.L. Jeune:

We can take Article 17, deletion of Article 17, which I believe is part 3. I have to go back all the way ...

The Deputy Bailiff:

It is part 2.

Deputy H.L. Jeune:

Part 2, there you go, I did not have to go all the way back to the beginning ...

The Deputy Bailiff:

You wish part 2 to be taken separately from the other parts.

Deputy H.L. Jeune:

Yes, please, Sir.

The Deputy Bailiff:

Very well. Do you call for the *appel*?

Deputy R.J. Ward:

Sir, can I just confirm, part 2 is whether or not we delete Article 17?

The Deputy Bailiff:

Delete Article 17, yes.

Deputy M.R. Scott:

Sir, please.

The Deputy Bailiff:

Sorry, Deputy Scott.

Deputy M.R. Scott:

What specifically are we voting on, part 2 now or the ...

The Deputy Bailiff:

We are voting on part 2 now, which is the deletion of Article 17. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting in relation to part 2 of the third amendment.

POUR: 23		CONTRE: 24		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Clement		Connétable of St. Brelade		
Connétable of Grouville		Connétable of Trinity		
Connétable of St. Saviour		Connétable of St. Peter		
Deputy C.F. Labey		Connétable of St. Martin		
Deputy L.M.C. Doublet		Connétable of St. John		
Deputy I. Gardiner		Connétable of St. Ouen		
Deputy K.L. Moore		Deputy G.P. Southern		
Deputy Sir P.M. Bailhache		Deputy M. Tadier		
Deputy T.A. Coles		Deputy S.G. Luce		
Deputy B.B. de S.V.M. Porée		Deputy K.F. Morel		
Deputy D.J. Warr		Deputy M.R. Le Hegarat		
Deputy H.M. Miles		Deputy S.M. Ahier		
Deputy J. Renouf		Deputy R.J. Ward		
Deputy C.D. Curtis		Deputy C.S. Alves		
Deputy R.E. Binet		Deputy I.J. Gorst		
Deputy H.L. Jeune		Deputy L.J. Farnham		
Deputy A. Howell		Deputy S.Y. Mézec		
Deputy R.S. Kovacs		Deputy M.R. Scott		
Deputy A.F. Curtis		Deputy L.V. Feltham		
Deputy K.M. Wilson		Deputy M.E. Millar		
Deputy L.K.F. Stephenson		Deputy T.J.A. Binet		
Deputy M.B. Andrews		Deputy M.R. Ferey		
		Deputy B. Ward		

The Deputy Bailiff:

Thank you. Then we move on to the second part of the vote, so that is in relation to parts 1, 3 and 4 of the third amendment. If Members have returned to their seats, I will ask the Greffier to open the voting.

POUR: 23		CONTRE: 24		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Clement		Connétable of St. Brelade		
Connétable of Grouville		Connétable of Trinity		
Connétable of St. Saviour		Connétable of St. Peter		
Deputy C.F. Labey		Connétable of St. Martin		
Deputy L.M.C. Doublet		Connétable of St. John		
Deputy I. Gardiner		Connétable of St. Ouen		
Deputy K.L. Moore		Deputy G.P. Southern		
Deputy Sir P.M. Bailhache		Deputy M. Tadier		
Deputy T.A. Coles		Deputy S.G. Luce		
Deputy B.B. de S.V.M. Porée		Deputy K.F. Morel		
Deputy D.J. Warr		Deputy M.R. Le Hegarat		
Deputy H.M. Miles		Deputy S.M. Ahier		
Deputy J. Renouf		Deputy R.J. Ward		

Deputy C.D. Curtis		Deputy C.S. Alves		
Deputy R.E. Binet		Deputy I.J. Gorst		
Deputy H.L. Jeune		Deputy L.J. Farnham		
Deputy A. Howell		Deputy S.Y. Mézec		
Deputy R.S. Kovacs		Deputy M.R. Scott		
Deputy A.F. Curtis		Deputy L.V. Feltham		
Deputy K.M. Wilson		Deputy M.E. Millar		
Deputy L.K.F. Stephenson		Deputy T.J.A. Binet		
Deputy M.B. Andrews		Deputy M.R. Ferey		
		Deputy B. Ward		

9.3 Draft Animal Welfare (Jersey) Law 202- (P.97/2025): second amendment (P.97/2025 Amd.(2))

The Deputy Bailiff:

In that case we move to the Minister's second amendment. Minister, do you wish to propose the second amendment? Sorry, Greffier, would you please read the second amendment?

The Greffier of the States:

Page 31, Article 34 – In Article 34 – (a) in paragraph (2), for “(1)(b)” substitute “(1)(c)”; (b) after paragraph (4) insert – (5) Before making an Order under this Article the Minister must inform each Scrutiny Panel established under Standing Orders to which is assigned scrutiny of matters relating to animal welfare legislation.

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

There was a time I wondered if I would get to propose this, but I will do. Some Members may have looked at this amendment and thought it was worthy of some support and, consequently, voted in the last 2 amendments as they did. Firstly, I just want to amend a typo substituting (b) by (c) in the Article 34 paragraph (2) to ensure that all the cross-references are correct. I just want to go on to say that following discussions with the panel, I am proposing to provide the panel with more assurance and a mechanism to ensure overview of Orders made under the Animal Welfare Law. To that effect, I propose the addition in Article 34 of paragraph (5) to make it a legal requirement for the Minister of the day to inform the Scrutiny Panel before making Orders under the law. I trust this will give security to Scrutiny, and the insurances that they need. This amendment may allow Scrutiny to examine any planned Orders and prevent the Minister of the day from making significant changes without any checks and balances, ensuring oversight. I trust this is a pragmatic way to ensure oversight without any major changes to the law and avoiding unintended consequences of a more significant amendment. It allows for better oversight, as I said, without compromising animal welfare. It allows the Minister to respond quickly when required and when animal welfare is at risk. I would like to think that my approach strikes a balance between accountability and practical flexibility, and promotes the ongoing collaboration between Scrutiny and myself, which we have done. I know Scrutiny is a critical friend - they have been critical in this last debate - but we have come to a conclusion. I am grateful for their criticism and their collaboration when we do work together on this.

[14:45]

For Members' information, in Article 34 I am going to make a substitution, Article 34: “(b) after paragraph (4) insert - (5) Before making an Order under this Article the Minister must inform each Scrutiny Panel established under Standing Orders to which is assigned scrutiny of matters relating to animal welfare legislation.” That is my proposal and I very much hope that Members will support it.

The Deputy Bailiff:

Thank you, Minister. Is the second amendment seconded? **[Seconded]** Does any Member wish to speak on the second amendment?

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

While I welcome that the Minister has responded to concerns raised through the panel's Animal Welfare and Control Review, I must be clear that the panel believes that this amendment does not solve the issue at heart. The proposal before us suggests that Scrutiny Panels are simply informed before an Order is made, but awareness is not the same as oversight. Being told after a decision is effectively made does not give Scrutiny any meaningful opportunity to challenge, shape, or influence that decision, especially in public. At the heart of this is a much bigger concern. We have talked about it already through our amendment that was narrowly defeated by one, the law would still allow a Minister by order to introduce new licensing schemes for a wide range of animal-related activities, potentially extending well beyond current policy intentions. This would then mean that though the Scrutiny Panel would be told about it, it could be told that there is no time limit on this. So, it means we could be told a few minutes before lodging, for example. We do not know when this would be told, but if we are being told a couple of weeks before, what is the *vires* within this to help Scrutiny to be able to talk to the Minister and be able to give input to these Orders. That is not listed in this at all. It does not give any of that accountability, oversight, and public scrutiny that we would desire if instead regulation would come to us but rather an Order, because an Order can be very quietly put into the domain at the last minute and Scrutiny only told ... and we have had that, I am afraid, on a number of occasions where we have only received, maybe a few hours before it going live, specific information about an Order. So we do not believe that this removes any flexibility for the Minister and it just ensures that a decision ... though I understand that maybe many Members will see this as an olive branch from the Minister - and especially in regards to our close defeat last time - for us, as Scrutiny, we looked at this amendment and we felt that still we do not want to become part of something that we could be complicit on, and we would be seen by the public to be part of receiving that information and not being able to question in public about that information because that information has not been put in the public until the Order has been lodged. We feel that limits Scrutiny and ties Scrutiny's hands behind their back to be able to do the oversight and the accountability work that we need to do. For that reason, the panel does not agree with this amendment, and we would ask Members to reject the amendment.

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

I sympathise with the chair of the Scrutiny Panel that this seems a poor second best to her and the panel, but I do wish to point out that it, nevertheless, is better than the situation that we already have. When I was the chair of a Scrutiny Panel, as we all do, we do get copies of Orders when they have been made, and I believe under law there is a 2 week period - although I may have to check that with the Attorney General - where the States Assembly could resolve to have them reversed. Perhaps I could ask the Attorney General to check that?

The Deputy Bailiff:

Mr Attorney, you are being asked whether there is provision under the law where if an Order is issued by a Minister, is there the ability for the States Assembly to ask for a debate in relation to that Order and, if so, within what time period?

The Attorney General:

I was rather hoping that others might know the timeframe under Standing Orders, but the effect of lodging an Order is that any Member can lodge a proposition to debate that Order with a view to having it annulled. I think that is the Legislation Law; I would have to turn it up to be doubly sure, but I am confident that is the legal procedure. I am not sure I know the timeframe.

Deputy M.R. Scott:

Thank you. So unlike Ministerial Decisions - and in this respect I have had difficulty with some of the provisions in the Planning Law where the Minister can make decisions and they just cannot be annulled in this way - Orders at least there is a period whereby the States Assembly can choose to annul them. This amendment allows the Scrutiny Panel just a little bit more of a highlight that such an order is being made, and just a bit more time, therefore, to consider exercising these rights, so I will support this amendment.

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

I will be brief, and the A.G. might assist. I believe it is Article 11 of the Legislation Law, and subordinate legislation may be annulled no later than 3 sittings. But that is by the by. As the chair says, I think this objectively makes the law worse. I think bringing in a notification to Scrutiny without any statutory power to call it in, any mechanism of recall, is not a good way of performing. I am not aware of any other Order-making power that has such an informing provision, and I do not think it is something we should adopt in our legislative formatting. Therefore, while it is well-intentioned, clearly those who are currently the active Scrutiny members do not want this, do not think it is the right mechanism, and I do believe the law would be better to follow standard drafting: "The Minister may by Order" and obviously if they do not inform, if they are not consultative, then they are probably not working well with Scrutiny. But this is not commonplace and should be rejected outright.

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

I agree with Deputy Curtis and with the chair of the Scrutiny Panel. We have an established constitutional procedure in relation to regulations and Orders. We require matters to come before the States and be enacted by regulation. If they are matters where the principle requires that the Assembly should take a view on the matter. An Order is a technical, minor matter which everyone is satisfied can be delegated to the Minister to decide. This is a sort of hybrid, which I think we have never enacted before. It is an extremely bad precedent, for all the reasons given by the chair of the panel. The trouble with enacting provisions like this is that the legislative drafter will tend to follow them if any Minister in future thinks that he does not really want to be bothered with a regulation-making power by the States, but he thinks he might not be able to get away with making a provision for an Order-making power. This is a kind of hybrid which can be slipped in to satisfy Members of the States who think that there should be a regulation-making power. All that demonstrates, to my mind, is that the Minister should really have accepted the amendment of the Scrutiny Panel, which was so narrowly defeated. It is a shame that we failed to adopt that course, but this I think is wholly undesirable for all the reasons that others and I perhaps have given, and I am going to vote against it.

The Deputy Bailiff:

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

Deputy S.G. Luce:

Can I start with a question? Am I at liberty to withdraw this amendment at this point if I wish to do so?

The Deputy Bailiff:

Minister, you would need the leave of the Assembly to do that.

Deputy S.G. Luce:

Can I ask the Assembly whether they would give me leave to withdraw the amendment?

The Deputy Bailiff:

The proposition is to withdraw this amendment. Is that seconded? **[Seconded]** Is there anything you wish to say in relation to the proposition, Minister?

Deputy S.G. Luce:

I think there is very little say. I can only agree with Deputy Bailhache and Deputy Curtis. I did this in order to try to make it easier for Scrutiny and myself. I am going to find myself arguing for scrutiny while Scrutiny argue ... it will get really complicated. I think I am happier to withdraw.

The Deputy Bailiff:

Does any Member wish to speak on the proposition to withdraw this amendment? If no other Member wishes, would the Members kindly show? The proposition is to withdraw the amendment. The proposition is adopted and the second amendment is withdrawn.

9.4 Draft Animal Welfare (Jersey) Law 202- (P.97/2025) - as amended (P.97/2025 Amd.) - resumption

The Deputy Bailiff:

In that case we return to the Articles. Does any Member wish to speak on the Articles?

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

Many of the points around some of the main topics have been made. I would like to highlight though that, as drafted, straying livestock is part 4, Articles 14 through 17. There has been cause for concern as to whether straying livestock should be an offence outright and I would say, from my personal view, the Scrutiny Panel heard that while livestock stray the current method of making sure livestock are safe and addressed work. The Honorary Police basically said - and I do not wish to paraphrase - we know how to handle it, this is something that Jersey has done. Members may wish to take a personal decision on whether we include part 4, straying livestock, at all. So, I am just giving notice in this part of the speech that I would like Articles 14 through 17 voted on separately.

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

I rise as the chair of the Scrutiny Panel just to highlight and briefly summarise the findings of our review, which we took when we called in this after the principles. As I said during the principles debate, the panel is in broad support of the intent of this legislation. There is broad agreement that Jersey's existing framework is out of date, that reform is necessary to improve animal welfare, strengthen enforcement, and move towards a more preventative system rather than one that reacts after harm has occurred. We heard consistent evidence that there are gaps in the current law that at times limited the abilities of agencies to intervene early with animals effectively falling through the cracks. That cannot continue. However, our review also identified a number of significant concerns and when legislation affects everyday life - such as farmers managing livestock, dogwalkers, groomers, inspectors responding to welfare concerns - it must be clear, proportionate and workable in practice, and it also must be accountable. We identified as a panel a number of issues that we are looking forward to the Minister to be responding to the review as soon as possible. First, there was a short consultation period for legislation of this scale, which limited the ability for stakeholders to fully engage. Stakeholders, from farmers to charities, told us that parts of the draft law were still unclear and that insufficient consultation had led to uncertainty about some of the provisions and how they would operate in practice. Second, there was a lack of clarity, particularly around shared responsibility for animals - an issue that arises frequently in real-life situations from temporary care of an animal to professional services. Thirdly, confusion across enforcement agencies. We had a specific hearing where we had the States of Jersey Police and the Chefs de Police come to talk to us specifically on the Animal Welfare Review, and we heard clearly that unclear roles and responsibilities are leading to misdirected calls, inconsistent responses, and unnecessary pressures on

policing resources. It is not just an operational issue; it affects public confidence in the system. We heard that some existing offences are difficult to enforce in reality, with low prosecution rates and a high evidential threshold. That raises questions about whether the new framework will genuinely improve outcomes, and that it is both clear and workable.

[15:00]

The panel came across 2 of the concerns, which of course we have already tackled through our amendments, and I fully support Deputy Alex Curtis in taking the livestock straying as a separate vote. But reform must ensure clear agency roles, accessible public guidance and proportional provisions, particularly for livestock, and appropriate Assembly scrutiny where significant regulatory change is proposed, especially because this will impact local businesses and individuals. Encouragingly, we did see strong support for the preventative approach, and so we really hope that all those agencies that we have identified and talked to, and stakeholders that have contacted us, can work together to work on better awareness and education so there is clear understanding from the public about what roles and responsibilities are across agencies. This law could make that real difference but, unless people understand it, it will be really difficult to implement, or there could be unintended consequences of a lack of trust and misunderstanding in how the law is implemented, which could have a detrimental effect for animals, as well as for those who are looking after animals. It is something we will talk about under the Dogs Law, there is fragmentation under Jersey's animal control framework. There are multiple laws, inconsistent rules, unclear definitions and poor signposting or understanding and guidance for Islanders. Though this is a subject for another debate, I think it is important that we recognise this within this law, and we highlighted it in our review because it does undermine compliance and it does undermine trust when there is little understanding in the public of whose responsibilities these are and who Islanders should report to. With that being said, I would really like to thank those who contributed to the review, enforcement agencies, farming representatives, animal welfare organisations, Comité des Connétables and members of the public, because their practical insight has directly shaped our recommendations and the amendments that have come before. The panel looks forward to receiving a response from the Minister to our findings and recommendations and follow up if this law is adopted.

The Deputy Bailiff:

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

9.4.3 Deputy S.G. Luce:

I will try to be brief. Yes, of course, I will respond in the allotted timeframe, and I will continue to work with Scrutiny on this. We have had 2 sides of an argument, but this is about shared responsibility between owners and keepers, and very clearly there is shared responsibility there. If somebody is responsible for an animal, it may be on that particular day they are looking after them. I want to point out to the Assembly, when we talk about straying it is not an offence, it is not a criminalised offence to stray. The offence is to not take notice when an inspector has told you to do better. So, you could have animals in a field, you could fence them in, you are not committing any offence. An inspector turns up and says: "That is not good enough, you must do better." If you fail to take notice and take action, that is when you start falling foul of the law, and that is where the needs of animals need to be taken into account, versus on the other hand the inconvenience to the keepers. This law is about increasing animal welfare; that is why keepers need to take a little bit more responsibility. But I will leave it there. I accept that Deputy Curtis wants part 4 taken separately, and that is fine by me. I will take it in 3 sections, but I would say to the Assembly, if we do not adopt part 4 the ability for veterinary officers and inspectors to act is removed, and all the responsibility will fall on 2 people - the first is the police and the second is the Honorary Police, because they are the only ones who would have any *vires*. They will not be happy about that, but

that is for another day. I just want to say if we do not vote in favour of part 4, the ability of my veterinary officers to act will be removed. But I will leave it there. We will take this in 3 sections, the first section would be parts 1 to 4 ...

The Deputy Bailiff:

One to 3, is it not?

Deputy S.G. Luce:

One, 2 and 3, it is better for me to say it that way. We will take 1, 2 and 3 first, and I would like to call for the *appel* please.

The Deputy Bailiff:

The *appel* is called for. The first vote will be in relation to parts 1, 2 and 3 of the Articles. I invite Members to return to their seats. If all Members have now returned to their seats, I ask the Greffier to open the voting in relation to parts 1, 2 and 3 of the Articles.

POUR: 46		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				

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

The Deputy Bailiff:

Minister, would you like to take part 4 of the Articles?

Deputy S.G. Luce:

If I could please, Sir.

The Deputy Bailiff:

You call for the *appel*?

Deputy S.G. Luce:

I do.

The Deputy Bailiff:

The *appel* is called for. I ask the Greffier to open the voting in relation to part 4 of the Articles, so Articles 14 to 17.

POUR: 39		CONTRE: 6		ABSTAINED: 0
Connétable of St. Helier		Deputy D.J. Warr		
Connétable of St. Lawrence		Deputy H.M. Miles		
Connétable of St. Brelade		Deputy H.L. Jeune		
Connétable of Trinity		Deputy A. Howell		
Connétable of St. Peter		Deputy T.J.A. Binet		
Connétable of St. Martin		Deputy A.F. Curtis		
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				

Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Deputy Bailiff:

Minister, do you call for the *appel* in relation to parts 5, 6 and 7 of the Articles?

Deputy S.G. Luce:

I do please, Sir.

The Deputy Bailiff:

The *appel* has been called for. I will ask the Greffier to open the voting in relation to parts 5, 6 and 7 of the Articles.

POUR: 45		CONTRE: 2		ABSTAINED: 0
Connétable of St. Helier		Deputy K.L. Moore		
Connétable of St. Lawrence		Deputy A.F. Curtis		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Deputy Bailiff:

We will move on to Third Reading. Minister, do you wish to propose the matter in Third Reading?

9.4.4 Deputy S.G. Luce:

I do, Sir.

The Deputy Bailiff:

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

Deputy S.G. Luce:

I would just like to thank Members for their input into this debate. Clearly, we have had some disagreements which we have sort of resolved, but I commit to continuing to work with the Scrutiny Panel while I can. I will be responding to them. I would just like to thank my officers in my department and Law Drafting officers. This is a major revamp of animal welfare in this Island. As I said in my opening speech, the 2004 law that is being replaced today was based on legislation in the U.K., which went back to the early 1900s, so it is a major step forward for us. It puts us at a good equivalence with the U.K. and the E.U., which stands us in good stead and shows us as a responsible jurisdiction when it comes to animal welfare. I commend it to the Assembly and hope for some support.

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading ...

Deputy S.G. Luce:

I call for the *appel* please, Sir.

The Deputy Bailiff:

You call for the *appel*. The *appel* is called for and, if the Greffier is ready, I ask the Greffier to open the voting.

POUR: 46		CONTRE: 1		ABSTAINED: 0
Connétable of St. Helier		Deputy A.F. Curtis		
Connétable of St. Lawrence				
Connétable of St. Brelade				

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

10. Draft Dogs Law (Jersey) Amendment Regulations 202- (P.43/2026)

The Deputy Bailiff:

We move on to the second item of Public Business, which is the Draft Dogs Law (Jersey) Amendment Regulations, P.43. Members will recall that the minimum lodging period was reduced this morning. The regulations are lodged by the Environment, Housing and Infrastructure Scrutiny Panel, and the main respondent is the Comité des Connétables. I will ask the Greffier to read the citation please.

The Greffier of the States:

Draft Dogs Law (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 13C of the Dogs (Jersey) Law 1961.

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

This proposition comes from the work of the Environment, Housing and Infrastructure Scrutiny Panel during our Animal Welfare and Control Review, and it is before the Assembly for a simple reason: that the current law does not work well enough to prevent livestock worrying. The issue was first brought to the panel's attention by a local farmer during the Dogs Law amendments that the Comité des Connétables brought late last year. That farmer raised concerns that the legislation did not properly address the very real problems faced by those who keep livestock on our Island. When we began to explore the issue further it became clear that this was not an isolated concern. The same message was repeated by a number of stakeholders; I believe some of the Assembly Members have received letters to such an effect in the last few days. Messages from the Jersey Farmers Union, the Conservation Grazing Group - which also includes the Government Land Resources Management team - the National Trust, the Jersey National Park, and even the New Era Veterinary team, managing conservation grazing sites run across over 40 sites in Jersey that include farmland, meadows, coastal, dunes, and woodland. There are about 500 sheep delivering an estimated £500,000 of environmental value to the Island each year. They described a situation where livestock worrying, particularly involving sheep, is not only happening but appears to be increasing. Dogs are being exercised off lead in areas where livestock are grazing and too often owners either do not realise the risk, or underestimate the consequences. When a dog chases sheep it can cause injury, miscarriage in pregnant ewes, and in some cases the death of animals through stress of exhaustion. Even when there is no direct physical injury the welfare impact can be significant. For farmers and those responsible for conservation grazing the consequences are both financial and emotional. This is their livelihood, as well as an animal welfare issue. Yet despite this, the evidence given to the panel was that the current law is extremely difficult to enforce. During our public hearing with the States of Jersey Police and the Comité des Chefs de Police we were told that investigations into livestock worrying are very difficult and prosecutions are rare. In practice, unless there is clear injury or death, enforcement agencies often have little option beyond offering advice. Members will appreciate why that is a problem. By the time harm has occurred the damage has already been done to the animals, to the farmer, and to the wider rural community. It is clear that the vast majority of incidences - probably around 90 per cent - are unintentional so this amendment, therefore, introduces a preventative element into the law, just like the Animal Welfare Law that we have just passed. A dog will be considered to be worrying livestock if it is off the lead or not within 5 metres of the person in charge on agricultural land where livestock is present. This does not create an unreasonable burden on dog owners; it simply establishes a clear expectation of close control when livestock is present. Members will be aware that dog ownership has increased significantly, by around 25 per cent in the last 5 years, which makes clarity in the law even more important. Members will also see that sensible exemptions are included for police dogs, farmers on their own land, and for those authorised by the landowner or livestock owner.

[15:15]

It is also important to emphasise that this amendment does not change existing permissions for dogs to be off lead in public parks. Those arrangements remain. This provision only applies when livestock is present. The panel also conducted a Children's Rights Impact Assessment as part of bringing this amendment forward. The overall conclusion was that this amendment does not create new risks but provides clearer expectations. It does not introduce a new form of liability for children. The existing Dogs Law from 1961 already applies to both the owner - which could be someone above the age of 16 - and any person in charge of a dog, without defining a minimum age. That position remains unchanged. What this amendment does is modestly widen the circumstances in which the

existing offence may apply. While the law technically allows for any person in charge of a dog to be liable, we were reassured by evidence that prosecution rates are very low and that issues are overwhelmingly dealt with through advice. This re-enforces that the intention is education and prevention, not punishment. On the other hand, there are clear positive impacts. By setting a clearer and more objective expectation for dog control near livestock, the amendment supports better understanding of responsible behaviour, including among young people, and contributes to safer rural spaces. It also reduces the risk of children witnessing distressing incidences involving livestock, and supports the well-being of farmer families whose livelihoods depend on those animals. In fact, by reducing the likelihood of incidences this amendment supports safer shared use of the countryside, benefiting families, children, and our wider community. What this amendment does is give enforcement agencies a practical tool to act before harm occurs, rather than after it. It also brings Jersey more closely into line with provisions that already exist in the U.K. The panel did not bring this amendment lightly. We recognise that responsible dog owners make up the vast majority of people who enjoy walking their dogs across the Island. This amendment is not about penalising them; it is about closing a clear gap in the law, identified by farmers, conservation groups, and enforcement agencies alike. It is about protecting livestock and supporting those who manage our countryside. It is about ensuring responsible dog ownership, including understanding the impact dogs can have on other animals. Education and awareness will be key, including clear, consistent signage where livestock are present. Members, as a dog owner as well, I believe that this is proportionate and a preventative measure. It responds directly to the concerns raised and provides a clear, more enforceable framework. For those reasons I do encourage Members to support our proposition.

The Deputy Bailiff:

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

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

I am grateful to the panel for bringing this amendment. As the chair indicated, we have discussed this with the person responsible for the 500 sheep in the Island. I am also very sympathetic towards the situation he and his team find themselves in, in that they are finding their sheep attacked by dogs unknown and they are having to deal with these unfortunate animals who very often lose their lives as a result. There is not an easy answer, and it is all about signage, education, escalation, and then enforcement. The police have difficulty very often in proving who the owners are who own these dogs who might have attacked the sheep, and I think this is a step in the right direction. It is a tool for the police to be able to deal with these situations where animals are being worried. Effectively, it is one of those things where it would be easy not to support because we have got stakeholder engagement, and you might say stakeholders in this case are dog owners. With several thousand dog owners on the Island, I cannot say that we have engaged with all of them and got their views. It is probably towards as clear and workable in practice as it can be. I think the offences, if created, will be quite difficult to enforce when it comes to Parish Hall Inquiries or Magistrate Court decisions, so I think the focus will have to be on a preventative approach, awareness from the point of view of the general public and a realisation of responsibilities of being a dog owner. I have never liked supporting laws which are unpoliceable, but we have got a grey situation with worrying where we have to give - as I alluded to earlier - some tools to the police to be able to do it, and I think this is the best way to do it so I am pleased to be able to support the amendment.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles I call up on the chair to reply.

10.1.2 Deputy H.L. Jeune:

I will just be brief. I thank the Chef des Connétables for his words. I think this really is about a balance between rural realities and rural livelihoods, and we are talking about businesses here as well as those who are also doing conservation work for the Government at a much lesser cost through the use of animals and sheep than trying to use machinery; that would be much more costly and also environmentally degrading as well. I think that is important to make that balance but also understanding that the dog owners need to have places in Jersey to exercise their dogs and to be with their dogs. As a dog owner, of course I enjoy finding new places to walk with my dog. As we identified in the review and as I said under the Animal Welfare, a recommendation in our review is that this wide issue of control needs to be looked at in the whole. Though we see this as a particular amendment, we felt that we could bring now at this stage because it was a particular call as somebody with a business and a livelihood has seen a real impact of the increase in dog ownership and the increase of unfortunately some who are irresponsible when walking their dogs around their business, livelihoods, and animals for that matter, and the impact that has on the animals' welfare themselves. We felt this is what we could do now, but we do call for a stronger review around all the different frameworks because we had to look at a number of laws, Roads Law, the Policing of Parks and Gardens Law; there were many elements. It is confusing for dog owners to understand their responsibilities, so I do call upon the stakeholders, including the Connétables, to be able to work to ensure that there is clear information for dog owners to understand where they can and cannot walk their dogs, whether at all, on the lead, off the lead, at different times of the year. It is difficult out there to navigate and it is important to get that in. But for this particular amendment we felt we could really make an important impact for local businesses who are seeing the impact of their livelihoods being affected by attacks from dogs.

The Deputy Bailiff:

The *appel* is called for?

Deputy H.L. Jeune:

Yes.

The Deputy Bailiff:

I ask Members to return to their seats. If all Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

POUR: 41

Connétable of St. Helier
Connétable of St. Lawrence

CONTRE: 2

Deputy A. Howell
Deputy T.J.A. Binet

ABSTAINED: 0

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

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

Deputy T.J.A. Binet:

I will register that was a mistake, Sir.

The Deputy Bailiff:

Very well, we move on to the debate on the regulations in Second Reading. How do you wish to propose the regulations in Second Reading, Chair?

10.2 Deputy H.L. Jeune:

En bloc please.

The Deputy Bailiff:

En bloc. Do you wish to speak in relation to the regulations?

Deputy H.L. Jeune:

I believe I have said all that needs to be said and hope that Members will support this in Second Reading.

The Deputy Bailiff:

Does any Member wish to speak on the regulations? If no Member wishes to speak I close the debate. I assume there will be no reply.

Deputy H.L. Jeune:

No, Sir. I call for the *appel*.

The Deputy Bailiff:

You have called for the *appel*. In that case I ask the Greffier to open the voting.

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

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

The Deputy Bailiff:

Do you wish to propose the matter in Third Reading, Chair?

10.3 Deputy H.L. Jeune:

Yes, Sir.

The Deputy Bailiff:

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

10.3.1 Deputy A.F. Curtis:

I know others have said about businesses, and obviously animals, but it is important to remember that this is about as much animal welfare and not the businesses who are husbanding those animals. I think all Members were circulated comments by the Jersey Farmers' Union in a letter to Scrutiny in which they say this will be the biggest improvement to our farm animal welfare legislation in decades, and it will help us prevent many animal welfare issues before they occur. So, I think we should commend this as a good piece of animal welfare legislation.

10.3.2 The Connétable of St. Brelade:

My comment was just to refer to the letter received from the Children's Commissioner, which I could not quite understand the thrust of that point. While one respects comments from the Commissioner, I think she was possibly misguided in her view as to what this law was seeking to achieve. I, in summary, am pleased to support the law in Third Reading.

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? Deputy Jeune, do you wish to reply?

10.3.3 Deputy H.L. Jeune:

I thank Deputy Curtis for specifically highlighting those important words from the Jersey Farmers' Union. I would like to thank the National Trust, Jersey National Park, and also those particularly who are livestock keepers who have raised their concerns and the needs of this legislation and how important it is going forward. This needs to be looked at as part of a wider review on animal control, and that does need to be looked at in the round to make all Islanders understand their roles and responsibilities so it does not, by mistake, make people criminally liable for something that they did not know about. That is really important and it is the responsibility of those who were within this, and the stakeholders, to make sure that dog owners really know that they are entering a site where livestock is. With the information around the Commissioner for Children, it would be good in the future if we could have more of a dialogue with the commissioner to understand their concerns and be able to relay how we had done the amendments that were a tweak to a law that potentially needs to be looked at in that round, related to what the commissioner has related to, whether it was something that was not in the *vires* for the Scrutiny Panel. But we did issue a C.R.I.A. (Children's Rights Impact Assessment) and we hope that Members were able to take satisfaction from our C.R.I.A. that we looked at the impact to children, and we saw that there was a balance and we wanted to carry on with this amendment. So, I would like to just thank officers and those who have taken their time to support the panel in doing so as well. Thank you, I call for the *appel*.

[15:30]

The Deputy Bailiff:

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy G.P. Southern				

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

11. Treating Children as Children (P.14/2026)

The Deputy Bailiff:

We move on to the next item of Public Business, which is Treating Children as Children, P.14 of 2026, which has been lodged by Deputy Bailhache. The main respondent is the Minister for Education and Lifelong Learning. Two amendments have been lodged to the proposition; one by Deputy Bailhache and another by Deputy Gorst. Deputy Bailhache, do you wish to propose the proposition as amended by your own amendment?

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

I wonder if I can propose my proposition unamended because I think that if Deputy Gorst's amendment is adopted my own amendment will fall and, therefore, there is no need to debate it.

The Deputy Bailiff:

Very well. Deputy Bailhache, are you minded to adopt the amendment lodged by Deputy Gorst?

Deputy Sir P.M. Bailhache:

I would like to reserve my position on that because I would like to hear what Deputy Gorst has to say.

The Deputy Bailiff:

Very well. I invite the Greffier to read the main proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Minister for Education and Lifelong Learning to replace the existing Trans Inclusion Guidance (Non-statutory guidance for C.Y.P.E.S. (Children, Young People, Education and Skills) including schools and educational settings in Jersey) published on 17th March 2025 with the document entitled "Treating children as children: a safeguarding approach to trans-identifying children and adolescents in Jersey schools" contained in Appendix 1 to the report accompanying this proposition and to make this available to all schools and educational settings.

11.1 Deputy Sir P.M. Bailhache:

I appreciate that this is a sensitive subject upon which strong views are held, and I will express myself carefully. Since lodging this proposition, I have spoken to a great many people on both sides of the argument. Most importantly, perhaps, I met 2 gender-questioning young people aged 12 and 14 at their request, and I want to say - because they may be listening - that their contributions were extremely helpful. It is clear, as was stated by Dr Hilary Cass in her report in 2024, that there is a wide divergence of views as to how to deal with children and young people who feel anxious about the biological state into which they were born. The evidence - as Dr Cass said - is sparse, the dangers of transition not fully understood, and any benefits perhaps not fully appreciated either. A cautious approach seems sensible. Having said that, I fully respect the right of adults to change their gender and to choose who they want to be. They should be free to take decisions about their own bodies. But we should be clear that we are not debating trans adults or their rights; we are talking about children. As the proposed guidance states, children cannot accurately be described as trans. Young children are still learning to distinguish between reality and fantasy. That is why they can believe in Father Christmas. Adolescents are beginning to discover their sexuality and orientation. Their identity is fluid. Treating an adolescent as a trans person, as if their identity were fixed, is harmful because it may cement an impression which might otherwise have faded away. Children should be treated as children. That does not mean that their voices should not be heard; of course they should be listened to, but listening to children does not mean that they should mandate what adults do. Having listened to the child, adults should take appropriate decisions having regard to their duty to safeguard that child, and indeed all children. An adult cannot abrogate his or her duty to do the right thing for children by leaving it to the child to decide what the right thing is. That ought not to be controversial. The main issue today is what is the right thing for the adult - teachers in particular - to do when faced with a gender-questioning child. This debate is about safeguarding and not about equality and diversity. Treating children equally goes without saying, but safeguarding seems to mean different things to different people. What I mean by safeguarding is protecting the child so that he or she can grow up into an adult able to do all the things that adults do, enjoy a fulfilling sexual relationship, have children maybe, and enjoy life to the full. None of those doors should be closed by decisions made while the child did not have sufficient maturity to understand the consequences of their actions. Sometimes that means not giving adult validation to a decision that the child wishes to make. I illustrate that point by telling Members a true story of an attractive, rather petite, girl who in 2021 was a 16 year-old student at a Jersey secondary school. She socially transitioned to become a boy; a decision which the school facilitated by using a new name, male pronouns, and treating her as if she were a boy; all as set out in the schedule to the existing guidance. She took cross-sex hormone tablets, her voice dropped and she grew facial hair. After school she went to university and there realised that she had made a terrible mistake. She de-transitioned to live as a young woman but

must still cope with unwanted facial hair and other male attributes. She has, for the present, lost her good looks. I think that was a tragedy, facilitated by a breach of the school's duty of safeguarding, which was encouraged by the department's existing guidance. It is unsurprising, in my view, that more than 1,000 people signed the petition seeking to revoke the guidance. Members will have received an email from the vice-chair of the governing body of Hautlieu, criticising the current guidance. His concern, he said, is grounded primarily in safeguarding. *Inter alia* he wrote: "The guidelines give insufficient weight to the findings of the U.K. Cass Review, a 4-year independent research programme examining how best to support children identifying as trans. One of its key conclusions is that caution should be exercised when children seek to socially transition, rather than automatically adopting an affirmative approach." The existing guidance is not cautious about social transitioning; in fact, it endorses it. There are 2 possible approaches to the gender-questioning child; they are the watchful waiting approach and the gender affirmative approach. The watchful waiting approach is essentially neutral. It allows the gender-questioning child to express himself or herself. Adults can listen to the child, be kind, understanding, and empathetic. They should firmly squash any bullying of such a child, but they should not positively endorse or encourage what the child is saying. The watchful waiting approach was the norm until the emergence of the gender-affirmative approach generated by a new ideology about 15 years ago. The Minister has said that he endorses the watchful waiting approach, and his comments paper says it too. Unfortunately, it is not what the existing guidance says. The gender-affirmative approach involves the adult in the affirmation of the child's belief that he or she is of a different gender. That affirmation can take the form of acquiescing in name changes, the use of the wrong pronouns, and allowing the child to use toilets and changing rooms of the gender with which they identify. Boys can use girls' changing rooms and vice versa. Dr. Cass described gender affirmation as an active intervention in the life of a child, which may have significant impacts upon his or her psychological functioning and future outcomes. The Children's Commissioner has unfortunately been driven into the gender affirmation camp by her erroneous belief that the U.N. Convention on the Rights of the Child requires giving primacy to the child's right to do what he or she wants. I have discussed with the commissioner, and I am afraid that I simply do not agree with her interpretation of the Convention. The alternative guidance, drafted by Stephanie Davies-Arai, is firmly based upon watchful waiting. The first principle on page 16 states that children should be left to explore identity without being either shamed or affirmed. They should be free to express themselves as they see fit. The existing guidance asserts in 2 places that schools should or may adopt a watch-and-wait policy, but they are token assertions. The thrust of the guidance is gender affirmative. Social transitioning is described as a means of enabling children to explore their gender identity safely. It is not safe to encourage social transitioning. Social transitioning is a step towards medical transitioning. The Cass report stated: "Those who had socially transitioned at an earlier age were more likely to proceed to a medical pathway." Members may have different views on this, but I am clear that children and young people should not be encouraged to move towards a medical pathway. No child or young person, at a stage of life when they cannot know what they will feel like in 10 or 15 years' time, should be guided along that route. The Minister will probably say that the existing guidance does not do that, but it does encourage social transitioning which, according to Dr. Cass, is the first step. The existing guidance is muddled and contradictory, especially in relation to the use of toilets and changing rooms. Guidance on toilets states that staff should adopt a case-by-case approach but that, and I quote: "Accessing the toilet which corresponds to their gender identity can be extremely important. C.Y.P.E.S. therefore encourage schools to enable this wherever possible if asked for. A boy who identifies as a girl should therefore be permitted to use female toilets if he asks for it."

[15:45]

That is what the guidance says, although a few lines up it also states that separate toilet facilities for boys and girls aged 8 or over must be provided. The guidance contradicts itself. In relation to residential trips, the existing guidance states that, and I quote: "C.Y.P.E.S. recommends that so far

as possible, trans children and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity.” Put bluntly, boys who identify as girls should be permitted to stay overnight in girls’ dormitories. Then the guidance begins to equivocate by referring to the Keeping Children Safe in Education (K.C.S.I.E.) policy and stating that in allocating sleeping arrangements each child’s sex is relevant. So, what is the guidance saying? It then goes on to recommend discussion with the trans child or young person and their parents, and with friendship groups. No mention, however, of discussion with the parents of other girls who may find themselves sharing accommodation with a boy. It is hardly surprising that some parents have expressed astonishment at this gross safeguarding failure. Maybe in practice it does not happen, but why permit such nonsense to find its way into official guidance? Compare our existing guidance with the recently published draft U.K. guidance on K.C.S.I.E. Paragraph 105 of the U.K. guidance states: “Schools must not allow children into toilets designated for the opposite biological sex. This includes where schools are responding to a request to support any degree of social transition for children who are questioning their gender.” In paragraph 112 of the guidance says: “Schools must not allow a child aged 11 years or older at the start of the school year ... to undress in front of a child of the opposite biological sex to comply with their safeguarding duties. When responding to a request to support any degree of social transition, this must not include allowing access to changing rooms designated for the opposite sex.” That is very clear, and it accords with the judgment of the Supreme Court last year which also represents the law of Jersey. The proposed Jersey guidance states a little more succinctly: “Children have the right to single-sex facilities. This is vital for their safety, privacy and dignity. Toilets, changing rooms and residential accommodation must all be single sex. Where a gender-questioning child feels uncomfortable, provision such as a third space can be made available.” The proposed Jersey guidance is clear and lawful. The existing guidance is ambivalent and unlawful. Where the existing guidance states that the Discrimination Law entitles children to access facilities in line with their gender identity - that is at page 8 of the existing guidance if anyone wants to look at it - that is wrong in law. Indeed, there are many misleading references to the Discrimination Law and its effect in the guidance. The section on admissions to single-sex schools is also wrong in law. The Discrimination Law does not require the admission to an all girls’ school of a boy identifying as a girl. This is nonsense. I will not go into detail, but the same ambivalence can be found in the section on physical education and sport. I come to parents and their rights to be informed. The existing guidance states at page 22 that most parents will be involved in working in partnership with the school. But it also states that information about a child’s trans status should not be shared without the child’s consent. That is expressed as being an issue of confidentiality. Paragraph 32 states it is not obligatory for teachers to inform parents that a child is exploring their gender identity. Respecting the child’s confidentiality means that staff may be occasionally required, and I quote: “To use their legal names and the pronoun corresponding to their sex registered at birth.” This seems an extraordinary piece of advice to teachers. You must use the birth names and pronoun when talking to parents and not let them know that those are not the name and pronoun used in school. In other words, staff are required to deceive the parents. That kind of deception seems impossible to justify in the absence of safeguarding concerns. The proposed guidance, on the other hand, states that involving parents should be the default position unless there are safeguarding concerns regarding the family. That seems to me to be a sufficient discretion without requiring staff to deceive parents. One thing that has puzzled me until recently is why adult members of the trans community are so exercised about this proposition. We all have had long emails from trans adults and from Liberate, the advocate for trans rights. I have been asked several times to withdraw this proposition. The proposition concerns schools’ guidance. It does not directly affect the lives of trans adults. So, why the passionate opposition? I think that the answer is that they view so-called trans children as part of their own group. They want children who gender-question to transition. But should they? This is more likely to be a passing phase than anything permanent so far as children are concerned. Do we want children to transition? If we care about children, it is a question to which we need to give an honest answer. The existing guidance equivocates because it was so influenced by the trans

community in its drafting. Those on the other side of the argument were briefly consulted but excluded from the working party. My honest answer is no. Not because of any prejudice against the adult trans community, as I have made clear. They are absolutely at liberty to make those choices. My answer is no, because I do not want children to transition. It is a hard, painful, emotionally and psychologically difficult choice. It causes turmoil for parents. That is why children should not be encouraged to transition. Such choices should be made in later life. Social transitioning is an encouragement to medical transition. If children are not socially transitioned, 85 per cent of them will desist. If not encouraged, children grow out of these feelings. The chief executive of Liberate tried to persuade me that that figure was inaccurate, but my reading suggests that she is wrong. She has confused desistance, that is changing your mind at an early stage, with de-transitioning, which is changing your mind after medical transition. She takes statistics from the Cass report which relate to patients after medical intervention and, indeed, very few of those do de-transition. But academics looking at the picture before the trans ideology took root are broadly agreed that the average desistance rate, that is, giving up on gender change, was 85 per cent. That was under watchful waiting. If children are socially transitioned from early childhood, the latest comparative study shows that only 2.5 per cent desist. That is the difference between watchful waiting and affirmation by social transitioning. It seems to me obvious that children should not be encouraged to go down a route of trans sexuality. There is a line to be drawn, clearly, between supporting a gender-questioning child by listening, by trying to understand, by offering empathy on the one hand, and validating that child's beliefs by endorsing them on the other. The existing guidance seems to agree with that position that I have just outlined but then goes on to get the balance completely wrong. The M.O.U. (Memorandum of Understanding) checklist at appendix 2 of the existing guidance, which says that it is a note of a conversation between a child and a supporting teacher, is a classic example of activist affirmation, endorsement and validation of the child's belief. It is not neutral. It is encouraging the child down a transsexual pathway. It is just wrong. I think the proposed guidance on the other hand gets the balance right. I move the proposition.

The Deputy Bailiff:

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

11.2 Treating Children as Children (P.14/2026): second amendment (P.14/2026 Amd.(2))

The Deputy Bailiff:

We move to the amendment lodged by Deputy Gorst, and I ask the Greffier to read amendment.

The Greffier of the States:

Page 2 – Substitute the word “replace” with the word “review”. After the words “17th March 2025 with” insert the words “the review to be undertaken immediately after the June 2026 elections and completed by 31st December 2026 and to involve all interested parties (including parents of children potentially affected) and consideration of”. After the words “and to make” substitute the word “this” with the words “revised guidance subsequently”.

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

On the one hand this is a straightforward amendment. Members will know that the existing guidance proposes a review, and I apologise to Members for my report which says ‘May’ but it is March; proposes a review of the existing policy in March 2027. What this amendment does is to say, rather than exchanging the proposed guidance in Deputy Bailhache’s proposal and replacing the existing guidance, this keeps in place the existing guidance and proposes bringing forward the review that the department is already intending to undertake. It simply brings it forward a number of months. Why do I propose a review rather than the replacement of the guidance? Members who have been looking across the Chamber during the course of this debate will have heard Deputy Bailhache’s words about

watchful waiting and they will have seen the with movements of the Minister for Education and Lifelong Learning who believes that the existing guidance is sensible, reasonable and is a watchful waiting approach. What I am seeking to avoid in suggesting that the answer is a review means that there is no pre-determined outcome, there is no pre-determined position, but that Jersey should do what it really often does incredibly well.

[16:00]

It recognises that it is a small community, and sometimes difficult issues must be addressed in an appropriate way for a small community. My belief is that this issue is best addressed by the review that the Minister is proposing but brought forward in advance so that those conversations about watchful waiting, about social transitioning, about how schools and teachers handle these difficult, complicated but very personal and individual issues is best done through what has become understood elsewhere, in other matters, a process of co-production, a process of listening and listening actively, so that we can reach a set of guidelines where there can be broad consensus across the community. Sometimes I wonder if I am too hopeful, I wonder if I am too naïve because all of the media that we receive from elsewhere - not here - is of a divisive nature, is of an otherness nature, is of a conflict nature. In small communities we must do all that we can to avoid such divisiveness and such exclusion. It is in that spirit that I bring forward this amendment to seek to ask the Minister to bring forward his review and the review that the department has already proposed. There will be listening to counter-voices. That is not inappropriate in subjects like this, but what a process such as this can do is to seek to ensure that those extreme voices are appropriately managed and dealt with, those marginalised voices are brought into the conversation, the voices of parents and the voice of lived experience can come together and hopefully out of this review bring broad consensus. As I say, there is no pre-determined outcome. That would be inappropriate to suggest that there should be, but it is the only way I can think of that would bring together those widely divergent views and therefore help build a community of acceptance and build on what I think we do best, which is bringing people together and solving our problems and disagreements in an agreeable fashion. So, I hope that we do not really need to have a long debate or a detailed debate because those conversations should happen in the review process. I propose 2 Members for the bringing forward of the review that the Minister and the existing guidelines already suggest. I must also say that, once again, I feel the pain of the Minister and his Education colleagues because they are somehow at the forefront of this debate, which elsewhere is much more wide. We are only talking about guidance that teachers and schools will follow when children are questioning and how that should be handled. We are not talking about the curriculum or any other issues of school life. We are talking about guidelines to help teachers and schools handle well children who are questioning and so that those children feel listened to and feel included, but at the same time, parents feel listened to and they feel included as well. So, I make my amendment.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]** Deputy Rob Ward, I think you indicated you wish to speak on the amendment.

11.2.2 Deputy R.J. Ward of St. Helier Central (Minister for Education and Lifelong Learning):

The amendment under discussion proposed accelerating the review of existing guidance relating to children and young people and suggests that a specific document contained in the appendix of the wider proposition be considered as a key influential part of the review. It is important to begin by recognising that any guidance concerning children must meet high standards of care, legality and rights-based practice. Policy in this area must align with the European Convention on Human Rights, the United Nations Convention on the Rights of the Child and Jersey's anti-discrimination legislation if we, as an Assembly, are to have any credibility when claiming to uphold these fundamental rights.

These frameworks exist not as optional considerations but as obligations that shape how we support, protect and include every child. Concerns have already been documented regarding material referenced in the amendment and the accompanying appendix which the proposer of this amendment would have as a fundamental driver for the review. This amendment requires a specific consideration of the guidance imported from the U.K. pressure group be directly considered as a replacement document. An independent review of that document has identified significant issues including the presence of language that could be regarded as harmful or discriminatory towards children. Further analysis has indicated that the document could not be brought into compliance with relevant legal duties without substantial reconsideration. Additionally, it has been noted that the document does not include the necessary assessment of rights engagement or safeguarding considerations that must accompany any proposed guidance relating to children. I would ask the proposer to explain his understanding of what safeguarding in schools means and looks like. Professional expertise plays a critical role in shaping our approach. The Children's Commissioner has highlighted several areas of concern referencing risks associated with the document in question. The role of the commissioner is specifically designed to ensure that children's rights and welfare are placed at the centre of policy development. Such expert commentary provides valuable clarity, particularly in an area where precision and sensitivity are essential. It is also crucial that the current guidance already in place has been developed through a collaborative process. Representatives from education, schools, parents and groups across the Island have jointly contributed to its formation, including very differing opinions on these matters. This collaborative model ensures that guidance reflects broad professional insight and community involvement. Furthermore, the guidance is already scheduled for a review as part of the normal policy cycle. This review will consider new evidence, professional expertise and developments elsewhere in the British Isles. That wider context is also relevant. Earlier this month, the Department for Education in England published a draft of updated guidance related to gender questioning in children, and it is intended to become part of the statutory framework from September 2026 in the U.K. Officers within our own education service continue to monitor these developments closely to determine whether any aspect of emerging best practice - that is an important phrase - may be relevant to the future revisions here in Jersey. This measured evidence informed approach ensures that any updates are considered carefully and systematically without undue influence from politically motivated and ideological groups. At present, the existing guidance remains operational and focused on the principles of safeguarding, inclusion and pastoral support. I will deal with those when we get to the main debate, because I think they are simply not interpreted correctly. It adopts a case-by-case approach, grounding in careful professional judgment and maintains an emphasis on anti-bullying, well-being and watchful supported practice. Its planned review offers the appropriate route for future refinement. That is the key. Any Minister taken in this role could decide to bring that review forward if they wanted to, but this amendment does simply move that review. It conducts a review within a context of a particular document which has serious flaws imported from U.K. pressure groups, and that is an important part of why I would ask you to reject this amendment. During the review, in bringing points together, significant procedure and substantive considerations arise in relation to the amendment and its documented references. Any guidance concerning children must be rights respecting, evidence-based, legally compliant and informed by expert assessment. The existing framework and scheduled review process allows for this, ensuring that updates are approached with necessary rigour. We do not just import something *en masse* which has not taken those considerations into approach. We are going to have a long day, so I am not going to go on too long, but this amendment is much more than a simple review. It is a straightjacket for directing us to adopt an external policy that is fundamentally flawed, fundamentally misinterprets safeguarding and removes the fundamental rights of a child to have a voice in their own lives. I urge Members to reject this amendment to the proposition. Its simplicity is not what is being proposed. Its simplicity is something that will extend the forum that has happened on this Island over the last few months. I want to add to my speech a personal note. I have seen a community really put under strain because of the influence from elsewhere. This guidance has existed since 2016. When we do review this

guidance, it is going to be difficult to find any of the problems that have been raised with it. We will be looking for them because it says it has had very little use in schools, and there is no necessity for it, so I will come to the selective interpretation when I come to the main debate. But I urge Members not to be convinced that this is a simple review. It is not. It is the next stage in undermining good practice, professionalism and genuine safeguarding and well-being of all our children and even those who may be questioning themselves in whatever way they do. We are here and I, as Minister for Education and Lifelong Learning, want to support every single child in our schools. I want to make sure they are safe, their well-being is looked after and that we can do all we can about bullying, particularly if they have any type of difference, and without ideological influences. So, I urge Members please reject this amendment. Thank you.

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

I am pleased to follow the Minister for Education and Lifelong Learning, and I endorse I think everything that he says. I think he made some very sensible points, and I am grateful for that, and I know that the L.G.B.T.Q.+ (Lesbian, Gay, Bisexual, Transgender and Queer) community, of which I am a member, are grateful for the support of the Minister and the Government in opposing the proposition that is before us today. I am finding this very difficult because the previous speaker mentioned that we should be respectful during this debate, but I really regret that this debate has been brought before us today. **[Approbation]** I am very sad and very disappointed and embarrassed for us as an Assembly that we are even having to discuss this today and I wanted to apologise to the trans community for anything that they hear which is hurtful in any way. **[Approbation]** I have already heard things that are hurtful, and not just to the trans community but people talking about attractive 16 year-old girls, which is just bizarre, quite frankly. Bizarre, and has absolutely nothing to do with trans people. In terms of terminology, one of the things that has been affirmed is that there is no such thing as a trans child. I wanted to clarify something, which was clarified to me because I asked this question. It is worth reflecting that this area can be quite difficult to understand. If you are not a trans person yourself and you do not have lived experience of this, it can be really difficult to understand. I really appreciate the States Members who have come and spoken to me and asked questions, from across all areas of the Assembly.

[16:15]

What I have noted is that the vast majority of Members that have spoken to me about this are genuinely curious, want to make decisions that are compassionate, and have listened to me. Those people who have come to speak to me and also who came to meet with the trans community, a meeting which was set up by Liberate, I found that meeting really enlightening, to see how many States Members, again all different types of States Members, came to that meeting. I know that the trans community there really appreciated being listened to. Deputy Bailhache was there, and I could see that he was also listening. But in the guidance document that we are being asked to review, this amendment is asking us to bring forward the review of this guidance document, the word 'trans' with a star at the end of it is used. That indicates that it is an umbrella term and that it includes children who are gender-questioning. So, we would not necessarily define those children as trans, but we would recognise that they have questions about their gender, that they have identified themselves and that they have told an adult about. We would not necessarily call them trans. So, I think it is one of many misunderstandings inherent in the original proposition, and to a lesser extent in the amendment. Although I do acknowledge that the amendment is well-intentioned, and I can see where the proposer of the amendment is coming from, and I know that this amendment was lodged on 17th March, there was not a lot of time to talk about this, but I would have really welcomed a discussion with the proposer of this amendment, which did not happen before that was lodged. Because I think we could have probably had some discussions that would have been helpful. One of the problems with this amendment, and the previous speaker did mention this, is that it presents all voices equally. That is a problem because not all voices are equal and not all voices should necessarily be given an equal

platform. When we are talking about a marginalised group of people who deserve our compassion and our protection, why would we enable groups - and I want Members to be aware that the United Nations has notified some of these groups as hate groups - why would we give groups like that an equal voice when we are talking about the safeguarding of our children? Surely we want to protect our children from hate and from hate groups, and surely we should listen to the U.N. So, I do not agree with that part, but I will come back to my point about listening to different groups because I do think that some listening is reasonable. Deputy Gorst's amendment still refers to the alternative guidance, which has been put forward by the group called Transgender Trend. The name of that group in itself tells you what their views are about the trans community. It is quite a dismissive thing to say, is it not, about somebody's identity; that your identity is just a trend. I personally acknowledge that trans people do exist and we cannot ignore them. They are part of our community. Many of them are my friends. Sorry, I lost my train of thought there. I will go back to my point about the alternative guidance document that Deputy Gorst would like to be taken into account as part of his proposed review. The reason why it is problematic that that would still be included is because that guidance itself is hugely problematic. Similar guidance is in place in other jurisdictions. In fact, I asked some questions about what was happening in neighbouring jurisdictions because, as Deputy Gorst referred to, this debate has been carried out in other jurisdictions and some really bad decisions have been made by other jurisdictions, which I really do not want Jersey to follow. I know in Guernsey they have changed their guidance. It used to be quite similar to our current guidance. They have changed it. I have a quote that I would like to read out from the parent of a child who was a healthy, happy, gender-questioning child under the previous guidance, which is similar to our current guidance. They were thriving in their school. They were getting understanding and support. They were getting compassion from their school. Since this new guidance has been implemented, I will quote: "The way my child has been treated by education is appalling. She has been segregated from her peers and it has affected her mental health. Prior to the implementation of the new policy, she was happy and affirmed at school. Now she is anxious and stressed about school events and has mentioned feeling suicidal. I have raised complaints about the way she is being treated and repeatedly requested a risk assessment that considers her mental health and the effects of segregating trans children. But the school have refused to provide it." I could go on because the evidence and the quote does go on, but I do not feel I will have time to do so. We must think for ourselves here in Jersey. This is something that has come up in previous debates that we have had recently where we have shown that we can be independent thinkers here in Jersey. We do not need to follow any bad decisions that are happening in other jurisdictions. The fact is that this proposed review that would bring the planned review date forward by several months, it is not necessary because a thorough review has very recently, as the Minister said, been carried out. The guidance that we currently have is quite recent. I wanted to explain to Members about the listening that has already happened, because in the previous Government, and I am very grateful that the current Ministers have continued the work of the previous Government in this respect, there has been a consistency there. In the previous Government, I was approached by members of the group, who also approached Deputy Bailhache and have informed his proposition, and I listened to them, I met with them. Deputy Jeune also accompanied me to the meeting. We listened to those individuals. When I say listened, I mean really listened. I am not somebody who entrenches myself in a political position just because I am aligned with a certain group. I think Members know me well enough by now to know that I question everything and "both sides of the argument" is something that has been referred to. I do not even think that is something we should be saying because that is something that has been constructed by people who want to negatively impact human rights of a small group of people. **[Approbation]** I do not think there are sides to this debate. I think there is our community, with experts, teachers, children, parents, the diversity of our community, and then I think we have outside political groups, because this group, they are not a Jersey group, it is a national group, and it feels like an invasion. But I did listen to them because I do feel that people should be listened to. Although it was difficult, I was very civil, I was very respectful, I listened. I am a good listener. Deputy Jeune also listened.

We asked gentle questions. Nothing that was said to me in those meetings convinced me that the approach of compassion and the approach in this guidance that eventually came out, nothing convinced me to do anything differently. I do understand that people have some fear around certain cultural changes that may be happening recently. I can see that some people may be fearful of male violence in women's spaces. That is not fear of trans people. We all know that there is a problem with violence against women and girls in our Island, so I can empathise with that fear. But what I cannot do is reach the same conclusion that trans people are causing that violence. Because what one of the previous speakers described as letting a boy into a girls' changing room, what this guidance does not do is say that boys should be allowed in the girls' changing rooms. The guidance is about gender-questioning children, of which, by the way, there are very few. We are talking about a tiny, tiny number of children, beloved children, who are beloved by their families and precious to their families. I hope we can keep those children in mind when we have this debate today. I am aware my time is running out, and I am trying to get all of my points in here. I feel that there is potentially a further compromise. I did speak to the proposer of the amendment and the Minister about this. I can understand the proposer of the amendment, I can understand Deputy Gorst's wish to find a compromise. I do think it is misplaced for the reasons that I have said. But I think there is a further compromise. What I would ask of the Minister for Education and Lifelong Learning, and I know he has already spoken, so perhaps he could ask an Assistant Minister, and this is something I have consulted some members of the trans community about, given that there is already a review planned into this guidance for March 2027, personally, I think that we should just leave that be, but what the Minister for Education and Lifelong Learning could do, if he were minded to, he could offer a further compromise, and I am sorry if I missed it, if he did say that in his speech, and I will let him clarify at the end of my speech. So just bring that forward a little bit. But what I will not agree with is that this alternative document by a hate group should be part of that review. **[Approbation]** I think it is reasonable to reflect on changing circumstances and laws internationally and bring it forward. I do have more to say but I am not the main respondent, so I will have to sit down. But what I will say very quickly is feedback on the current guidance from teachers, and we have had this on email so please look at your emails, the current guidance is balanced and non-challenging, and it has a significant strength in its balanced approach.

Deputy Sir P.M. Bailhache:

Will the last speaker give way to clarify a matter for me?

The Deputy Bailiff:

Deputy Doublet, do you give way to clarify a matter?

Deputy L.M.C. Doublet:

Yes, but I reserve my right to respond.

Deputy Sir P.M. Bailhache:

Deputy Doublet has spoken of hate groups. Would she please say whether she is suggesting that the Women's Rights Network is a hate group?

Deputy L.M.C. Doublet:

I thank the Deputy for his question. I will clarify that on my speech in the main proposition.

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

I am going to focus the speaking to the amendment, because in a sense it does almost suggest it is going along the way of what Deputy Doublet suggested might be a compromise, and I do not really believe that that is necessary or appropriate. In fact, I do not believe that is well-advised at all. Because, basically, this is an area in which people do hold strong views, and I liken it to one of those social media debates. I have said something to another States Member, every now and again I open

the door and put my head in the oven just to feel the heat. But I am not going to resolve anything. If I am going to say: “OK, let us review this, let us get everybody’s views”, I am not going to get everybody to agree. That is basically what this amendment is suggesting is possible, and I do not believe that is possible. I believe what is possible is to focus exactly on what this document is doing, what the context is, and what the context is in which people are objecting to it. Only on that basis may we be a little bit more comfortable about what it is doing and what it is not doing.

[16:30]

I am very grateful to the constituents who have come to me and spoken on this. I did have somebody come in representing the Women’s Rights Network position. Now, in the past I certainly have regarded myself as quite an ardent feminist. I was interested to hear what they had to say. Then when they said that and gave me this kind of chart comparing this guidance with another guidance, I said: “I have read this document and much of it I do not find offensive. So just tell me the bits that really are giving you a problem. I would like to review it.” Never came back to me. Next thing, what do I know, they are pushing a document, a whole new document, a different document completely. My questions are unanswered. Instead, here is a document and we think this is what you should have. I think that we need to come back to what is going on here. We talk about the context, and it is not just how we define people; it is how we define things like guidance. Any one of us can look at something, whether it is a social media exchange, whether it is any document, and say: “Oh, look at this sentence. It is evidence of this.” Well, yes, but if you look at the context, it may well not be. I would think that the proposer, more than anyone, understands a bit more about context. So, I am going to come back to the document that has been issued by C.Y.P.E.S. itself. If you go to page 8, if you go to page 9, you will see exactly what it is saying it is trying to do. The way I will interpret this, and in fact to some extent it is aligned with some of the messaging that we are getting, that up to puberty, yes, gender and identity can be fluid. Indeed, one of the constituents I had who is a member of the trans community, said she did not really understand that she was trans until after puberty. But that does not mean that fluidity does not exist in adulthood. Just biologically, we all can have variations within us. That may make us different from each other, and that can even happen in our brain structures. This is where something called gender incongruence comes from. When your sense of self does not align with most people’s idea of what is male or female. That is it. You know something? There is a certain very, very small percentage of people who have this. But it is still not a problem. I have even been told I seem to think like a man. I talk like a man. Well, maybe I do, maybe I do not. But do I have a problem with that? Do I have a problem that a late civil servant used to address me as Mr. Moz Scott? No, I really do not give a ... anything. So, thank you for the raised eyebrows. But there is something else that affects a minority of this minority and it is a condition of distress, psychological distress, which is called gender dysphoria. Where that person, because of their gender incongruence, is in a state of psychological distress. We talk about safeguarding. We talk about letting children be children. Are you going to let children be in a state of distress if they have got this condition and ignore it? This basically, I would say, is in the context of this psychological condition. I would again refer you back to pages 8 and 9, which talks about it, and talks about what has happened in these cases is that some people give medical advice and it has been very controversial. Indeed, I have even been asked questions about that at one of these school presentations, about whether puberty blockers should be used. Now, that is just not happening here, but it has happened in other places, and it is very controversial. That, of course, for many people is objectionable. I do not particularly feel I agree with it. Others will say it really is up to a medical professional to think: “Is this somebody that we can help in this way?” But, as the Minister for Education and Lifelong Learning has said, it is not really something that is happening here, prescribing, transitioning, or saying: “Look, the best way to treat this person right now is in this way.” So, I do have a certain, and I think a certain number of people that I have spoken to in the community, perhaps an element of bemusement for some frustration, because there is a recognition that there is a minority and that there is a guidance that has come from somewhere addressing a minority, and is it

solving a problem that is there or not? But, nevertheless, that potential situation could happen for teachers. I believe that is the whole context in which this particular guidance has been prepared. A number of the people that I have spoken to, the issue is not so much about whether a minority exists, but is it really a good use of States Members' time to be discussing a particular minority or a particular document relating to a minority, but here we are and we are spending even more time on this. Because people are taking things out of context and putting it in a much wider context, which I personally object to, which is about labelling people and saying no matter what people say about children, you only have boys or girls, and you will be this and you will be that. When in fact maybe there is just this really small minority, and there is a potential for a minority within them, who are suffering this state of distress. Maybe they do need safeguarding. You have to think about how we are going to do this. So, I personally agree that this document, whether it should have been drafted or not, has considered the issue very carefully. I just feel that you are going to now discuss people with very different ideological viewpoints about how it should be said and crafted and that sort of thing. It is unlikely to get you very much further. I think it is more a matter of educating people about what this document is and what it does. I will just move on because I do thank the Deputy for giving us the opportunity to ask questions of Stephanie Davies-Arai, who was the author of this report. I did feel that my questioning was cut pretty short, and I am sorry about that. Because I just got on to the subject of brain structures and how it can affect people, and I was informed that this could have something to do with hormone therapy. In fact, my understanding is that research into this condition and into gender incongruence, they are more and more careful to use subjects that are not subject to hormone therapy. So, I am not prepared to say that there is not this minority in existence and this minority should not have some sort of awareness and people dealing with them should not have some sort of guidance. By that I mean teachers, of course. The other element of safeguarding that I am going to emphasise, and indeed I think this is what is relevant in terms of the Children's Commissioner, is this question of rights in the context of safeguarding. Because there are parents who have very strong views about what children should be and should not be. Maybe, for some children, home is not a safe place and maybe some teachers have to deal with that issue as well, and therefore need guidance too. Much as I totally respect how parents care about their children and their views, there are unfortunately some parents, and we do not know always who they are, and teachers do not always know who they are, who are not so sympathetic to these things. So how are you going to have teachers navigate this particular minefield? We come back to this guidance. It does very much allow them to use judgment - again go back to these pages - it is not saying teach this particular ideology, tell these people to take puberty blockers; no, it does not do that. It tells them basically use some discretion. Be aware of the safeguarding. I do remember, I am almost surprised, although I am sure the Minister for Education and Lifelong Learning will come back to this at this point, because almost every time I hear him speak on this, he talks about the whole pile of documents that teachers have to have when they take kids away on some sort of away day, about safeguarding, because that is such an important issue for schools. So, in short, I remain in support of the position of the Minister for Education and Lifelong Learning. Really, if we could just wrap this up and move on, I would think this would be great.

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

I did hear what the previous speaker said in relation to wrapping this up and moving on, so I will keep this very brief. But I did want to make a couple of observations, really, in response to what the proposer of this amendment said in his speech. He talked about his want of bringing people together and doing all that we can do to avoid such divisiveness. While he was saying that, I was reading his amendment and thinking, my fear is that what this will do, if his amendment was adopted, would be extend divisiveness and fear and make this an election issue. I really do not want that. Deputy Bailhache, when he was moving the main proposition, questioned why trans adults would be so interested in this. Deputy Gorst mentioned that we should consider the views of people with lived experience. The answer to Deputy Bailhache's question, I think, is that trans adults are so interested

and so concerned about this because they are the very ones with lived experience. **[Approbation]** They are the ones who have been through the education system, they have seen what has helped them and what has not helped them. I have heard a loud and clear message from those with lived experience, from those people within the trans community, but also from parents of people within the trans community. That message has very clearly been to support the Minister and the current guidelines. I do not think that this amendment does anything to bring people together. I do not think it does anything to avoid divisiveness, particularly ahead of the election. I urge the Assembly to send a very loud and clear message in support of our trans community, a community of which I am lucky to have trans friends and colleagues, and I am proud to call myself an ally of our trans community.

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

This speech I wrote earlier, it mainly addresses the main proposition but also addresses the amendment. I, like many in this Assembly, have been troubled by ...

The Deputy Bailiff:

The speech needs to be focused on the amendment, Constable.

The Connétable of St. Martin:

Well, it is part of it. Sorry. Hopefully it is self-explanatory. So, I, like many in this Assembly, have been troubled by this proposition. We have all received numerous emails from both sides. Many have been heart-rending from both sides. I do not believe it is the intention of Members of this Assembly to cause distress, and I am aware that this proposition has brought about a great deal of distress and much soul-searching. Having read about and thought about this deeply, many may be surprised at what I am going to say. But hopefully it may help other Members who have struggled with this. I support the conclusions of the Diversity Forum and will be voting against the proposition and therefore this amendment. Many of my fellow Members have already made a number of strong points, so I would like to highlight something which really troubles me about this proposition, which is that this proposition seeks to override the Education Department and make it teach guidance proposed by a backbench Member of this Assembly with no clear methodology or assurance that it is objective.

[16:45]

The bringer of the proposition is a leader of a party that claims to champion the independence of the civil service as a core principle. If that is indeed a core principle, then the bringer of the proposition must surely know that what he is proposing, only months before an election no less, is inflammatory and seeks to undermine the trust we place in our civil servants and their departments. We cannot replace carefully developed guidance with a document from a backbencher, especially when it seeks to impact children's education. Precedents exist for a reason and any Member, old or new, should understand this. Am I fully supportive of the whole of Education's guidance? No, I am not. Do I think it could be improved? Yes, I absolutely do. Which is why I welcome the review, which is already scheduled for 2027, and which, if I understand correctly, can be brought forward to 2026 by the new Minister for Education and Lifelong Learning, whoever that may be. Thank you. I will not be voting for the proposition or the amendment for the reasons I have given.

11.2.7 Deputy J. Renouf of St. Brelade:

Members will be pleased to know I have deleted quite a bit of my speech because points have already been made, but I have got a couple of points which I hope will shed some light. I would start by saying that compromise is indeed always an appealing concept and I am a big fan of compromise. However, calling something a compromise does not make it so. The problem with this amendment is that it is an attempt to find a compromise that requires one side of the debate to concede a fundamental point. The review that this amendment proposes embeds the Treating Children as Children document as the central consideration and it repeats one of the central talking points of the

original proposition in terms of the reference to engaging with parents. In other words, it establishes the very bridgehead into education policy that those opposed to Deputy Bailhache's proposition are seeking to avoid. So, I am afraid to say that, although Deputy Gorst frames this amendment to the proposition as a compromise, I do not think it is. I think it achieves by different means most of what the proposer of the original proposition intends, which is to ensure that an entirely different set of principles based in hostility to the trans community are explicitly to be part of the consideration in the new policy. So, for me, there is no place in this debate for the Treating Children as Children document because it comes from this point of hostility. I just draw attention to paragraph one of Deputy Bailhache's proposition, that the entire ethos behind the proposition is that being trans is a problem because, if you read that, the proposition refers to, and I quote: "The small number of children who suffer from gender dysphoria." I know that Deputy Bailhache chooses his words with care, so I presume the use of the word "suffer" was deliberate. Is gender dysphoria something from which one suffers? That is quite clearly turning gender dysphoria into a pathology, not an experience or an identity. This is the guidance that Deputy Gorst wants to explicitly be considered in the review. What is more, the underlying ethos of the Treating Children as Children approach is explicitly hostile to the idea of children's rights. I will not go into that in detail now because it will come up again in the main debate, I suppose. But the final point I want to make is one that I do not think has been made yet, which is that Deputy Bailhache says the existing guidance is muddled, ambivalent and equivocal. He used all of those words at various points. That is an interesting interpretation. The way I read the same guidance is that it is flexible and sensitive. The guidance that Deputy Bailhache supports, and Deputy Gorst wants embedded in the review, aims to remove flexibility and sensitivity in favour of a rigid, one-sided ideological view. The very thing that Deputy Bailhache finds problematic in the current guidance is, in my view, its greatest strength. It is sensitive, it is flexible, it is cautious and, crucially, it invites teachers to make their own judgments in the full knowledge of the circumstances. That brings in the point about involving parents, which is part of the amendment, explicitly mentioned in the amendment. The contention here is the point about it not being obligatory to tell parents. Deputy Bailhache says it is impossible to justify deceiving parents, and I have to respectfully disagree. I am grateful to a member of the trans community, who met with me and Deputy Miles, for providing me with absolute clarity on this point. I asked this person, not in connection directly with the proposition, whether they had experienced any problems as a trans person, any hostility. I was surprised to hear that they felt that they were pretty well accepted as an adult. But there was a caveat. This person told me that they were aware of 3 children who had been thrown out of their homes when they identified as gender-questioning, gender dysphoria, whatever. I apologise if I do not get the words right. A serious issue that sits around this is around, unfortunately, very difficult circumstances that some children find themselves in. Teachers have to navigate their way through those difficult circumstances. In those difficult circumstances, it is my view that what teachers need is sensitive, flexible guidance and the ability to interpret it in the way that they see fit. That might involve - contrary to Deputy Bailhache's view - for the welfare of the child, not immediately telling the parents. For that reason, I cannot accept the amendment because it does embed the notion of treating parents as part of this, telling parents as a central part of it. So, I think the amendment effectively attempts to slide the Treating Children as Children document in by the backdoor, and I believe we should send a very clear signal that we do not want this ideology to be embedded in our education system, so I shall be voting *contre*.

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

I want to start by saying that I thought the speech given by Deputy Scott was, in my view, one of her best ones that I have heard in this debate. Notwithstanding that she did end it by saying maybe it is an idea to wrap it up, and I have a lot of sympathy with that. However, I have decided not to play my part in helping to wrap it up because I do think that it is important that, for everybody out there in our community who is struggling with this debate taking place, that they ought to know that there are as many Members as possible in this Assembly who stand for them, believe them, and will act as

allies in our capacities as States Members. So, I do feel that it is worth putting that on the record. When I was listening to Deputy Gorst make the proposition and reading his report, Deputy Gorst from time to time makes really good arguments in this Assembly on various debates. I occasionally even find myself agreeing with him on those very rare occasions. But what I have noticed about Deputy Gorst's arguments, as a skilled parliamentary debater, is often not what he chooses to say in his arguments, but what he does not say in them and what he leaves out. I think that there are 2 points that he may well have left out that I want to ask him to address in his closing speech. They are fundamental points, which he has not addressed in his report or in his speech. The first is whether the starting point of his argument, because you can argue that it seems like a harmless thing to do to bring forward a review, and that was the argument he was making, but what is the starting point for that and does that starting point include a positive affirmation of the human dignity of trans people? Does it include that? Does it include believing that trans people exist? They have always existed and they will always exist, no matter what anybody thinks about that. Their existence is simply a fact and for a very, very small number of human beings it is an innate human characteristic that some people are trans and that is just that. Do not ask me about the science because I do not know. All I know is that these people exist. I have met them. I am friends with some of them. They exist and that is the fact. But there are people who do not believe that. There are people who believe that it is a delusion, that it is a choice, or that it is a mental illness, and those people are wrong. They are not correct to think that. The evidence and the medical and scientific studies that have taken place prove that. So when Deputy Gorst talks about seeking broad consensus and seeking unity, how does he think that is achievable when you have one side who believes in the human dignity of trans people and that being trans is an innate human characteristic, in the same way being left-handed is an innate human characteristic in some people, and on the other side, people who just do not accept that reality, how do we seek unity between that? Is it not better to accept that that unity is impossible and one side just needs to win on this? It is as possible as if we were having a debate about what guidance should be in schools about the geography curriculum trying to seek unity with the Flat Earth Society. It is not possible because the Flat Earthers are wrong, and we know that because we sent people up into space with cameras. We know the world is round. You cannot seek unity with that tiny minority of people who just do not believe in that, although I am sure we have met one or 2 who we might assume to be members of the Flat Earth Society. I would ask Deputy Gorst if he will clarify whether, in producing this amendment, did he meet with any trans people to ask them whether this is what they believed would be helpful for them? I would like to know the answer to that because I really struggle to believe that any of them want this to be prolonged any longer than it needs to be. So that is the first point that he did not make in his argument, whether it is based on a starting point of accepting the human dignity of trans people and explain how that fits into this idea of seeking unity with people whose starting point is that trans people do not really exist. The second thing he did not really argue in his speech or explain in his report, and this is also fundamental, which is, why is it that the particular alternative guidance provided in the appendix to the original proposition is deserving of credence? Because, if you want to have a review on the guidance in schools, that is obviously a perfectly reasonable thing to have, and that does happen already from time to time anyway, and the Minister has signalled his complete open-mindedness on that. It would be foolish not to periodically review these things. But his amendment does not make this a debate about having a review on the guidance. It makes it a review on the guidance, giving specific credence to a specific document that says specific things, and he did not explain why it deserves that from us. I would like him to explain why, because what I see in the appendix to the original proposition is a document that has not been co-produced, has not been designed in partnership with people in Jersey's community, with the people who it will directly affect, but a document written by U.K. activists with no specialisations really in this subject, and who have not a day's experience in Jersey's schools. Why does their view matter? Why does it deserve credence? I do not think it does. There are 2 elements of the proposed alternative guidance, and I will try to be brief because I will want to address this in the main debate when we come to it, that I think disqualify that document from being held in any

regard by anyone who cares about the well-being of children in our schools. It was interesting because I did attend the briefing from the author of the guidance, and I did push back on some of what she said, and I have to say that I found her very unconvincing, and I thought that her arguments fell apart when they hit reality.

[17:00]

The 2 points it makes in itself, the alternative guidance makes it compulsory to bully children when it comes to what names they are called. Children at school, for all sorts of different reasons, will have different identities and may ask to be called different things. I asked to be called something different to my legal name, and no one seems to have a problem with that, and nobody at my school ever had a problem with it. But the alternative guidance will make it a requirement that, if a child wants to be referred to by a different name, if it is for a gender-identity-based reason, it must not be allowed to happen. That is bullying children. Let us call it what it is. That is one thing in that document which we should have no regard for. The second, and Deputy Renouf referred to this point as well, is that it also makes it a requirement in some situations to expose children to harm by informing people about their status as trans people when they do not want that to happen because they think it might be a risk to them. That is unconscionable, and that is completely the wrong approach to safeguarding, and it makes me believe that the people who wrote the document do not really understand safeguarding at all, and that their entire angle is built upon their ideology, not reality, and not evidence. So, there will be more to be said in the debate on the main proposition. I put myself on record, as I am grateful other Members of the Assembly have done so as well, by saying that there is no negotiation to be had on the respecting of the human dignity of trans people. They are who they are, they are part of our community, and we ought to love and respect them for who they are, and that is not a point to be negotiated with people who simply do not believe they exist. Will Deputy Gorst, in his closing, confirm that that is his starting point as well, and would he like to offer us an explanation as to how it is possible to seek unity with people who do not have a starting point of accepting that fact? Secondly, will he explain to us why, in a review that will happen in some shape or form anyway, it is vital that in that process we give credence to a document that wants to make bullying children compulsory, and a requirement to put children in harm's way in situations where safeguarding would otherwise suggest that they should not do that? If Deputy Gorst cannot provide adequate answers to those, as I think it is inevitable he will not be able to, then there can be only one solution and that is to vote against this amendment and against the main proposition when it comes to it.

11.2.9 Deputy Sir P.M. Bailhache:

I understand and empathise with Deputy Gorst's wish to find common ground and to encourage listening to alternative voices and other points of view. In self-defence, I must say that I have tried. I asked to meet the Minister with members of the Women's Rights Network, but received no reply. I asked to discuss the revised guidance with the Minister and was rebuffed. I have met and found some common ground with the chief executive of Liberate. I have had friendly exchanges with members of the adult trans community and parents of transgender adults and tried to understand their point of view. The requirement or the need for trying to find common ground was, it seemed to me, underlined by the speech, which Members heard from Deputy Doublet, which seemed to acknowledge that not all people should be given an equal platform and that hate groups, unidentified, should be excluded. I would agree that any hate group should be excluded from a process of consultation. But the Deputy was not willing to tell me at this stage whether or not she thought that the Women's Rights Network was a hate organisation. I hope she does not take that view because, from my experience, it certainly is anything but. I have met 3 members of the Women's Rights Network Jersey, all of whom are sensible, moderate, Jersey-based women who feel strongly that the existing guidance of the Minister is not correct. I wonder whether they are people whom Deputy Doublet would exclude from any consultation which might take place. I had a great deal to say on

this amendment, but I do not think I will say it other than to say that, in my view, the Minister is misusing the references to the Conventions and to the law to justify his unwillingness to admit that his guidance has serious flaws. Deputy Gorst's amendment does not give me the result which, in my view, there should be, but it is a compromise which I am prepared to accept.

The Deputy Bailiff:

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

11.2.10 Deputy I.J. Gorst:

It was always going to be difficult to sum up this debate because, as I said in my opening remarks, on the one hand this is a straightforward, simple amendment which brings forward the review that the department were already proposing from March 2027 to post the election, to be completed by the end of the year. I still hold to that view. I will not and I do not let go of finding common ground. To my mind, that is what being in politics and leading a community is all about. There are some areas where finding common ground, as we have heard and experienced during this debate, are difficult. But I would not be being true to all that I believe if I did not think part of the job of this Assembly is to seek and find common ground for the good of all Islanders. That is difficult. We have heard many speeches about why common ground cannot be or should not be found. Some of them have been around the wording of the amendment. Finding common ground by including the voices of parents. Finding common ground by considering, and it does only say "consider", it is not the central tenet; it says consider an alternative form of guidance. Finding common ground. Some Members asked me a number of questions. Of course, I do not start from a position of negotiating around the dignity of trans people, of course I do not, nor does the mover of the main proposition. While this debate has been on, some Members will have received email correspondence talking about what may or may not be happening in schools and suggesting that I educate myself. Well, I am always open to being educated, even at my age in life. But this is not about what is on the curriculum. This is about guidance. We can argue, as I argued at the start, that we can see that to some extent that is slightly unfair on teachers and the education system. But that is where we are. I have not, in preparing this amendment, spoken to trans individuals about it. Some may say that that delegitimises the amendment. But I have had lots of parents contact me who were concerned about the guidance, were concerned about what may or may be happening to their children. Members may disagree with me, that is their right. I think that by bringing forward a review, which is not predetermined, will help to build common ground across our community. I cannot see any other way. I do not agree that it prolongs any difficulties that some members of our community are feeling, as though the change in guidance was something hanging over their heads, because a review is already planned to take place in March of 2027. If we look at what is happening elsewhere, whether that is in the U.K. or further afield, these are issues which are being used to divide. These are issues which are being used to create otherness, to create division, and not to support and listen and help. Therefore, I can only say the answer is to do what I think we do best in this community, and that is to come together, to listen to alternative views, and to work through them, until we can get a guidance that has broad support. That might be naïve, and I see my colleagues here believing it is naïve, but I refuse to give up on hopefulness and building common ground, and I ask Members to support the amendment.

The Deputy Bailiff:

The *appel* is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 16		CONTRE: 30		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of Grouville		Connétable of St. Martin		

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

11.3 Treating Children as Children (P.14/2026) - as amended (P.14/2026)

The Deputy Bailiff:

We return now to the main proposition. Does any Member wish to speak on the main proposition?
Deputy Rob Ward.

11.3.1 Deputy R.J. Ward of St. Helier Central (The Minister for Education and Lifelong Learning):

It is traditional for Ministers to speak first. It is quite handy as well. I am speaking to oppose P.14/2026. This proposition asks us to instruct the Minister for Education and Lifelong Learning to scrap the current Government of Jersey trans inclusion guidance, updated on 17th March 2025 and reviewed at that time, and replace it wholesale with a document entitled ‘Treating Children as Children’, a safeguarding approach to trans identity in children and adolescents in Jersey. I make that point just to be clear as to where we are with this proposition.

[17:15]

It sounds procedural, but it is not. It is a fundamental policy substitution from guidance developed within our statutory frameworks to a document authored externally. The amendment to allow minor changes does nothing to adjust the fundamental effect of adopting the document suggested by the proposer, whether that amendment is accepted or not. That document is framed explicitly as rejecting a social justice, diversity or human rights framework in schools. I am going to read that again. The document is framed explicitly as rejecting a social, diversity or human rights framework in our schools, and even asserts that the voice of the child needing to be central is not appropriate in safeguarding. Let me be clear. Safeguarding is non-negotiable. Safeguarding in Jersey is grounded

in Jersey law and our Children and Young People Law 2022, our Keeping Children Safe in Education guidance, our Human Rights (Jersey) Law 2000, our Discrimination (Jersey) Law 2013 and our commitments under the U.N.C.R.C. (United Nations Convention on the Rights of the Child). Safeguarding is at the heart of day-to-day practice of teachers and all support staff. The current C.Y.P.E.S. transition guidance is explicit about those foundations and scope. It is non-statutory. It excludes medical decisions. Nobody under the age of 18 can get any medical intervention in Jersey. That is a key point, particularly from the proposer's opening speech. It is designed to help settings keep children safe, reduce bullying and harassment and comply with Jersey's legal duties. By contrast, P.14/2026 directs us to insert a position paper unreviewed by our Education Department, not produced through professional processes and ideologically framed as departmental guidance for every school. The existing guidance is professional, scoped and aligned to Jersey law. The C.Y.P.E.S. guidance begins with principles we should all share. Every pupil should feel safe and treated with respect. Schools must comply with the Discrimination Law 2013, the Human Rights Law 2000, Data Protection Law 2018, the K.C.S.I.E., Keeping Children Safe in Education, a statutory set of guidelines in the U.N.C.R.C. I repeat those because they are so fundamental to what I am talking about. It recognises that trans identity and gender-questioning children constitute a small but potentially vulnerable group in our school communities - from the Jersey census 2021, 0.2 per cent - and sets practical steps to keep all of those pupils safe. Crucially, the guidance states medical decisions are outside school and therefore excluded from its remit. That is a vital point when we look at this guidance. It adopts a genuine watch-and-wait stance against pressure in either direction. I simply do not agree with the interpretation that is made of that. The current guidance also emphasises behaviour standards, anti-bullying measures and case-by-case professional judgment with parents involved unless there are safeguarding risks, all squared within current safeguarding best practice. On contentious issues such as toilets - and we seem to be obsessed with toilets it seems - changing rooms and residential trips, the guidance proposes a case-by-case assessment and sanctions for inappropriate conduct. As someone who has taken many school trips on-Island and abroad, I know and understand that this is a normal process for every child and every risk assessment document. Having taken 50 children to foreign cities on many occasions and carried the 2 lever-arch folders of risk assessment and assessment, I recognise how difficult that is and how thorough that assessment would be. It promotes privacy options for all pupils, not one group at the expense of another. That is responsible, professional guidance for real schools, real families and real children. It is reviewable and explicitly open to future updates as evidence and case law evolve. It is a non-statutory guidance. We can change it. It is important to recognise that the replacement proposed by P.14 departs from Jersey's children's rights approach. Appendix 1 of the document that the proposition would impose opens by instructing schools to set aside a human rights framework and declares that placing the child's voice at the centre is not appropriate in safeguarding. Fundamentally wrong. That is incompatible with our embedded children's rights approach - so many of our schools now have children's rights awards from the U.N.C.R.C. and I am extraordinarily proud of them - with Articles 3, 5, 12, and now a local practice of participation and non-discrimination in decision-making affecting children. It replaces professional curiosity and inclusive practice with categorical prescription; for example, rejecting school-level case-by-case work where professionals are involved and discouraging respectful language accommodations that many schools use to de-escalate conflict and support pupils' well-being. The de-escalation of conflict is an art form when you see it happening in schools. It is a remarkable process from skilled practitioners. We cannot undermine that with prescriptive language and prescriptive rules. The document suggests it is not child-centred safeguarding; it is political doctrine presented as guidance. The position leans on U.K. legal positions and advocacy claims that do not map to Jersey. The report invokes the U.K.'s Supreme Court decision, *For Women Scotland v The Scottish Ministers*, to assert rigid outcomes in single-sex facilities and changing rooms, extrapolating that Jersey must ensure identical application. It even cites Jersey and Guernsey Law Review articles to suggest U.K. warnings should also apply to the Discrimination Law 2013. But Jersey is not governed by the U.K. Equality Act 2010, and our

Assembly legislates for Jersey. Our courts and guidance must be read through Jersey's statutes and our constitutional position. The C.Y.P.E.S. guidance approach to consider sex as relevant, to ensure safeguarding obligations are met and to use risk assessments and reasonable adjustments is consistent with Jersey law and the duties we already carry. We should be extremely cautious about using selective U.K. judgments or external advocacy to overwrite our departmental practice without due process. When addressing how we support children in these areas, we must keep nuance and avoid absolutism. The proposition's report criticises C.Y.P.E.S. guidance as activist. It claims it promotes social transition and asserts numerous legal and scientific conclusions in categorical terms. I strongly refute this assertion. The C.Y.P.E.S. document already states watch and wait case-by-case support and that medical decisions are outside school. That is a very important fact in which the context of the guidance has been developed. It stresses anti-bullying behaviour, behaviour standards, the bread and butter of safeguarding. Furthermore, when the replacement document argues gender identity is not factual, that children should never be referred to by preferred names or pronouns and that schools should reject terms like L.G.B.T. because they confuse 2 different issues, it is prescribing culture war language rather than equipping schools to defuse conflict and prevent bullying. Our staff need tools to meet children where they are, de-escalate and keep everyone safe, not impose ideological absolutes. The concept of meeting children where they are is so important if a child is to develop in any way. The C.Y.P.E.S. guidance acknowledges uncertainty. It cites the Cass review's warning about polarisation, and it is reviewable. That is what responsible guidance looks like. The proposed replacement does not offer that balance. It offers inflexible ideology. If Members have genuine concerns linked to the guidance in schools, there are practical improvements we can and should support without overturning departmental guidance in favour of an external manifesto. The review in March 2027 will be quite a difficult one, I think, because there has been so little use of the guidance and there are such small numbers there, but we will continue to look. If there was an issue, I can absolutely confidently say in our schools that if the guidance did not meet it, it would immediately be reviewed by the department because that is what safeguarding is. Safeguarding is an ongoing, iterative process with the child's safety and well-being at the heart of everything that we do. High-quality staff training, K.C.S.I.E., anti-bullying, peer-on-peer reviews and confidentiality and information sharing are some of the ways in which we try to improve how teachers can be equipped to deal with these situations, facilities planning to ensure privacy for all pupils, single occupancy cubicles, accessible toilets and clear behaviour policies for inappropriate conduct in any facility. At the beginning of my time in this role when we started to get the influx of pressure from the groups from the U.K., I had a wonderful time going to visit toilets, marvellous experience going round all of the schools visiting their toilets, speaking to young people about their toilets. I was living the dream. What we got from our secondary schools where they have replaced the boys' and girls' toilets, which a lot of children did not like because they were just open access and there was a lot of bullying occurred, is cubicles with floor to ceiling doors, some of them with sinks inside, much more dignity for people to go to the loo, children actually using the toilet at school, with hand-washing facilities outside and the ability to supervise those areas. Because, as a male member of staff, you would not go into the female toilets. It is the last place I would want to go, and vice versa. But by standing in a corridor and having these open facilities, you can supervise and you can make sure that children are kept safe. That has been used and weaponised by certain groups as we are promoting trans children. It is simply inaccurate and we need to keep sight of that. I have said about residential trips, safeguarding first. I am sorry about going on but I really do want to make clear the reality of what this guidance does. There are significant risks in adopting the appendix proposed as departmental guidance. Adopting the replacement text would downplay children's participation in rights decisions affecting them, contradicting our children's rights direction and policy practice. It would confuse staff by mandating categorical language positions that conflict with existing anti-bullying inclusive education principles and professional discretion. It would increase stigma and the likelihood of bullying of a minority cohort, precisely the opposite of what safeguarding aims to achieve. It would invite legal uncertainty by asserting U.K.-driven interpretations on to Jersey

frameworks and replacing departmental guidance developed under Jersey law with an external advocacy document. Safeguarding is about adult vigilance, professional judgment, clear behaviour expectation and protecting all pupils from bullying, harassment and abuse. The existing guidance talks about exactly that and does so within Jersey's statutory context. We do not address or improve safeguarding by importing a politicised document that begins by setting aside rights and children's voices. Our responsibility is to keep Jersey's children safe, respected and able to learn. Our schools need guidance that is practical, lawful, balanced and reviewable. The current C.Y.P.E.S. guidance is that, non-statutory, clear on scope, aligned to Jersey law, anti-bullying, privacy minded and case by case. P.14 will replace that professional guidance with an externally authored position paper that sidelines children's participation rights, mandates ideological prescriptions and misapplies U.K. legal arguments to our Jersey context. That is not safeguarding; that is politics. For the sake of our pupils, our teachers and the integrity of Jersey's children's rights journey, I ask you and urge you to vote against P.14.

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

I am very pleased to follow the Minister. I want to open my speech with a thank you to Jersey's trans community, to their families, their friends, to their allies and to all who have supported them, particularly in recent months. That includes representatives from Liberate both here in Jersey, and I believe we have a representative of Guernsey's equivalent charity who has also travelled to the Island today for this debate. So, thank you for their support also. I cannot begin to imagine how difficult it must be to have a very private aspect of your life publicly discussed in this way, and even more so to have had this debate delayed more than once, effectively hanging over a community for that time. But many of these members of our community have taken the time, and some have really gone out of their comfort zones as well, to try to help States Members better understand what we are considering today and the lives of those who it impacts on.

[17:30]

That cannot have been easy, so thank you. We appreciate you, we respect you and we support you. In so many ways, I wish we were not having this debate here today, but given that a proposition was lodged and that it has already stirred up so much public debate, then I think it is important to be able to put on public record today that those people in our community, those very valued and important people in our community for whom this has been an extremely personal and potentially difficult experience, have our support. As others have said, we should not forget that we are talking about real people here today, real families, real young people, real adults who were once those children and who may well be listening to this debate today or perhaps even joining us in the States Assembly. Yesterday, Deputy Doublet sent us all an invite to a meeting of the C.P.A. B.I.M.R. (Commonwealth Parliamentary Association British Islands and Mediterranean Region) L.G.B.T.Q.+ network. Catchy title when it is all put together, is it not? Unfortunately, I was unable to attend that meeting online last night, but I mention her invite because the email included within it a definition of what an ally is. It said: "An L.G.B.T.Q.+ ally is someone who supports, respects and advocates for the rights and well-being of L.G.B.T.Q.+ people, even if they are not part of the community themselves." I would hope that as an Assembly we can send a very strong message here today, and I think we are already starting to, that collectively we are allies. I know that I certainly am. I want to now take a moment to draw Members' attention to the comments lodged by P.P.C. on behalf of the Diversity Forum on this matter. I chair that sub-committee and as a group of Members from across the Assembly we are committed to working together to improve diversity and inclusion. We discussed this proposition and there was unanimous agreement among all members that we wanted to lodge comments reflecting our position. That position is that this proposition works against the very principles of diversity and inclusion that we are working towards and instead risks having an exclusionary impact on a small group of individuals. We have full confidence that the inclusion guidance currently in our schools is reasonable and grounded in evidence around what is best for all children. So, I have

considered this proposition as chair of the Diversity Forum. I have also obviously considered it also as an individual Member but also particularly as someone who is a parent myself. I have done so by comparing both the existing and the proposed guidance because, after all, it is the guidance that we are focusing on here today in the proposition. The current guidance opens with the words: "Everyone deserves to be valued and treated with respect." I could not agree more. The current guidance goes on to state that it has been written in line with the U.N.C.R.C., particularly supporting the underlying principles of Articles 2, 3, 6, 8, 12, 16, 17 and 28. It goes on to say in addition to this Articles 28 and 29 are prevalent in supporting all children in their education in respect of their talents and abilities. Articles 12 and 13 are of particular note for this guidance, with the voice of the child needing to be central to decisions that are made in conjunction with Articles 24 and 27 for a child to have their medical, physical and mental health needs met. I would like Members to compare those statements with the Children's Rights Impact Assessment, which has been lodged alongside the proposition from Deputy Bailhache. In that assessment, Articles 3, 5, 14, 19 and 36 are ticked as being relevant; nothing else. Non-discrimination, respect for the child's views, right to an identity and freedom of expression have not been considered relevant by Deputy Bailhache. That is not that they have been considered and maybe there are implications on both sides; not relevant at all. There is no tick in any of those boxes. Nor has the right to education and the right to health and health services. Instead, the Deputy's clear focus is on the rights of parents and of adults throughout, and no children or young people have been consulted in the development of the proposition. This approach is disappointing to say the very least. I would challenge the Deputy to go into any of our schools in Jersey, and that includes primary schools, and try telling even the youngest of students that he does not think that these rights are relevant. I know for a fact that there would be a queue of children and young people lining up to set him straight because they know their rights and they have been taught so well at their rights-respecting schools. I am lucky enough to have some of those young people in my own life and, believe me, I get regular reminders about the rights of children should I ever need to be reminded. In preparation for today, I had an age-appropriate conversation with a young person in my own life about what we were going to be discussing today. I gently enquired about their knowledge and understanding of trans matters and their views on how such matters should be approached in school. I am not really sure what I expected but I did not expect the conversation to be as simple or as short as it was. I am trying to choose my words very carefully because certainly I am not wanting to be dismissive in any way at all, but for them it really was such a non-issue. The message was quite clear, that it is us adults who are overthinking it. They are tolerant, supportive and respectful without even having to try. They are the true allies. Also, in preparation for today's debate, I spoke to constituents, and that includes those with lived experience in their families. One such person explained to me how well their young person was doing and they said: "Some of the credit for this goes to the wonderful education and health professionals we have met and who have supported on the way, who have both challenged and supported us." I want to share a quote from that person as well. The quote goes as follows: "Personally, I think the challenge young people are making to our rigid conceptions of gender and how society functions are interesting and hold much potential for undoing the harm created by the existing dominant gender ideology, a function of patriarchal institutions that creates emotionally illiterate, entitled and often violent men. This is an irrefutable truth made clear in our crime statistics. We have to create space to listen to young people, not cut them out under the guise of an adult safeguarding lens. Why does the proposer feel it is OK to pick up the agenda of this group, ignore professionals and the law and use his power against one of the most vulnerable populations in our community? What is the underlying fear here?" That is the same message again that comes back from the young person that I spoke to: what exactly is the issue here? So, to turn to the guidance itself, as I say I have read both a number of times and considered them and compared them. I could not help but read them both through that lens of being a parent. The existing states: "Many Jersey schools and educational settings are already working to ensure that the school environment and curriculum celebrates similarity, difference and diversity such that all children and young people see themselves and their families represented and valued. This guidance

provides information on how to ensure trans members of the community feel equally welcomed, represented and safe.” That is the kind of schools that I want my children to be in. The current guidance talks about having positive relationships with parents and carers, access and safety for all, treating the welfare of trans young people in exactly the same way as others. It talks about case-by-case basis, treating each child and situation individually. It talks about a culture which celebrates diversity and where all children, irrespective of their characteristics, are valued, where systems and support services are in place to support vulnerable children, where effective bullying and equality policies are adopted across the whole school community, which challenges prejudicial behaviour including transphobia, sexism, homophobia and biphobia. It talks of a curriculum which provides children with the opportunity to challenge stereotypes and avoid making assumptions about sex, gender, gender identity and sexual orientation. That is the kind of system that I want my children growing up in. Crucially, it provides practical examples, tools and approaches for teachers and schools. The proposer claims that the current guidance is muddled and confusing, but I think he is reading the wrong document because it is his own proposed new guidance which is full of gaps and contradictions. It contains very little practical advice or guidance for schools, just a list of rules about what schools should not do, much of which directly contradicts the values of our modern, diverse and tolerant community. It talks about rights being gained as a child reaches adulthood, a direct contradiction to what we are teaching our children every day. I am not sure I have the time nor, I will admit, the patience to fully go into the claim that education for children must be grounded only in science and facts. There is so much more to the education that I want for my children than just the science and the facts. As a parent, I want my children to be exposed to a diverse, interesting and thought-provoking mix of education which, of course, does include science and facts but also interpretation, values, expression, challenge, politics, culture and much more. I could go on but I think I have made my points. This proposed new guidance is not fit for purpose and serves only to feed a negative narrative, not to help support vulnerable young people, their families, their peers and their teachers. It does not put the child at the centre of anything. It does not respect the rights of the child and does not uphold many of the values which I believe are important in today’s modern society. By contrast, the existing guidance has been developed in partnership with key stakeholders and by all accounts, because I have spoken to those involved in putting it together and implementing it, it is doing its job well. This proposition is therefore, at best, completely unnecessary. At worst, it is a divisive tool which attempts to make a political football of a small, potentially vulnerable part of our community, and I would urge Members to reject it on that basis. I would like to finish on a positive note. On Friday I had the pleasure of attending the D.i.F.E.R.A. (Diversity, Fairness, Equality, Respect and Acceptance) awards hosted by Liberate Jersey. Four States Members, all of them women, were shortlisted for awards at that event for their positive contributions to the principles of diversity, inclusion, fairness, equity, respect and acceptance: Deputies Helen Miles, Inna Gardiner, Beatriz Porée and Louise Doublet. This Assembly is coming to the end of this political term and the approach embodied by these women and many others in this Assembly is what I want this Assembly to be remembered for, not for the approach of this proposition.

The Deputy Bailiff:

Before I move to the next speaker, there is a point that I wish to clarify with you, Deputy Bailhache. That is your amendment to your own proposition. Because, if you recall, you did not want to deal with your proposition as amended at the start of moving that proposition, so I am afraid it is our fault, we omitted to remind you of that. So, do you wish to move your own amendment to your proposition?

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

I share your responsibility there for omitting to draw your attention to it. Can I solve the problem by moving now that the first amendment be adopted and allowing the debate to continue on the basis of my proposition as amended by that amendment?

The Deputy Bailiff:

Thank you, Deputy. Are Members content for the proposition to be debated as amended by Deputy Bailhache's amendment? I will ask the Greffier to read the amendment, I think, before Members decide.

The Greffier of the States:

Page 2 – After the words “accompanying this proposition” insert the words “, subject to any minor modification that the Minister may deem appropriate,”.

Deputy M. Tadier of St. Brelade:

Do all those Members get to speak again, then? [Laughter]

The Deputy Bailiff:

Well, that is a difficult procedural question, but does any Member wish to speak on the amendment to the proposition? Are Members content then to ... Deputy Scott.

Deputy M.R. Scott of St. Brelade:

No, Sir.

The Deputy Bailiff:

No. Are Members content then that the proposition is to be debated as amended by Deputy Bailhache's amendment? Thank you. I am grateful. Very well, the next speaker to speak is Deputy Gardiner.

[17:45]

11.3.3 Deputy I. Gardiner of St. Helier North:

As the Minister for Education and Lifelong Learning is walking out, I would like to ... no, it is absolutely fine. I just actually would like to speak after the Minister for Education and Lifelong Learning and Deputy Stephenson because they said lots of things that I wanted to say. I would like to concentrate my speech on a different aspect that has not been raised much. It was raised. Living as part of a minority group, general experience being a minority, it can be difficult, not because of people who they are but because how society is structured and how society chooses to respond to differences. When we are here debating and we are thinking to debate a proposition that singles out a very small and vulnerable group of children, we are not making their lives safer. We risk making them harder. As someone who is part of an ethnic minority, I have at times been on the receiving end of abusive language and I know personally how quickly words, attitudes and assumptions can make you feel excluded and unsafe. This is why it matters. We know that Jersey is a small community and our policies are not abstract. Our policies are felt immediately, personally and often really deeply for the groups that have least voice. I did the same as Deputy Scott. We had a conversation. I did the same with my constituents and I asked: “This is the guidance. Find me paragraphs in this guidance that are saying what you are saying to me.” Not what are soundbites on social media, not something that you have heard around the dinner table that somebody mentioned; here, in this guidance. I am really pleased because we started ... Deputy Louise Doublet led on starting to develop this guidance, but I remember we had this conversation. I will just read a couple of sentences at the beginning of this guidance: “Globally, the trans community still accounts for around 1 per cent of the population and they are a target of bullying, harassment, violence that leads to increased likelihood of negative mental health outcomes.” It is in our guidance. Positive messaging is not the same as actively encouraging pupils to identify as trans. It is in our current guidance. Using techniques such as conversion therapy to change a pupil's gender from the one to which they identify is unsafe and unacceptable, and it is again in our guidance. In recent years, there has been an increase in the rhetoric surrounding gender identity. Much of this rhetoric is divisive, politically fuelled by both social media and mainstream media. This has led to the increase in hate

crimes against trans people. This is from our guidance. This proposition, whatever the intention, risks increasing stigma, fear, isolation for a very small group of young people who are already navigating complexity in their life. This is where we should oppose. It is about listening to children and not silencing them. It is about trusting our professionals and not replacing them with politics. It is about building a system that works for everyone, and it is not easy. It is not easy when we have so much difference how we are actually embracing the difference and making us ... because each difference brings a different perspective and can bring us stronger. Let us all be clear. I started the speech and I will finish the speech with this. Minority life is not inherently hard. It becomes hard when the system, attitudes and environment are not inclusive. To say that in Jersey every child matters means that no child should feel that they are the problem to be managed rather than a person to be supported. So today we have a choice, from my perspective. We can choose the path that risks increasing stigma or isolation, or we can choose a path that reflects the kind of Island we want to be: fair, inclusive and respectful.

The Deputy Bailiff:

The next Member that I have to speak is Deputy Scott. Deputy Scott, we are approaching 5.50 p.m. Will that give you sufficient time for your speech?

11.3.4 Deputy M.R. Scott:

Yes, Sir. I think sometimes I have mentioned in debate the need to have propositions addressed at the right logical level rather than conflate issues. What we have is a conflation of issues, I believe. It is not so much safeguarding. I think we all want children to be safeguarded, but there is a kind of conflation with whether trans people exist before puberty, I think, and how you really deal with them. I have heard some amazing speeches. Deputy Stephenson made a very good speech and mentioned the subject of fear. I think that this is a key issue here. I am just going to canter through some of the fears that I believe are relevant to this debate. One of them is the fear of the trans community that their whole existence could be denied, is being denied, and I think that this proposition just confirms that fear, unfortunately. There is also the fear, and I have had the mentions of things like conversion therapy where, OK, biological sex exists, but if people start showing differences that they do not feel like a man or a woman or they do not get attracted to men or women that they need some sort of therapy to make them be like all the others. I personally feel that is rather abhorrent because I do believe there are lots of varieties of people and there is lots of space that we can make for them. Then there is this fear about what happens if you do not have single-sex segregation. The fact is horrible things like bullying and rapes can happen in single-sex toilets and it can be inflicted by people of the same sex as each other. What the Minister for Education and Lifelong Learning has said about how this has been considered and is being approached more in the way in which we design safe spaces is perfectly valid here. I do not believe that regression in terms of saying let us put this lot in one kind of pen and this lot in another necessarily addresses the issue. There was indeed a certain amount of sensationalism in what happened in Scotland where apparently somebody masquerading as a trans woman went into a women's prison and there was some sort of rape. I do not actually think that was a real trans thing. This was an abuse of an actual situation and ... but it has played on these fears that have gone against a certain community and has caused some prejudice against them. I am afraid all things can be abused. We need to accept that one person does not represent all. I will move on to the subject of labels. I have been quite old-fashioned here. I have been totally irritated by the word "they" when you are talking about a single person, but at some point ... and I was doing this when I was talking to the trans constituent, who is so kind and tolerant of me because I know I probably tread on every single woke minefield that there is. I cannot help it; I am of a certain age. But while talking to her I realised that, when it comes to pronouns, I actually speak languages where plurals and singulars get mixed up. I even believe Jërriais does that, I and we, perhaps. So, I found myself thinking is it really such a big thing? But moving on to the subject of vulnerability, one thing that lawyers often talk about is when you commit some sort of damage to some people, there is something

called the weak skull argument, that basically if they have a weak skull you do not say: “Well, they are more vulnerable than others. Let us just treat everybody the same.” That is not what we say. We say we have to realise that people are who they are and they are fragile and you need to basically do this safeguarding, whoever they are. The last thing is about this fear of pushing an ideology in schools. I believe that this is pushing an ideology, too. So, this is exactly what this proposition is doing. But I do believe if teachers are behaving in an inappropriate way in any sense in schools that members of the public should be able to complain about them. I do believe that a public services ombudsman would be jolly helpful there, too. **[Laughter]**

The Deputy Bailiff:

Thank you, Deputy. It is now ... the adjournment is proposed. Are Members content to adjourn? Very well. The States stands adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:56]