STATES OF JERSEY

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

Presented to the States on 13th January 2026
by the Children, Education and Home Affairs Scrutiny Panel

STATES GREFFE

COMMENTS

The proposition seeks to amend the Jersey Gas Company (Jersey) Law 1989 (the 'Gas Law') in order to ensure there is an appropriate exchange of relevant information from the Jersey Gas Company Limited (the 'Jersey Gas Company') to the Minister for Justice and Home Affairs ('JHA Minister') or another delegated person in certain scenarios, including those where there is an emergency situation.

The report accompanying the proposition for the Draft Jersey Gas Company Amendment Law 202- (the 'Amendment Law') explains that the changes will also: introduce new powers to enter premises and require a person to provide information; introduce new offences under the Gas law; and establish a regulation making power to amend the Gas Law further "*if the amendments relate to the safety, security and provision of the supply of gas, or the constitution, organisation, powers and duties of the Company*".[1]

As further context, the Government initially lodged a proposed amendment to the Jersey's Gas Law in March 2025 (P.22/2025), however, this was subsequently withdrawn by the JHA Minister, following points raised by the Scrutiny Panel and relevant stakeholders. Some of these have been addressed in the Amendment Law.

The Children, Education and Home Affairs Scrutiny Panel (the 'Panel') met with representatives from Island Energy Group ('IEG') (business name of the Jersey Gas Company) and a written submission has subsequently been provided to the Panel on behalf of the Jersey Gas Company which sets out some concerns. The submission can be viewed in full here.

The Panel has queried some of the points of concern with the JHA Minister in writing, the response to which is dated 19th December 2025 and can be read in full here.

The Panel highlights the following points for the attention of members before the debate on the Amendment Law:

Penalties

Article 89H of the Amendment Law proposes new offences in the Gas Law, namely, it would be an offence if:

- a person contravenes the new Article 89B (Obligation to notify JHA Minister) or 89C (Obligation to disclose information to JHA Minister). In these instances, the person would be liable for imprisonment for a term of 5 years and to a fine. A defence for these would be for the defendant to prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence;
- a person "knowingly or recklessly" provides the JHA Minister, or another person entitled to information, under the Gas Law with information that is false or misleading. In this instance a person would be liable for 7 years imprisonment and to a fine;

[1] Draft Jersey Gas Company Amendment Law 202- [P.91/2025]

- there is intent to avoid compliance with Article 89B or 89C, including the destruction, concealment, removal, or alteration of any information. In this instance a person would be liable for 7 years imprisonment and to a fine; and
- a person intentionally, and without reasonable excuse, obstructs a person exercising the function under Article 89G to enter premises and require information. In this instance a person would be liable for 7 years imprisonment and to a fine.

The Jersey Gas Company submission has suggested that the proposed penalty of imprisonment for 5 - 7 years is disproportionate in comparison to other legislation, as the offences relates to the provision of information to the Minister rather than being health and safety offences, which are already covered under existing legislation or common law:

> "*They* [the penalties] *do not relate to a failure on the part of JGCL* [Jersey Gas Company Limited] *to comply with its duties in respect of public safety, causing harm to people or property, or a failure to supply gas; nor do they relate to any failure on the part of JGCL to take reasonably practicable steps to mitigate or prevent such risks of harm or failures.*"[2]

The Jersey Gas Company's submission highlighted that this penalty could deter recruitment and would be only applicable to Jersey Gas Company, and not other hazardous industries. The appendix to the submission details the following legislation as a comparison:

Legislation	Offence	Penalty
Health and Safety at Work (Jersey) Law 1989	To make a false statement in purported compliance with a requirement to provide information; and to obstruct an inspector in the performance of their duties.	A fine not exceeding Level 3 on the standard scale.
Petroleum (Jersey) Law 1984	To obstruct an inspector exercising their powers of entry and inspection.	A fine not exceeding Level 2 on the standard scale.
Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008	Makes it an offence to fail to comply with a request for information or documents, or to obstruct an officer exercising their powers to enter premises and put questions.	6 months imprisonment and a fine.
England and Wales: Health and Safety at Work Act 1974	Contravention of the Act's underlying regulations, e.g. The Reporting of Injuries, Diseases and Dangerous	Imprisonment for a term not exceeding 2 years, or a fine, or both.

[2] Written submission – Jersey Gas Company Limited – 2nd January 2026

	Occurrences Regulations 2013 and the Gas Safety Management Regulations 1996.	

The Panel asked the JHA Minister about the process by which the offences applicable to the new articles had been independently evaluated to assess suitability. The JHA Minister confirmed that the offence and penalty provisions were reviewed and approved by the Law Officers following a penalty review. It was confirmed that this process was followed on all draft laws and subordinate legislation to ensure appropriateness and consistency for similar offences in statute. The JHA Minister also highlighted that this process reflected the Attorney General's customary function as *Partie Publique* when providing conclusions for sentence before the courts.[3]

One further comparison of offences and penalties to highlight is that of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020:

Legislation	Offence	Penalty
Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020	Failure to disclose information to the Financial Services Commission ('JFSC') for various regulatory purposes; to provide false or misleading information to the JFSC; or maliciously destroy, conceal or alter information to avoid detection.	The penalty for failing to disclose is 4 years imprisonment and a fine. Penalty for false or misleading information and for destroying evidence etc is 7 years imprisonment and a fine.

Therefore, the proposed penalty for false or misleading information and for destroying evidence in the Amendment Law is consistent with that in the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020.

Whilst the proposed penalty for failure to disclose is higher in the Amendment Law than other local legislation, the Panel understands that the context for the offences has been taken into consideration when considering appropriateness.

The Panel notes that the penalties detailed in the Amendment Law are the maximum penalties, rather than mandatory penalties for the court to impose. Whilst the Panel is concerned about the possible deterrent to recruitment that the penalties could create for the Gas Company, the Panel is satisfied that the appropriate process to determine the penalties was followed. Furthermore, as there is evidence of similar penalties in the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020, the proposed penalties in the Amendment Law do not exist in isolation.

[3] Letter – Minister for Justice and Home Affairs – 19th December 2025

Timing of the Legislation

The introduction of the report accompanying the proposition references that part of the context for the Amendment Law is because following "*events involving gas in recent years, the Emergencies Council has had a particular focus on public safety and the security of continued supply of gas in Jersey.*"[4] The Panel is also conscious that gas safety is a subject which will create significant emotional responses for many members of the community and needs to be approached in both a practical and sensitive way.

The submission from the Jersey Gas Company suggests that the debate on the Amendment Law should be postponed until the conclusion of the Haut du Mont criminal proceedings, suggesting that this "*would (i) minimize the risk of prejudice to those proceedings, and (ii) ensure that any legislative changes are appropriately informed by factual findings when they become available*".[5]

The Panel notes that the Amendment Law will impact the exchange of information in certain scenarios. It will provide a requirement for information sharing in the instance of any future relevant events and the Panel understands that it will not have any impact on the court proceedings, where charges have been brought under the Health and Safety Law.

Equality of Regulatory Treatment

The Panel notes that the stated purpose of the Amendment Law is to provide the JHA Minister with the "*necessary and appropriate powers to be able to gather information from the Gas Company in a timely and proactive way*."[6]

The Jersey Gas Company has highlighted that the Amendment Law will only apply to it, as the named company in the Gas Law and that the same requirements to provide information are not required by other hazardous industries.

The Panel agrees that this is an important consideration, however, notes that it would be an aspect that requires wider legislative updates as it cannot fall under the scope of updates to the Gas Law. The Panel understands that consideration of regulatory treatment across hazardous industries will be addressed in the future Energy Strategy, however, the Panel asks the JHA Minister, and / or Minister for the Environment to address this point when the proposition is debated by the States Assembly.

Corporate Manslaughter Law

There is no legislation making corporate manslaughter an offence in Jersey. The submission from the Jersey Gas Company highlighted their support for this legislation to be developed in order to "*strengthen corporate accountability, to align Jersey with UK standards and to promote a coherent approach to public safety.*"[7] They also highlighted that:

[4] Draft Jersey Gas Company Amendment Law 202- [P.91/2025]
[5] Written submission – Jersey Gas Company Limited – 2nd January 2026
[6] Draft Jersey Gas Company Amendment Law 202- [P.91/2025]
[7] Written submission – Jersey Gas Company Limited – 2nd January 2026

The creation of a new corporate manslaughter offence could ensure clearer legal avenues for investigation and prosecution, following fatal incidents arising from corporate negligence. It could also ensure Islanders benefit from protections comparable to those in neighbouring jurisdictions.[8]

Whilst the Panel agrees with this point, it lies beyond the scope of the Amendment Law. Developing and, where appropriate, adopting new legislation requires considerable time, making it impractical to pursue within the current Government's remaining political term. Nevertheless, the Panel would welcome clarification from the JHA Minister as to the status of any preliminary work which could lay the foundation for future development of a corporate manslaughter law in Jersey.

Management of any conflicts of interest

The Jersey Gas Company has queried wider points relating to the constitutional structure and information sharing within the Government of Jersey and with Law Officers. The Panel has not had the opportunity to query the Minister on this aspect in detail.

The Panel suggests that this aspect is discussed between IEG and the Government directly in order to alleviate any concerns about information sharing between departments and management of conflict of interest.

Amendments to other Articles relating to company administration

The submission to the Panel from the Jersey Gas Company also made suggestions about other changes that could be made to the Gas Law by the Amendment Law, for example, updates to:

- Article 13, relating to the inspection of the Gas Company's registers: namely, the current requirement that the registers of the Company had to be available for inspection during normal business hours. It was suggested that this should be updated to reflect that an electronic copy on the website would be a suitable alternative option;
- Article 20, relating to annual or extraordinary general meetings: namely, that there was no provision for the shareholders to suspend the requirement for an AGM, which is typically available to shareholders of private companies. It was suggested that this be amended to provide the shareholders with that option, if they saw fit; and
- Article 29, relating to number of directors of the Gas Company: namely that the Gas Law required a minimum number of five directors to be appointed. The Jersey Gas Company suggested that this was excessive as a private company in Jersey was usually required to have one director and a public company was required to have two. It was suggested that the Gas Law be amended to change the minimum number to two directors, which would reflect their responsibilities as a utility company.

The Panel felt that these were reasonable suggestions and wrote to the JHA Minister to query these points. In response, the JHA Minister advised that these points had been considered following IEG raising them directly, however, that they fell outside the purpose of the Amendment Law. The JHA Minister confirmed that these points would

[8] Written submission – Jersey Gas Company Limited – 2nd January 2026

be addressed as part of the Energy Strategy work which will be led by the Minister for the Environment as per the timetable set by the approved proposition 'Evidence-Based Energy Strategy', P.11/2025.

Requirement to define 'reportable events'

Article 89B of the Amendment Law references the publication of a direction that sets out reporting requirements for the Jersey Gas Company. The JHA Minister advised the Panel that this document was in an early stage of preparation and was confirmed that, if the Amendment Law was approved by the Assembly, Government officers would work with IEG and collect formal written comments to develop and publish the direction prior to Q3 2026.

The Panel asked for some further detail about what would be included in the direction. The Minister reference the detail already listed in Article 89B(2) and stated that it was likely to include day-to-day and operational issues on these points, as well as longer terms issues about strategic commitments and safety aspects of IEG's undertaking.

Whilst the development and eventual publication of this direction will likely largely take place under a new Government, the Panel requests that its successor is briefed about this process.

Delegations

The Panel asked for clarification as to who the JHA Minister's power to receive information could be delegated to (as per Article 89C of the Amendment Law). The JHA Minister confirmed that this would be developed further as the work on the direction continued, it was noted that "*It may be that for some, or part, of the information requested, the Minister directs that it should be in the first instance be shared with an officer on his or her behalf for initial consideration an advice*." It was further clarified that this would be the normal course of arrangements for supporting Ministers and that the "*initial view*" is that it would not need a formal delegation.

However, the Panel references the earlier noted concerns of the Jersey Gas Company around sharing of information and would suggest that this initial view is reviewed in the course of the further development of the direction.

Conclusion

In conclusion, whilst a number of outstanding concerns have been highlighted with the Amendment Law by the Jersey Gas Company, the Panel notes that the Minister has provided assurance that the Government will address wider points as part of the Energy Strategy work which will be led by the Minister for the Environment.

The Panel notes the calls from the Jersey Gas Company about the appropriateness of the timing of the debate of this legislation. The Panel does not share an opinion on this point, and highlights that this is ultimately a matter for the States Assembly to decide the progress of legislation.

The Panel confirms its support for the principles of the Amendment Law relating to information sharing between the Jersey Gas Company and JHA Minister.