Minister for Sustainable
Economic Development

Government of JERSEY

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By email

27th February 2026

Dear Chair,

Public Hearing

Thank you for your letter of 17th February, in which you ask a number of questions following our recent Public Hearing. I have set out updates to each of these below:

Shipping (IMO Conventions) Amendment Law [P.36/2026]

1. *Minister, can you provide the Panel with an overview regarding the Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- ?*

In 2022, Jersey was subject to an audit against the III Code, conducted by the Maritime & Coastguard Agency (MCA) on behalf of the International Maritime Organization (IMO). The IMO Instruments Implementation Code (III Code) provides a global standard to enable states to meet their obligations as flag, port, and coastal states against the international conventions they have signed up to (such as SOLAS and MARPOL).

The audit found that Jersey's maritime legislation did not accurately reflect the international conventions it has signed up to or joined. This was because updates to relevant IMO conventions had not been properly incorporated into Jersey's maritime law when it was drafted, meaning references to IMO conventions in Jersey legislation appear as references to the version of the convention that existed at the time the reference came into force. As IMO conventions are updated periodically (approximately every few years), Jersey's legislation has thus fallen behind on reflecting subsequent updates to the relevant conventions, making it non-compliant against the III Code.

To address this finding, a legislative project has been initiated, consisting of 2 propositions.

The Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- is the first proposition, and provides the States Assembly, via amendments to primary law, with the power to amend relevant regulations with ambulatory references. Ambulatory references will allow future updates to applicable maritime conventions to be automatically applied to Jersey.

The Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- will lay the foundations for subordinate legislation, such as the regulations and orders that sit under the primary law, to be amended to include ambulatory references. Once the project is complete, any reference to an IMO Convention will always reference the current version of the IMO convention or UK legislation, ensuring Jersey's legislation does not fall behind again.

The changes will help to ensure Jersey's reputation within the Red Ensign Group and wider international maritime community is upheld through the demonstration of robust compliance with international maritime obligations and will strengthen Jersey's position prior to the next audit in September 2026.

2. *Minister, could you explain the reasons why Jersey's maritime legislation has fallen behind current international standards, and outline why previous updates to bring the legislation in line with those standards were not undertaken?*

As set out in answer to question 1, updates to relevant IMO conventions (such as SOLAS and MARPOL) were not properly incorporated into Jersey's maritime law when it was first drafted. This is likely due to an administrative oversight at the time and due to the gaps only being highlighted as an issue in Jersey's most recent audit in 2022.

Updates to IMO conventions occur via tacit acceptance, which means that an amendment shall enter into force at a particular time unless objections to the amendment are received from a large volume number of member states. Therefore, the absence of the updates in legislation does not exempt Jersey from being compliant with the conventions.

Over the past few years, a comprehensive programme of maritime legislative reform has been undertaken, including amendments to the *Shipping (Jersey) Law 2002*, the *Harbours (Inshore Safety) (Jersey) Regulations 2012*, and the *Shipping (Registration) (Jersey) Regulations 2004*. Due to resourcing pressures within the Department, it has been necessary to prioritise work to ensure other projects could also be delivered.

3. *Can you advise what has been currently happening in the absence of this legislation?*

Whilst Jersey has an established framework of maritime regulation, several legislative gaps and enforcement limitations have led to practical and safety-related challenges.

For example, whilst Jersey maritime legislation applies to Jersey registered vessels, if these vessels are operating commercially in international waters or undergoing an inspection in a foreign port, questions have previously been raised by the local port state regarding the vessel's compliance with international conventions.

The introduction of ambulatory referencing will ensure Jersey flagged vessels do not fall behind in demonstrating compliance with international standards in future.

4. *Minister, the Panel notes from the Report accompanying the proposition that a public consultation was conducted between November and December 2025.*
   a. *Can you clarify why you believe no responses were submitted?*

It is worth noting that, in addition to standard public communications functions around the consultation, Officers undertook targeted engagement among maritime stakeholders to raise awareness of the process, and to encourage participation. Several stakeholders from the maritime and marine community were contacted regarding the consultation, including advance notification and confirmation of when the consultation was launched, and had 14 days to provide a response. While I am unable to opine on the underlying motivations for a zero-response rate, it could be that the proposition is judged to be uncontroversial by those stakeholders who it might most closely speak to.

b. *Were any additional forms of stakeholder engagement undertaken?*

Economy Officers engaged with Deputy Bailhache in his position as Chair of the Law Advisory Panel to seek his review and input of the draft law amendment, in relation to the Draft Treaties (Jersey) Law 202-.

5. *Minister, the consultation paper refers to the use of ambulatory references, stating that "the Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202-, if adopted, will provide the legal basis for subordinate legislation (regulations and orders) to be updated by way of ambulatory referencing." Could you explain this concept to the Panel and clarify why the use of ambulatory referencing is considered necessary in this context?*

As set out in response to question 1, ambulatory referencing is a mechanism which allows for future updates to applicable maritime conventions to be automatically applied to Jersey. This mechanism will ensure Jersey's maritime legislation does not fall behind on demonstrating compliance with our international maritime conventions again, as our maritime legislation will now always point to the most recent version of the relevant conventions.

The inclusion of ambulatory referencing is considered suitable because Jersey has already accepted the principles which underpin the conventions that have been extended, the principles are unlikely to be fundamentally altered over time, and sufficient advance notice of technical updates coming into force is typically readily available and well communicated via the MCA.

Further, if ambulatory referencing is not adopted, a project to update the relevant law and/or regulations will need to be undertaken every time a maritime convention (which Jersey has already signed up to) is updated. Given the volume of work and resource required to update legislation, across the Economy Department, the Law Officers Department and the Law Drafting Office, this is deemed unsustainable and inefficient.

6. *The Panel notes in the consultation paper that proposition 2 is under development and "will refer to the relevant subordinate legislation (regulations and orders) which sits under the primary law and will be lodged at a later date." Minister, are you able to provide any more details regarding the second proposition for the Panel?*

References to IMO conventions occur within several regulations and orders. Via proposition 1, the States Assembly would be provided with the power to introduce ambulatory refences into relevant regulations and subsequent orders. Once this power has been provided, proposition 2 will make the necessary changes to the relevant pieces of subordinate legislation to reflect the latest version of the conventions.

Due to the complexity of this project, and the volume of regulations and orders which require amendment, the proposition will likely be ready for lodging in Q3 2026. Once proposition 2 is adopted, the wider legislative project will be complete, and the audit finding will be addressed.

Draft Agriculture and Fisheries (Loans) Law 202- [P.37/2026]

7. *Minister, can you provide the Panel with an overview regarding the Draft Agriculture and Fisheries (Loans) Law 202-?*

The draft Law modernises and expands Jersey's long-standing public lending scheme so that it supports both the agriculture and the fisheries sectors. It establishes a single Agriculture and Fisheries Loans Fund, continues and renames the statutory Board to advise on Ministerial lending decisions. It also sets high-level eligibility, creates proportionate inspection and enforcement powers, and enables detailed operational arrangements to be set by Regulations (in development - expected to be lodged later in 2026). Transitional provisions migrate the existing fund, board appointments, and any live loans or applications into the new framework to ensure continuity.

The policy intent is to align lending with current economic frameworks and industry needs while maintaining proper governance: loans will be available to commercial operators who meet defined criteria and who already qualify under the Rural Support Scheme or Marine Support Scheme administered on behalf of the Minister.

8. *Can you set out for the Panel the key changes between the Agriculture(Loans and Guarantees) (Jersey) Law 1974 and draft Agriculture and Fisheries (Loans) (Jersey) Law 202- ?*

The draft Law introduces material updates on:

(i) scope expanded from agriculture only to agriculture and fisheries;

(ii) instrument simplified to loans-only (the 1974 framework also included guarantees and interest subsidies);

(iii) Board re-established and renamed with fisheries accounted in the constitution and proceedings set in primary legislation;

(iv) eligibility modernised by linking to the Rural and Marine Support Schemes and statutory registrations;

(v) new borrower notification duties with a power to require immediate repayment;

(vi) inspection and enforcement powers including entry to premises associated with a loan and removal of secured movables, with offences for false applications and obstruction;

(vii) regulation-making powers for operational detail; and

(viii) full transitional arrangements to transfer the current fund, continue appointments and carry over loans and applications.

9. *Can you advise the Panel why it is necessary to replace the Agriculture (Loans and Guarantees) (Jersey) Law 1974 and the reason why amendments were not chosen?*

The 1974 Law is five decades old and designed for a different policy environment. Replacement allows us to bring fisheries fully into scope and reset governance around a re-established Board. It also provides modern eligibility criteria, notification and enforcement provisions, and moves operational mechanics into Regulations to future-proof the scheme. A patchwork of amendments would not deliver the clarity, accessibility or flexibility required. The Law updates also align with the Rural and Marine Economic Frameworks.

10. *The draft Law proposes re-establishing and renaming the Board. Could the Minister provide more information on how the Board's role and responsibilities will operate under the new legislative framework, and what changes if any are there compared to the previous Board?*

The Agriculture and Fisheries Loans Board (renamed under the draft Law) will continue to make recommendations to the Minister on loan applications from the Fund. The Law updates the Board's constitution and proceedings with subsequent Regulations and Terms of Reference to reflect the draft Law and cover the operating detail.

In practice, the Board will continue to review applications, check eligibility, consider risks and due diligence, and submit written recommendations for Ministerial decision. It operates with a defined quorum and majority voting, and is supported administratively by Jersey Business Ltd (JBL). Compared with current arrangements, the remit is broadened to include fisheries and membership is updated to reflect this development.

11. *The draft Law states the following aim: "Set out the criteria for the granting of loans, which are for engaged in work relating to agriculture or fisheries to undertake specified activities. They must qualify to be a beneficiary of the Rural Support Scheme or the Marine Support Scheme administered on behalf of the Minister and meet certain registration and other statutory requirements." Are you able to provide more details to the Panel regarding the criteria for the granting of loans?*

Eligibility operates at two levels. First, applicants must be engaged commercially in agriculture or fisheries and must be able to qualify as a beneficiary of the Rural Support Scheme or Marine Support Scheme administered on behalf of the Minister. Applicants must also meet specified registration and statutory requirements. For Rural applicants, this means being registered as a Bona Fide Agriculturalist or Smallholder. For Marine applicants, this means being granted a licence or a permit by the Minister for the Environment under Article 12 of the Sea Fisheries (Jersey) Law 1994 and be registered under Regulation 5 of the Shipping (Registration) (Jersey) Regulations 2004.

Second, loans support specified activities associated with those sectors; the Schedule to the Law and subsequent Regulations will provide the detailed list and parameters (e.g., eligible capital investment). This ensures detailed rules can be updated via Regulations while the Law preserves the core eligiblity.

12. *The draft Law sets out circumstances in which borrowers must notify the Minister if they cease to be engaged wholly or mainly in work relating to agriculture or fisheries or any relevant convictions relating to carrying on of that work. Could the Minister outline how the requirement of 'mainly' will be determined?*

The term 'mainly' will be assessed using a facts-and-circumstances approach applied consistently across cases - for example, considering the proportion of turnover, assets employed, time spent, and business purpose attributable to agriculture or fisheries over a representative period, aligned to the business plans and financials submitted with the application. If the test is not met, the Minister may require immediate repayment of principal and outstanding interest to protect the Fund.

13. *The draft Law provides authorised officers with powers to enter and inspect property associated with a loan and remove any movable property that has been provided as security. Could the Minister expand on how and when this might be used?*

Article 8 provides for an authorised officer of the Minister's Department - or another person authorised by the Minister - to enter and inspect property that is the subject of a loan and, where relevant, remove any movable property provided as security. Powers would be used proportionately, typically where there is risk of breach or misuse of loan funds or assets, for enforcement following default (including recovery of secured movables). Borrowers must assist and provide necessary information.

14. *Can you advise the Panel regarding the transitional arrangements in place in the draft Law and how it will be managed if adopted?*

The draft Law transfers assets and liabilities from the existing agricultural loans fund into the new Agriculture and Fisheries Loans Fund, continues existing Board appointments, and treats existing loans and live applications as if made under the new Law to ensure continuity when it comes intro force on a day to be specified by the States by Act. Operationally, JBL will continue day-to-day delivery during transition, with the Department for the Economy and Treasury Department overseeing accounting, interest and repayment processes without interruption.

15. *Are there any changes to Jersey Business Ltd role in delivery of the scheme under the draft Law?*

No. JBL already administers the scheme and will continue under the modernised framework—coordinating applications, convening the Board, and arranging independent financial due diligence by external accountants. This provides capacity and expertise without expanding government headcount and includes ring-fenced funding for due diligence, with any unutilised amounts returned to Government. Since December 2024 there have been 11 loan offers totalling £5,815,960, demonstrating effective delivery and pipeline.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Repeal Law 202- [P.40/2026]

16. *Minister, can you provide the Panel with further clarity around the rationale for repealing this Law? What instigated the move for this?*

The repeal of the 2010 Law was instigated through feedback from businesses and Islanders alike. The Barriers to Business report, which recorded 428 responses through surveys and focus groups, noted how "businesses explained that restrictions over trading and operating hours has had a detrimental effect on trade, particularly in relation to Sunday trading." The report recommended that the Law be repealed and policed by exception.

The repeal also works towards the Common Strategic Policy priority of reducing red tape, enhancing opportunities for business and strengthening Jersey's international reputation.

A call for more opportunities to shop on Sundays has also been expressed by Islanders in the 2023 Jersey Retail Report, in which 64% of respondents were highly interested in Sunday shopping. This figure increased to 81% amongst 16-24 year olds.

Shopping for non-essential goods also remains a top activity for visitors to the Island. It is known that, historically, very few retailers open on Sundays. Weekend visitors or day trippers to Jersey are able to enjoy our hospitality offering, but not a wide range of options to shop. Repealing the Law will make it easier for shops to open, in combination with the newly digitised GST refund scheme enhancing Jersey as an attractive retail destination on any day of the week.

Additionally, inward investment work undertaken by the Department includes seeking to attract new retailers that, in many jurisdictions, would typically be open every Sunday. Deregulating this area would remove potential additional cost and red-tape to operate which could be a perceived barrier to entry.

17. *Could the Minister advise what the current barrier is to retailers opening and operating on Sunday and why it was felt that this repeal was needed?*

The current barriers to opening and operating on Sundays include the Law and other business specific market factors associated with trading, such as sufficient demand, staff availability and business appetite, as is the case with any other day of the week. Repealing the Law is one mechanism to reduce the burden on retailers if they wished to open on Sundays in particular.

18. *During the Hearing, you stated that no economic impact assessment had been undertaken. Could you clarify whether any assessment was carried out regarding the impact on the workforce? If not, please explain why.*

The direct economic impact of this deregulation is likely to be small but positive. Reducing burdens on business and unnecessary rules and bureaucracy will benefit businesses and also Islanders.

Impact on the workforce has not been estimated as we do not hold detailed information in order to assess this from a cost perspective. It should be noted that shops are already able to open on a Sunday, this proposed law simply removes the need to acquire a permit to do so. Please also see response to 24 (a).

19. *Can you outline the current process for applying for a permit?*

The current Law requires that applications are made to the Connétable of the relevant Parish in the approved form. This is available in a PDF on Parish websites and must be printed, completed and returned along with the application fee.

a. *What is the cost attached?*

There is currently a £60 fee for a general or single permit, and £120 fee for a restricted hours permit charged by the relevant Parish.

b. *How long does it take from applying to receiving a permit?*

This varies between Parishes.

c. *Are there permits that are for one-off opening and/or for year-round opening? If so, what are the differences?*

There are three types of permits, as set out in the 2011 Regulations. These are:

- A general permit – for smaller retailers (a sales area that is no more than 700 square metres) which allows opening on every Sunday and public holiday, apart from Christmas Day
- A restricted-hours permit – for larger retailers, which allows opening between 10am-4pm every Sunday and public holiday, apart from Christmas Day or 26th December
- A single permit – permits opening on Sundays and public holidays on up to 5 specified days in a calendar year, excluding Christmas Day and 26th December

d. *Would repealing this requirement result in any loss of revenue currently generated from issuing these permits?*

Officers have previously sought this information from the Parish of St Helier without success. Anecdotal feedback from Parish officials has advised that the cost of running the permit scheme is greater than the revenue brought in by the scheme.

e. *Would there be any reduction in the resources or administrative workload previously required to process permit applications?*

Administrative time would no longer be needed to process permit applications at the Parish, and businesses would no longer have to deal with the admin of applying for a permit.

20. *In relation to the current permits, could the Minister advise whether it is usual to attach conditions to permits and if so, can you provide examples?*

Connétables have broad powers to apply conditions on permits to ensure that shops trading on Sunday and specified days do not adversely affect the public's enjoyment of those days. Conditions can include (but are not limited to) restricting opening hours, restricting the number and timing of deliveries, and specifying arrangements for parking and traffic management. These conditions will vary on a permit-by-permit basis, as different shops in different locations will have a varying impact of peace and tranquillity, etc.

21. *The Panel recognises that repealing this requirement would eliminate the need for businesses to obtain permits to open on Sundays and public holidays. From your perspective, in what ways could the removal of this permit requirement support or stimulate the local economy?*

Whilst the main aim of the repeal is to reduce red-tape for businesses, it also presents an opportunity to increase vibrancy and spend in the local economy.

The removal of the requirement to obtain a permit to open and trade on Sundays and public holidays will provide businesses with the opportunity to test new patterns, try extended hours, and respond to customer demand in a way that suits their employees and operating model.

During peak times of the year, St Helier sees around 30,000 visits to the high street on Sundays. This is a significant captive audience looking for things to do, places to browse, and somewhere to spend time and money. There is also potential for a spillover effect into surrounding hospitality businesses.

22. *Has consideration been given to how repealing the Law and associated regulations may affect retailers of different sizes?*

The administration and fee represent a larger cost to smaller retailers, whereas larger retailers with shops in multiple Parishes currently have to obtain multiple permits – the law applies to individual shops, not businesses. Reducing this red-tape is seen to have a positive effect for both.

Larger retailers are restricted by the current Law, with opening hours set between 10am and 4pm. With the Law repealed, they will be able to open for longer periods. It is not foreseen that this will take business away from smaller retailers, as different sized shops serve different purposes within their communities. Convenience and product availability are factors that determine why a customer may choose to shop with one retailer over another. These factors will remain if the Law were to be repealed.

Furthermore, the Chamber of Commerce has confirmed their intention to develop a Code of Conduct for their retail members to sign-up to. This will include a series of commitments to ensure that businesses are good neighbours and seek to ensure their deliveries do not unduly impact upon neighbouring premises.

23. *What is the number of businesses that you anticipate will be impacted by this repeal?*

The latest figures evidence that there are over 800 retail businesses in Jersey, however, many do not currently open on Sundays and therefore are not impacted by the need to acquire a permit.

24. *Has the Government assessed whether the repeal would affect working patterns, staff welfare, or employment rights within the retail sector?*
    a. *What concerns do you have around those with zero hour working contracts finding themselves forced into working potentially Sundays and bank holidays?*

There are provisions in Part 3A of the Employment (Jersey) Law 2003 which would enable an employee to request flexible working arrangements (if not requested under their contract of employment). Under Article 15A of the Employment (Jersey) Law 2003, an employee has the right to request a change of the terms and conditions of their employment to enable flexible working, which could accommodate a request not to work on Sundays. The employer would not be obliged to agree but would need to follow the requirements set out in Article 15B.

25. *The proposition notes that Article 66(b) of the Licensing (Jersey) Law 1974, clause (ii) will be deleted. Could you explain how this currently operates and why its removal is necessary?*

This clause relates to off-licences only. On-licences are not required to secure a permit under the Shops (Regulation of Opening and Deliveries) (Jersey) Regulations 2011. Off-licences however are required to obtain a permit in order to open on a Sunday or Bank Holiday.

The Licensing Law does not restrict the days on which a licenced premise may open but this reference notes that an off-licence must nevertheless obtain a separate permit in order to operate on a Sunday.

The current operation of this provision requires off-licenced premises to obtain and annually renew their off-licence under the Licensing Law – via the Licensing Assembly (administered by the

Regulation Directorate) and simultaneously, seek a separate permit to trade on a Sunday from their local Parish Hall, also required to be renewed annually.

Notably the new Draft Alcohol Licensing (Jersey) Law 202- does allow for licence conditions to be bespoke and so licensees *could* have their opening days restricted (or opening times on specific days restricted) if this was aligned with Government policy.

26. *In the current Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010 it states regarding deliveries "The States may by Regulations prohibit, restrict, or establish a scheme for the regulation of the making of wholesale deliveries to shops on any Sunday, Good Friday, Christmas Day or Liberation Day." Can you advise the Panel will this mean that the States can no longer regulate deliveries on those dates and if so what the potential impact of this could be?*

The Law provides the ability for the States to prohibit and restrict deliveries, however only the Regulations address deliveries via permit conditions. In repealing the Law and Regulations, the Connétables will no longer need to grant permits, so will not be able to restrict the number and timing of deliveries to shops on Sundays and public holidays.

There is potential impact on traffic and noise if businesses alter their delivery schedules, however, it is not expected that there will be an immediate or dramatic change. There is a practical reality that deliveries are largely determined by ferry schedules, which logistics providers work to. It is expected that shops will largely receive stock as they currently do.

Under the Law a fine may be imposed if a delivery is received in breach of permit conditions; it does not provide any further mechanism to address nuisance.

Legislative mechanisms remain under the Statutory Nuisances Law 1999 to respond to any disturbances that may arise as a result of deliveries being received at different times of day, in addition to a new Code of Conduct which is being produced by the Chamber of Commerce.

27. *Minister, you mentioned that there was the possibility for Chamber of Commerce to self-regulate with regards to deliveries. Can you provide further detail?*

The Chamber of Commerce have been instrumental in developing a Code of Conduct. Part of this Code sets out best practice for deliveries and loading, including limiting early morning and Sunday deliveries.

The Code is still in draft and, after feedback from the Comité, we are exploring how current agreements between shops and Parishes can be adhered to after the repeal. as it is not in anyone's interest to cause disruption.

Officers in the Department and in Environmental Health have also been working closely, and it is hoped that Regulation are able to feed into the Code with practical measures to further reduce the risk of any nuisance occurring. This approach ensures that the repeal is accompanied by safeguards that protect community interests whilst giving businesses the freedom to operate.

Jersey Seawater Classification

28. *Minister, the Panel understands that concerns have been raised around Jersey seawater classification. Oyster farmers in Jersey have called for government action to have Jersey's water around the oyster farms reassessed so that they can be classified as Grade A which they state would have a positive economic impact on Jersey's oyster industry. Is this something that your department supports and if so, what steps are government taking to achieve this?*

For the purposes of shellfish production, there are three classifications of seawater – determined through regular testing and analysis by the Centre for Environment, Fisheries and Aquaculture Science (CEFAS).

- **Class A** shellfish can be harvested for direct human consumption if the end-product standard requirements are met.
- **Class B** shellfish can be supplied for human consumption only after one of three processes. The options are:
    i. purification in an approved establishment or
    ii. relaying for at least one month in a Class A classified relaying area or
    iii. an approved heat treatment process
- **Class C** areas require extensive post-harvest treatment before they can be sold for human consumption.

Given the above it is clear that a Class A designation comes with additional economic benefits which would be attractive to any business in this sector.

The Environment Minister and his team oversee the taking of samples 12 times a year which are then analysed by the Centre for Environment, Fisheries and Aquaculture Science and assessed over a three year period. Jersey's Oyster beds were reviewed most recently in 2025 which returned a strong Class B result.

I understand that the Environment Minister has written to the business referenced in your question to confirm that he will be reviewing this position again in March 2026. I welcome this and hope that the samples taken will continue a positive trend to enable Jersey's oyster beds to be re-classed but is important that this process is done properly to safeguard the health of consumers and the reputation of Jersey's aquaculture industry.

I hope the above information provides clarity to the areas you have raised.

Yours sincerely,

Deputy Kirsten Morel
Minister for Sustainable Economic Development