

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd JUNE 2025

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

I am sure Members will join me in welcoming His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding the public sector recruitment freeze (WQ.192/2025):

Question

Further to the public sector recruitment freeze aimed at non-essential, non-frontline and more senior posts, will the Chair advise –

- (a) the number of staff employed at Grade 7 and above in 2024;
- (b) the number of senior posts that have been removed; and
- (c) the anticipated reduction in staff numbers across the public sector as a consequence of the recruitment freeze?

Answer

- (a) The below table shows the number of staff employed at Grade 7 (or equivalent) and above at 31st December 2024. The data uses Full Time Equivalent, so it includes staff on part-time contracts.

Department	Headcount
Cabinet Office	209
Children, Young People, Edu & Skills	2177
Department for the Economy	72
Department of External Relations	16
Digital Services	196
Employment, Social Security and Housing	262
Health and Care Jersey	1797
Infrastructure and Environment	539
Justice and Home Affairs	712
Non-executives and legislature	278
People Services	138
Treasury and Exchequer	342
Grand Total	6738

(b) To date, the following seven senior posts have been removed:

- Chief Education Officer and Director for Education
- Chief of Staff
- Director of Delivery and Improvement, Cabinet Office
- Director of Financial Crime Strategy
- Director of Improvement and Transformation, CYPES
- Group Director of Customer Services
- Group Director, Economy

(c) In the first instance, the primary aim of the recruitment freeze is to halt the growth in the Public Sector. At the start of the recruitment freeze, 1,000 unfilled vacancies were taken out of the system.

2.2 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding a reduction in stamp duty (WQ.193/2025):

Question

Will the Minister advise whether she is considering a reduction in stamp duty, whilst maintaining a 3% higher rate for transactions other than a main residence, in order to stimulate land and property transactions; if so, how soon will such a proposal be brought forward and, if not, why not?

Answer

There are no plans to make any changes to the stamp duty rates, either on a temporary or a permanent basis.

The evidence shows that stamp duty holidays do not stimulate property transactions. Instead, they bring forward the timing of transactions, often at increased prices, which can lead to a fall in transaction numbers at the end of the holiday. Further comments on this subject are included in the Council of Ministers' [comments](#) on the twenty-fifth amendment to the 2025 Budget.

A permanent cut in stamp duty rates would reduce revenue, so may need to be funded by increasing other taxes or charges.

2.3 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding employment in the Department (WQ.194/2025):

Question

Will the Minister advise –

- (a) the number of teachers and teaching assistants currently employed by his department;
- (b) the number of current vacancies for teachers and teaching assistants; and
- (c) what challenges there are currently to recruiting teachers and teaching assistants and what steps are being taken to address any such challenges?

Answer

- (a) And (b)

Notes:

- Headcount only includes the main role. FTE includes all roles.
- All figures exclude any zero-hour employees, and any role where the FTE = 0.
- Vacancies only include 'live adverts' as at Tuesday 6th May (whether internal or external careers site).

Pay Group	Headcount	FTE	Current Vacancies
Heads & Deputies	86	86.00	0
Teachers	940	892.22	11
Teaching Assistants	766	505.73	10
Grand Total	1,792	1,483.95	21

(c) The challenges in recruiting for Teachers has been consistent over the last few years due to Teachers leaving the profession in UK and decreasing numbers of people starting Teacher Training.

Recruiting for Teachers in May is always challenging for all schools, not just in Jersey but also across the UK due to the end of May resignation deadline. Most schools recruit at this time and the number of applicants reduces as the deadline nears.

There are many lateral moves between Jersey schools, particularly between Primary schools. This creates uncertainty in schools about whether they will be left with a vacancy. As this uncertainty gets closer to the resignation deadline, the difficulty in replacing increases due to the shrinking number of applicants.

Steps being taken:

- Off-island attraction of Primary Teachers for recruiting Jersey Primary Schools with allocations to schools that require them
- Central GOJ account with the TES (Times Educational Supplement) recruitment site with no limit on the number of adverts that can be posted for Secondary schools.

2.4 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding standby charges applied by the Jersey Electricity Company (WQ.195/2025):**Question**

In relation to standby charges applied by the Jersey Electricity Company to customers who generate their own electricity but who remain connected to the electricity grid for back-up supply, will the Minister, as shareholder representative –

- (a) advise what these charges cover;
- (b) advise how these charges are calculated; and
- (c) state the total amount collected in standby charges in 2023, 2024 and so far in 2025?

Answer

- (a) The standby charge covers a share of fixed network costs for commercial customers who generate their own electricity but require backup services from Jersey Electricity's ("JE") grid to be immediately available (to satisfy their peak demand) on a standby basis.

The charge is intended to ensure that those customers make a fair contribution to the fixed costs of the system. Failure to recover these costs would mean that other customers would be required to bear these costs.

The standby charge is not presently levied against domestic customers.

The charge is also not levied against customers that export their full renewable generation onto the grid, as these customers are not relying on a standby or backup service.

The standby charge was examined in detail by an independent consultant, Nera that was commissioned by the Government of Jersey to assess the appropriateness of these charges.

A detailed review was conducted which concluded that JE was reasonable to levy its standby charges:

Government of Jersey comment on the study:

<https://www.gov.je/news/2019/pages/jecchargesreport.aspx>

The study itself:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20NERA%20Review%20of%20Standby%20Charge%20Report%2015.08.2018.pdf>

- (b) The charges are calculated at a level that ensures that the costs of providing the network infrastructure and service are covered by each customer that uses the network and service (except domestic customers who are presently exempted). This is on the basis that these customers enjoy the benefit of this infrastructure during times when they are either a) unable to generate their own power or b) choose not to do so. The charge is presently set at £4.26/kWp/month or 14.03pence per kWp per day for solar installations up to 70kW (these charges include GST).
- (c) The total income collected in 2023, 2024 and to end April 2025 are £15,005, £22,287 and £10,939 (for 4 months of the year). JE expect the scale of avoided fixed costs to be substantially higher were JE not to levy these charges and such costs would have to be borne by other customers.

2.5 Deputy S.M. Ahier of St. Helier North of the Minister for Treasury and Resources regarding the rate of excise duty and GST paid on fuel, cigarettes and wine (WQ.196/2025):

Question

Will the Minister state the rate of excise duty and GST paid on –

- (a) 1 litre of fuel;
- (b) 1 packet of 20 cigarettes; and
- (c) 1 standard bottle of wine;

and will she include, if available to her, how these rates compare to similar charges in the UK?

Answer

(a) 1 litre of fuel

For the year beginning 1 January 2025, the rate of excise duty paid on 1 litre of regular unleaded petrol or diesel in Jersey is 64 pence. GST is charged at 5% on the product price inclusive of duty, which will vary by location and over time, reflecting changes in oil prices and supplier costs. For example, if the price at the pump is £1.45, this includes 7 pence GST (Table 1).

The UK has currently implemented a temporary fuel duty cut of 5 pence per litre, expiring on 22 March 2026, which lowers fuel duty on regular unleaded petrol or diesel from 58 pence to 53 pence per litre. While this duty rate is lower than Jersey's, the UK charges VAT at 20%. As a result, for the same underlying pre-tax price (for example, 74 pence per litre—the median price as of 9 May 2025), the total tax and pump price in the UK would be higher than in Jersey (Table 1).

Table 1: Duty and GST/VAT breakdown of a litre of regular unleaded petrol or diesel, Jersey vs UK

	Jersey	UK
Total retail price at pump (per litre)	£1.45	£1.52
of which:		
Pre-tax retail price	£0.74	£0.74
Fuel duty	0.64	0.53
GST/VAT	0.07	0.25

Note: Differences in pre-tax retail prices between jurisdictions may arise due to factors such as shipping costs, market size, and the level of competition. Prices in Jersey may be higher than the UK for reasons other than tax.

(b) 1 packet of 20 cigarettes

The excise duty on cigarettes imported to Jersey for retail is calculated according to the manufacturer-declared weight of tobacco, set at a rate per kilogram. Tobacco content varies greatly per cigarette by manufacturer and brand. GST is charged at 5% on the product price inclusive of duty, which will vary by manufacturer, brand and retailer. For example, if the underlying pre-tax price of a pack of 20 cigarettes in Jersey is £4.50 (based on average prices as of 9 May 2025), tobacco duty at the spot rate would be £10.52 and GST would be £0.75, for a total retail price of £15.77 (Table 2).

In the UK, tobacco duty uses a more complex formula that has a fixed (specific) duty rate per pack as well as an ad valorem component of 16.5% of the recommended retail price. This is subject to a minimum specific rate of duty per pack of £8.93. For comparison purposes, if we assume pricing that incurs the minimum amount of tax on a pack of cigarettes in the UK, the same pre-tax retail price of a packet of cigarettes of £4.50 would give rise to £8.93 of tobacco duty and £2.69 of VAT, for a total retail price of £16.50.

Table 2: Duty and GST/VAT breakdown of a packet of 20 cigarettes, Jersey vs UK

	Jersey	UK
Total retail price of 20 cigarettes	£15.77	£16.50
Of which:		

Pre-tax retail price	£4.50	£4.50
Tobacco duty	10.52	8.93
GST/VAT	0.75	2.69

Note: Differences in pre-tax retail prices between jurisdictions may arise due to factors such as shipping costs, market size, and the level of competition. Prices in Jersey may be higher than the UK for reasons other than tax.

(c) 1 standard bottle of wine

For the year beginning 1 January 2025, the rate of excise duty paid in Jersey on a 750 ml bottle of wine between 5.5% and 15.0% ABV is £1.76. Typically, wine falls between 11% and 15% ABV. GST is applied at 5% of the product price inclusive of duty, which will vary by bottle.

Alcohol duty in the UK is calculated equally for all alcoholic beverages by the percentage of alcohol by volume (in contrast to the broader band on wine in Jersey) and will vary between £2.35 for an 11% wine and £3.21 for a 15% wine. Below compares taxes in both jurisdictions on a bottle of £10 pre-tax wine of 14% strength (a stylised example as there is no “average” bottle of wine).

Table 3: Duty and GST/VAT breakdown of a standard bottle of 14% wine, Jersey vs UK

	Jersey	UK
Total retail price 750ml 14%	£12.35	£15.59
Of which:		
Pre-tax retail price	£10.00	£10.00
Alcohol duty	1.76	2.99
GST/VAT	0.59	2.60

Note: Differences in pre-tax retail prices between jurisdictions may arise due to factors such as shipping costs, market size, and the level of competition. Prices in Jersey may be higher than the UK for reasons other than tax.

2.6 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding an updated timetable for bringing hospital and ambulance services within the regulatory remit of the Jersey Care Commission (WQ.197/2025):

Question

Will the Minister provide an updated timetable for bringing hospital and ambulance services within the regulatory remit of the Jersey Care Commission, and advise when he expects the first inspection of the hospital to take place?

Answer

I remain committed to delivering legislation to regulate hospital and ambulance services as soon as practicable. As set out in my answer to [Written Question 401/2024](#), the legislation was on schedule to be lodged in the Assembly by the end of 2024, subject to consideration by the Council of Ministers

(CoM). Following CoM's consideration of the draft legislation, I approved amendments to the legislation, and it is now anticipated that these will be ready for further consideration by CoM by June 2025.

Subject to CoM's views, it is currently envisaged that the legislation will be lodged in the States Assembly by the end of Q3 2025, leading to a debate by the end of the year. The legislation is likely to be implemented in Q2 2026, should it be approved for lodging and adopted by the States Assembly in accordance with current expectations. All newly regulated services will have six months after the Law comes into force in which to register with the Jersey Care Commission. While the Commission will set the inspection timetable for the hospital, I expect that some aspects of the hospital will be inspected by the end of 2026.

2.7 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding his department's response to the Jersey Rheumatology Report (WQ.198/2025):

Question

Will the Minister provide an update on his department's response to the [Jersey Rheumatology Report](#) and, in particular, will he advise –

- (a) whether a group compensation scheme is still being considered and if not, why not;
- (b) whether the department is still investigating past patients to discover whether their treatment may have led to harm or death and, if so, how long this investigation is expected to take; and
- (c) what progress has been made with the action plan he committed to in April 2024, what outstanding recommendations remain to be completed and what is the expected timeframe for their completion?

Answer

- (a) HCJ has been exploring the possibility of a compensation scheme in relation to rheumatology complaints/claims. However, currently there is no such route available. Patients and relatives are being advised to seek independent on-Island legal advice should they wish to consider making a claim. They are advised that Citizens Advice Jersey may be able to provide further information on how to do this.
- (b) Of the 246 patients who have died since January 2019, c60 remain to be reviewed. This review, and any referrals to the Viscount's Department, is anticipated to be complete by Q3 2025. In addition, the Viscount's Department has requested that patients who died prior to January 2019 are reviewed. This work will commence imminently, and is anticipated to be complete by December 2025 at the latest.
- (c) An update on progress for the Rheumatology Service Improvement Plan was provided to the Health & Care Jersey Advisory Board on 30 January [Agenda item 12b - HCJ Rheumatology Service Improvement.pdf](#). The reported noted that, as of 6 January 2025, 12 of the Royal College of Physicians (RCP) recommendations have been fully implemented, and a further five are significantly developed and nearing completion. At this meeting, the Board agreed that subsequent updates can be provided to the Quality & Improvement Committee.

As of 13 May 2025, four recommendations remain to be fully implemented and closed. Significant progress has been made on each of these, for example, where pathways have been developed, shared care agreements approved or additional staff, such as the biologic pharmacist, has been employed. Full completion and closure of these remaining recommendations requires some additional funding and/or digitisation. However, whilst these recommendations are yet to formally close, the benefits from developments already implemented for each of them are already making a positive difference to patients and staff.

The four outstanding recommendations, along with detail of progress are:

1. Service should adopt a more holistic approach with the involvement of therapies.

A rolling programme of pathway and SOP development is underway, with dedicated clinics established for connective tissue disorders and interstitial lung disease. Closer integration with physiotherapy and pain services is ongoing, with referral pathways for EIA and GCA either in place or under development. A contemporary multidisciplinary team (MDT) structure has been embedded, with collaborative links established with Jersey Talking Therapies. Weekly MDT meetings, regular governance forums, and educational collaborations are now routine practice. Opportunities and budgets for professional development opportunities need to be developed, in order to close the recommendation.

2. And 3. Review the arrangements for the prescribing of biologics; incorporate processes for challenge and be more proactive in providing regular updates on rheumatology prescribing. And Support electronic prescribing and monitoring systems

The introduction of Electronic Prescribing and Medicines Administration (EPMA) in July 2023 has strengthened clinical and financial oversight. A biologic pharmacist now leads on the safe and cost-effective use of high-cost therapies. While EPMA is operational across most outpatient areas, licensing and full functionality remain contingent on future funding and digital service capacity; this remains a strategic priority for 2026.

4. Foster relationships between primary and secondary care to develop more robust monitoring and develop shared care guidelines.

Shared care agreements for the use of disease-modifying therapies have been developed and agreed with Primary Care. Communication is being enhanced through dedicated referral pathways and direct clinician contact channels. Once the shared care agreements have been digitised, this action can be closed.

2.8 Deputy J. Renouf of St. Brelade of the Minister for Treasury and Resources regarding JT Group Limited (WQ.199/2025):

Question

Will the Minister, as shareholder representative, request from JT Group Limited –

- (a) how many people are being made redundant in its current round of redundancies;
- (b) whether any of those being made redundant have been asked to sign Non-Disclosure Agreements (NDAs) and if so, why?

Answer

- (a) There is no current round of redundancies taking place across JT Group Limited. However, since 1 January 2024, a total of 59 roles have been made redundant, of which 35 were based in Jersey. These changes form part of a broader transformation of the company, including a restructuring of JT's approach to delivering and maintaining resilient, secure, and reliable networks that best serve the Island. This transformation includes an investment of approximately £85 million in a new Ericsson network to meet the latest security requirements, as unanimously approved by the States Assembly (P.47/2024), alongside a programme of efficiency measures to ensure these costs can be sustainably managed.
- (b) None of JT's Jersey employees made redundant were asked to sign Non-Disclosure Agreements.

2.9 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the closure of the Millennium Town Park playground ahead of the early May Bank Holiday (WQ.200/2025):

Question

Will the Minister advise –

- (a) what impact assessment, if any, was carried out before the closure of the Millenium Town Park playground ahead of the early May bank holiday;
- (b) if no such assessment was carried out, how the closure aligns with the Government's policy of putting children first, and
- (c) what processes are in place to ensure children are put first when decisions like this are taken?

Answer

- a) The impact of closing the Millenium Town Park ("MTP") playground was assessed and, as part of that work, the project team communicated with the Parish of St Helier to understand when the new Parade Gardens playgrounds would be open. A decision was made to keep the MTP playground open until the new Parade Gardens facility was completed and the Easter holidays had passed. It should be noted that any delay beyond the scheduled 28th April start date would have risked the delivery of a new Town Park playground in time for the school summer holidays.

Advance notice signs were put in place, communication took place with the immediate neighbours, and a public notice was issued on social media prior to the closure, which all clearly communicated other alternative play facilities in St Helier.

The site has now been set up safely, with all playground materials delivered, and works are progressing on site, as programmed, to achieve a July completion.

- b) Children have been put at the heart of the development of this playground. The proposed playground redevelopment is designed to enhance the accessibility, inclusivity, community seating, shading and safety of the community facility. Creating a space that is accessible to all children's age groups and abilities will promote recreation and creativity while supporting community interaction that aligns with the Children, Young People and Families Plan.

The recommendations and justifications for these improvements have been assessed based on comprehensive feedback from a Public Consultation (which was open from 22nd May 2024 to 7th July 2024), with young people during a roadside engagement, key audiences (Plan inclusive Play Areas, local schools, Friends of Millennium Town Park, Best Start Partnership, Family Nursing and Home Care, and numerous toddler groups) as well as the Jersey School Council Network. The key focus areas include enhancing play equipment, creating accessible and inclusive features, creating a safe and happy environment and expanding the park's amenity improvements, beyond traditional playgrounds (accessibility, inclusion, improved seating and shading).

The final design was approved and ratified by the Jersey School Council Network after two visits by the Project Team and the 'Child-led' design approach that has been followed supports all 'Big Picture Outcomes' of the Children, Young People and Families' Plan 2024-2027.

Replacing the existing equipment with new equipment is essential to achieving these outcomes.

The current Common Strategic Policy 2024-26 (R.115/2024), adopted by the States on 21st May 2024, sets out a clear objective to enhance public spaces and revitalise town, with which this work aligns.

- c) Consultation is a key part of ensuring that the community, including children, are appropriately engaged in decisions which impact them. The Government Engagement Framework supports effective public engagement. The engagement explained in response to part (b) clearly shows that the development of the new Millennium Town Park playground has taken place in partnership with children and the community.

2.10 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding Good Manufacturing Practice standards (WQ.201/2025):

Question

Further to the response to [Written Question 151/2025](#), in which the Minister explained the need for rigorous regulatory compliance with medicines legislation and strict adherence to Good Manufacturing Practice (GMP) standards and multiple licensing requirements, will he advise –

- (a) whether the standards and licence requirements include the need for an independent regulatory authority or whether, in his assessment, Jersey's current process is sufficient to adhere to all requirements;
- (b) what processes and framework are in place to ensure GMP compliance;
- (c) how he intends to assure GMP compliance across the entire lifecycle of any medicinal products manufactured or handled in the Island;
- (d) what current staff expertise there is within Government to ensure GMP compliance, including –
 - (i) whether there is any programme of continual training to ensure high standards of expertise; and
 - (ii) to what standards staff are trained; and
- (e) what budget, if any, is allocated specifically for compliance within this area?

Answer

- (a) Any organisation wishing to manufacture medicines must be appropriately licensed and comply fully with the relevant legislative and regulatory standards. Currently, there are no licensed medicines manufacturing operations in Jersey, the exception to this is the issuance of a licence to Jersey Blood Service for the manufacture of blood products - specifically the collection of whole blood and processing into red cell.

It may be helpful to clarify that Jersey does already work closely with an independent regulatory authority – the UK’s Medicines and Healthcare products Regulatory Agency (MHRA) – which collaborates with the Office of the Chief Pharmacist to provide high-quality regulatory oversight.

Since responding to Written Question 151/2025, I have taken time to reflect further on the longer-term arrangements required to ensure Jersey’s regulatory framework continues to support high standards of safety, quality, and public confidence. I believe there is merit in exploring the potential establishment of a dedicated independent medicines regulator in Jersey. Subject to consultation with stakeholders and the development of detailed proposals, I will seek to bring forward amendments to the Medicines (Jersey) Law 1995 to enable this. Such a regulator would enhance local capacity to support Good Manufacturing Practice (GMP) compliance, operating at arm’s length from the Minister.

- (b) Good Manufacturing Practice (GMP) is a fundamental part of any robust medicines regulatory system, ensuring that products are consistently manufactured and controlled to quality standards appropriate to their intended use.

In Jersey, the current arrangements for ensuring GMP compliance involve close working between the Medicines and Healthcare products Regulatory Agency (MHRA) and the Office of the Chief Pharmacist. This collaboration brings together internationally recognised regulatory and inspection expertise with local clinical, legal, and policy knowledge. Together, these partners are able to provide proportionate and effective oversight for any proposed medicines manufacturing activity.

Although there is currently no active manufacture of medicinal products in Jersey (beyond blood products), these existing arrangements are considered satisfactory for the present level of activity and provide a sound basis for the rigorous assessment of any future applications.

As I have set out in response to part (a), I am currently considering proposals to establish a dedicated, independent medicines regulator in Jersey. Should that proposal be progressed following consultation and detailed development work, it will provide a strengthened local framework for GMP compliance in the future. I am confident that our current collaborative approach continues to provide the necessary safeguards

- (c) Ensuring GMP compliance throughout the entire lifecycle of a medicine – from development and manufacturing through to distribution and patient use – is essential to safeguarding public health.

In Jersey, this assurance is delivered through close working between three key bodies: the MHRA, the Office of the Chief Pharmacist, and the Medicines Advisory Council. Each plays a distinct but complementary role.

As previously described, the MHRA and Chief Pharmacist provide regulatory and professional oversight of licensing and manufacturing processes. The Medicines Advisory Council contributes to ongoing monitoring and safety assurance, including through investigation of adverse reactions and pharmacovigilance reporting.

This shared model provides a strong platform for robust, proportionate, and continuous assurance across the entire medicine lifecycle.

- (d) The Government of Jersey benefits from a high level of in-house expertise through the Office of the Chief Pharmacist, which leads on medicines regulation and oversight.

The Chief Pharmacist is a professionally registered UK pharmacist with extensive experience in regulatory compliance and clinical governance. The team includes pharmacy professionals trained in quality assurance, regulatory standards, and medicines law.

- (i) There is a strong commitment to continuous professional development. Staff undertake accredited GMP and regulatory training, engage regularly with the General Pharmaceutical Council (GPhC), participate in UK regulatory networks, and take part in structured internal learning and quality assurance processes.

All registered professionals are also required to meet the ongoing professional standards set by the GPhC.

- (ii) Training is aligned to UK professional and regulatory standards, helping ensure Jersey's regulatory approach reflects best practice.

- (e) At present, there is no separate budget line allocated specifically to medicines manufacturing compliance. Instead, oversight is delivered through existing resources within the Office of the Chief Pharmacist, with expert support from the MHRA and the Medicines Advisory Council.

If manufacturing activity continues to expand in a significant way, I fully recognise that a dedicated budget would be required to support this work effectively. As noted in my response to question (a), proposals to establish a local independent regulator will be developed alongside detailed financial planning to ensure any new model is both effective and sustainable.

2.11 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of H.M. Attorney General regarding legal liability for the production and prescription of cannabis-based medicines in Jersey (WQ.202/2025):

Question

Given that, in the UK, legal liability for unlicensed medicines rests with the prescribing clinician, will H.M. Attorney General explain how legal liability for the production and prescription of cannabis-based medicines is determined in Jersey; and will he advise whether Jersey's legislation provides an equivalent safeguard or alternative framework to that found in the UK?

Answer

Jersey, in parity with the UK, does not have bespoke legislation governing liability arising out of the production and prescription of unlicensed medicines but relies instead on existing legal principles to act as a safeguard, primarily the private law civil action in the tort of negligence. The potential routes for liability in relation to those medicines will vary depending on the specific circumstances in play. I have however identified below the main routes under which liability for such products may arise.

Liability for production

There are licensing frameworks in place which regulate the production of Cannabis Based Products for Medicinal use ("CBPMs") specifically (pursuant to the Misuse of Drugs (Jersey) Law 1978) and more generally under the [Medicines \(Jersey\) Law 1995](#) ("the 1995 Law"). The Minister for Health and Social Services is responsible for authorising licences under these Laws and their associated Orders.

Licence holders are required under the Medicines (Standard Provisions for Licences and Certificates) (Jersey) Order 1997 and [the Misuse of Drugs \(General Provisions\) \(Jersey\) Order 2009](#) ("the 2009 Order") to have appropriately qualified personnel to supervise the production of CBPMs and to ensure compliance with the principles and guidelines of Good Manufacturing Practice ("GMP"). GMP describes the minimum standard that a medicines manufacturer must meet; those principles are set out under European legislation (initially Commission Directive 2003/94/EC and now under Commission Directive 2017/1572) and include provisions relating to the consistency of the product produced and quality control.

The Minister has the power to revoke licences issued under these frameworks should concerns be raised. Furthermore, failure to meet GMP standards in the production of medicinal cannabis would prevent it from being classified as a CBPM and as such the product could not lawfully be sold or prescribed. A manufacturer who nevertheless placed such a product on the market would be at risk of criminal prosecution for offences under the 1978 Law and to civil law negligence claims for any harm caused to patients as a result.

Liability for prescription

CBPMs may be prescribed to patients as they are a Schedule 2 drug under the 2009 Order. Article 5 of the 2009 Order permits doctors, dentists, pharmacist independent prescribers and nurse independent prescribers to administer Schedule 2 drugs.

Most CBPMs are "unlicensed" medicines because they have not been granted a product licence in Jersey, or a marketing authorisation in the UK. The factors which the Minister must consider in determining whether a licence should be granted are detailed under Article 20 of the 1995 Law; these factors relate to the safety, efficacy, and quality of the medicinal product.

A healthcare professional, who is lawfully permitted to prescribe Schedule 2 medicines, may prescribe unlicensed CBPMs and oversee their use but this will be done at their own risk.

Prescribing and dispensing of unlicensed medicines exposes both the prescriber and the dispensing pharmacist to potential liability. Without a product licence (or marketing authorisation), there is no licence holder to take responsibility for any adverse reactions associated with the product's use, and this means any liability rests with the prescriber. Prescribers are accountable for all aspects of their prescribing decisions. They must ensure that their prescribing activity is within their sphere of competence and is safe and consistent with the clinical requirements of the patient.

The legislative framework does not give any immunity to prescribers against claims for suppliers of unlicensed medicines. This means that a prescriber could be liable for a personal injury claim if an individual suffers any harm which may have been caused by the negligent administration of the CBPM, or if the patient was not made fully aware of the possible risks involved in taking unlicensed medication.

Criminal Liability

Finally, as CBPMs are a controlled drug under the Misuse of Drugs (Jersey) Law 1978, anyone involved in the process from production to the individual who is prescribed CBPMs may be criminally liable if those medicines are shared, sold or otherwise used in a way that is not consistent with the legislative framework outlined above.

2.12 Deputy B.B. De S.V.M. Porée of St. Helier South of the Chief Minister regarding the standard of worker accommodation (WQ.203/2025):

Question

Following recent media reports regarding the standard of worker accommodation, will the Chief Minister advise what conversations, if any, he has had with the Minister for the Environment to ensure that lessons are learned and that the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 is enforced to protect migrant seasonal workers and to ensure that accidents similar to that reported will not occur again?

Answer

The Minister for the Environment and I have discussed the issue and we are committed to ensuring that Jersey's regulations protect all tenants, including migrant seasonal workers.

The Minister for the Environment has ensured that measures have been put in place through the Housing and Nuisance team in the Regulation Directorate to improve the standards of rental accommodation in Jersey. This will be achieved through the implementation and enforcement of a licencing scheme under the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#).

The [licensing scheme](#) aims to ensure that all 'rented dwellings' meet minimum health and safety standards, protecting all tenants. The scheme commenced on 1st May 2024 and the law allowed for a transitional period until 31st July 2024, to enable existing rented dwellings to be licensed automatically without the need for an inspection. A total of 16,884 licenses were issued through these arrangements. Since the transitional period closed, 704 licenses have been issued and 295 were selected for inspection. These inspections cover various aspects such as structural safety, fire safety, sanitation, and overall living conditions.

These properties are a representative sample of the applications being made in terms of the type and age of the properties, which would include some migrant workers' accommodation, although this information is not collected as part of the application process.

The Regulation Directorate provides support and guidance to landlords. This includes information resources, workshops prior to implementation, guidance material (translated into three other languages) and [toolkits](#), and direct assistance from officers in the Housing and Nuisance team. The published [Code of Practice](#), updated in April 2025, provides detailed guidance on the standards and procedures for maintaining rented dwellings. This document provides practical advice for landlords on how to comply with the regulations.

The Minister of the Environment has committed to publish an annual report after the anniversary of the start of the scheme, which will contain further information.

2.13 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding a framework for the development of medical technology (WQ.204/2025):

Question

Further to the response to [Written Question 151/2025](#), in which the Minister stated that he was the regulatory authority for medicinal products in Jersey, including any manufacture of medicines, will he advise whether it is his assessment that Jersey has a sufficient framework in place to ensure that the development of medical technology in the Island can be fully supported and certified (including NHS and WHO recognition)?

Answer

Further to my response to Written Question 151/2025, I can confirm that, under the current legislation, the Minister for Health and Social Services is designated as the regulatory authority for medicinal products in Jersey, including any proposed manufacture of medicines.

As previously explained, no medicinal products are currently manufactured in Jersey.

The existing regulatory framework involves close collaboration between the Medicines and Healthcare products Regulatory Agency (MHRA), the Office of the Chief Pharmacist, and the Medicines Advisory Council. This model provides effective oversight for the Island's current level of activity and includes professional regulation, inspection, and ongoing pharmacovigilance functions.

However, having reflected on the current arrangement – and in light of the Island's interest in supporting the development of medical technology and potential medicines manufacture – I have determined that subject to consultation with key stakeholders and the development of detailed proposals, the Medicines (Jersey) Law 1995 should be amended to provide for the establishment of an independent medicines regulator. This regulator would operate at arm's length from ministerial authority and would facilitate compliance with the relevant Good Manufacturing Practice (GMP) standards.

Medical technology developed in Jersey, should be supported where they meet international standards for safety, efficacy, and innovation. To assess which medical technologies to support, a structured evaluation process should be followed, which would include clinical effectiveness and safety, as well as cost-effectiveness. To try and ensure the eventual product will be able to compete for a national and international market, including NHS and WHO recognition, the product developer should be able to demonstrate success with national and international fundraising for example National Institute for Health Research (NIHR), or Horizon Europe.

2.14 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding the provision of travel for individuals accompanying patients travelling out of the Island to received treatment arranged by Health and Care Jersey (WQ.205/2025):

Question

Further to the adoption of the Fifteenth Amendment (as amended) to the Government Plan 2023-2026 ([P.97-2022 Amd.\(15\).Amd](#)), will the Minister advise the total amount spent in each of 2023 and 2024 for the provision of travel for individuals accompanying patients travelling out of the Island to receive treatment arranged by the Health and Community Services Department, and further detail –

- (a) the amount spent pursuant to the Government Plan amendment (in excess of the usual funding);
- (b) a breakdown of the funding per type of spend for each year, but not limited to include flights, trains and taxis;
- (c) the amount provided to those who qualified under the [Patient Travel and Related Cost Policy](#) categories, broken down by which of the criteria they met;
- (d) the amount provided to those who fell outside of the policy; and
- (e) any spend on accommodation for the periods, broken down by whether or not they met the policy criteria?

Answer

- (a) the amount spent pursuant to the Government Plan amendment (in excess of the usual funding);**

Sir, please note that the costs below are the gross costs incurred by HCJ for escort travel costs. Costs for 2022 have been included to provide an indicative baseline of cost prior to the Government Plan amendment. 2020 and 2021 data has not been included, as it is not seen to be representative due to the impact of the pandemic.

	2022	2023	2024
Total Escort Costs	£290,070.27	£385,719.03	£572,442.94
Percentage change from previous year	N/A	33%	48%

- (b) a breakdown of the funding per type of spend for each year, but not limited to include flights, trains and taxis;**

	2022	2023	2024
Air Travel	£283,473.50	£378,955.37	£562,272.28
Sea Travel	£1,091.28	£1,259.14	£1,496.24
Trains	£2,935.68	£3,821.95	£5,911.62
Taxis	£1,432.42	£898.38	£1,216.83
Other	£1,137.39	£784.19	£1,545.97

Total	£290,070.27	£385,719.03	£572,442.94
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(c) the amount provided to those who qualified under the [Patient Travel and Related Cost Policy](#) categories, broken down by which of the criteria they met;

Detail	2022	2023	2024
Under 18 Incl. Cancer	£122,458.88	£120,025.81	£156,824.13
Clinically Required Exc. Cancer	£78,451.86	£113,206.35	£144,195.98
Cancer Patients 18-74	£25,916.82	£74,585.05	£136,498.86
Over 75 Incl. Cancer	£51,587.14	£64,182.59	£115,119.39
Escort reimbursements*	£11,655.57	£13,719.12	£19,804.58
Total	£290,070.27	£385,718.92	£572,442.94

*We are not able to advise which criteria of the Policy the escort reimbursement applies to, which is why it is shown separately. Sir, please note that ‘Escort Reimbursements’ include all escort rail costs, as the Travel Office do not book train tickets.

(d) the amount provided to those who fell outside of the policy; and

Sir, the figures provided above in the answer to question C include costs where travel costs have been approved via the appeals process. It has not been possible to separately identify these costs within the time-frame.

(e) any spend on accommodation for the periods, broken down by whether or not they met the policy criteria?”

Sir, this only occurs in exceptional circumstances and it has not been possible to separately identify these within the time-frame.

Supplementary information

Sir, please find below a table showing the total budget and actual spend for HCJ’s off-island patient travel and accommodation over the last four years. The actual spend shown below includes all elective patient and escort accommodation and travel costs. These costs do not include the emergency medical evacuation transport service.

	2022	2023	2024	2025 YTD 01/1-30/4/25
Budget	£1,773,806.00	£1,993,054.00	£2,756,155.00	£1,094,116.00
Actual Spend	£1,867,490.61	£2,559,549.00	£3,271,726.22	£1,419,603.00
Percentage change of actual spend from previous year		37%	28%	

2.15 Connétable K. Shenton-Stone of St. Martin of the Minister for Justice and Home Affairs regarding accountability and transparency in operational governance and conduct within the States of Jersey Police (WQ.206/2025):

Question

In relation to accountability and transparency in operational governance and conduct within the States of Jersey Police, will the Minister –

- (a) explain why serious complaints regarding officer misconduct and systemic failings raised more than 3 years ago and upheld by an external review completed 18 months ago, remain unresolved;
- (b) clarify why no public statement has been made regarding breaches in data protection regulation relating to the loss of evidence;
- (c) explain why, unlike the UK police conduct system, former police officers cannot be held accountable for misconduct committed whilst serving; misconduct hearings are not open to the public, and complainants receive only a generic response stating whether their complaint was reviewed to a “satisfactory standard”, with no obligation to provide further explanation or detail on the findings;
- (d) make a commitment to those with ongoing complaints that these are resolved promptly with sufficient transparency and accountability; and
- (e) explain how she intends to ensure complaints are dealt with in line with the Government’s obligations under Articles 8 and 13 of the Human Rights Convention, protecting the right to a private life and effective remedy?

Answer

- (a) explain why serious complaints regarding officer misconduct and systemic failings raised more than 3 years ago and upheld by an external review completed 18 months ago, remain unresolved;**

The Connétable’s question may relate to an ongoing complaint of which I am aware. Given the complaint is ongoing, I do not consider it would appropriate to comment on the specifics.

Complaints against Police Officers are dealt with in accordance with the relevant legislation. For officers other than the Chief Officer and Deputy Chief Officer the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) and the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#) applies, and for the Chief Officer or Deputy Chief Officer the [States of Jersey Police Force \(Chief Officer and Deputy Chief Officer\) \(Jersey\) Regulations 2017](#) apply.

Complaints are required to be dealt with effectively giving regard for all those affected by the complaint, including the States of Jersey Police. Occasionally, when cases are sub judice or require complex investigation, the required amount of time and consideration needs to be taken to ensure equity and fairness to all parties. This may mean a longer timeframe than the ideal. The important task is to manage expectations and to this end regular communication is key.

2.16 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding the Cabinet Office (WQ.207/2025):

Question

In relation to the Cabinet Office, will the Chief Minister –

- (a) state the number of people currently employed in the Cabinet Office together with a breakdown of employees by grade; and
- (b) explain why the Cabinet Office budget has increased to £89 million despite the adoption of [P.8/2024-\(re-issue\)](#) which requested the Chief Minister to review the revenue expenditure of the Cabinet Office and ensure that expenditure savings are identified and included within the Government Plan 2025-2028?

Answer

- (a) The below table details the headcount and full time equivalent by grade within the Cabinet Office:

Grade	Headcount	FTE
Apprentice Grades	5	5.00
CS06	6	5.62
CS07	8	7.32
CS08	19	18.29
CS09	7	6.57
CS10	28	26.60
CS11	8	7.00
CS12	42	40.31
CS13	20	19.78
CS14	10	9.08
CS15	5	5.00
Personal Contract Holders	12	12.00
Grand Total	170	162.58

- (b) The current Government decided to invest an additional £10m in the First Step housing scheme in 2024 to help first-time buyers. There were also other transfers into the Cabinet Office Head of Expenditure during the year, such as the pay award for 2024. As a result, the net expenditure for the Cabinet Office (including Digital Services, People Services and Public Health) was £89m.

The Cabinet Office also delivered savings of £2.9m in 2024.

In addition, revenue savings of £1.7m have been identified for the Cabinet Office in 2025 (page 115 of the approved 2025 Budget) and the Department is currently forecast to exceed that savings target. There are also further planned savings of £1.3m in 2026.

2.17 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding preventative health care and digital connectivity costs (WQ.208/2025):

Question

Further to his comments at the Health and Social Security Panel 'Women's Health' public hearing, will the Minister provide details and evidence regarding his assertion that preventative health care and digital connectivity will require "in excess of £100 million over five years", and specify how this figure was arrived at and provide a breakdown of the anticipated expenditure?

Answer

The need for greater investment in both digital health services and preventive health services became very apparent to me after taking office. I asked officers in Digital Health services and Public Health to consider which areas of digital and preventive health required additional investment to make health and care services more efficient, resilient and sustainable.

This workstream forms part of the investment programme referred to as 'Project Breakwater' and both the case for investing in prevention and future costs associated with digital connectivity, is in the early stages of policy development.

In April two draft high level business cases were presented to me with an estimated cost in excess of £100 million over five years, which was the figure I stated in the 'Women's Health' public hearing. These business cases will be subject to a review by Treasury and Resources before they are presented to the Council of Ministers as part of the 2026-2029 Budget process. As is usual process, these business cases will be shared with Scrutiny in confidence as part of the standard processes for scrutinising the Budget.

Whilst I cannot provide a breakdown of the anticipated expenditure at this time because these figures are subject to a review by Treasury and Resources, I can confirm that the case for prevention is detailed in the [Annual Director of Public Health Report 2024](#) and considerable work has already gone into developing options for future prevention services. An assessment has also been made by an independent organisation specialising in digital healthcare maturity, as a health and care system. This maturity measures the interconnectivity and access to clinical data by all care providers, primary, secondary, tertiary (off island), community, domiciliary and care home providers.

Areas of digital and preventive health and care improvements under consideration include, but are not limited to, the following:

Preventative health and care includes

- Access, uptake and availability of positive activities for children, young people and families
- Identifying need earlier through better understanding those at risk and increasing uptake of health checks
- Joining up lifestyle support programmes to enable islanders to eat well, be more physically active, improve their wellbeing and reduce substance use
- Expanding universal screening programmes and diagnosis of health conditions at an earlier stage

Digital health and care includes:

- enabling digital referrals and discharges
- providing a single patient record for all health and care providers to appropriately access
- a clinical electronic data store for notes and diagnostics

- an integration layer to enable the provision of remote monitoring and virtual wards
- a business intelligence and analytics capability to enable advanced planning
- population and cohort risk management

effective use of resources and system flow

2.18 Deputy K.M. Wilson of St. Clement of the Minister for Treasury and Resources regarding the allocation of resources in the next budget (WQ.209/2025):

Question

In relation to the allocation of resources in the next budget and, given the continued focus on fiscal restraint, will the Minister advise –

- (a) what evidence and information in support of a requested allocation, if any, she will be seeking from Ministerial departments prior to an allocation;
- (b) whether greater detail will be required this year, in comparison to previous years, and if not, why not; and
- (c) whether this evidence and information will be presented to the Assembly prior to the Budget debate?

Answer

Ministerial departments are responsible for the allocation and effective management of resources within budget limits to meet delivery of objectives and provide vital public services to Islanders.

The Budget 2025 set out additional funding to deliver the Common Strategic Policy (CSP) priorities and structural deficits in Health and Care Jersey over the remaining term of Government, with no additional funding allocations provided outside of those priorities. Since funding has been provided to meet these priorities, it's not expected that additional allocations for 'growth' funding will be made in the forthcoming Budget. However:

- a) Where a Ministerial department requests additional 'growth' budget allocations, the requesting department will need to complete a business case, including options analysis and justification of the requested allocation. The same process will be followed as required in previous Budgets.
- b) The business case process adopted by the Government of Jersey is based on the HM Treasury 5 case model, requiring an assessment to be provided of the strategic, financial, commercial, management and economic cases for investment. There are no planned changes to this process.
- c) Where additional 'growth' funding is allocated in the Budget, copies of the business cases will be provided to scrutiny ahead of the budget debate.

In both Government Plan 2024 and Budget 2025, additional allocations were provided to Health and Care Jersey (HCJ). Funding was provided to sustain current health services (rather than to fund new service provisions), as such these allocations did not follow the business case process and template. Supporting information was provided including financial analysis completed by the health turnaround team and Financial Recovery Programme. Should HCJ request further deficit funding in the next Budget, this must be fully supported by information on the cost drivers of any additional

deficit, what action the department has taken to manage within budgets, and analysis of the options available if no additional funding were provided. Detail will be provided to scrutiny to inform the debate.

2.19 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding States Investment Strategies (R.185/2024) (WQ.210/2025):

Question

Given that responsible investment policy is a key part of the Government's [States Investment Strategies \(R.185/2024\)](#) report, will the Minister –

- (a) advise who the members of the Treasury Advisory Panel (TAP) are, and if this information is not public, explain why not;
- (b) outline what experience in Responsible Investment or Environment, Social and Governance (ESG) investing the members of TAP have, and whether this experience forms part of the TAP recruitment criteria;
- (c) explain how the TAP 'fully integrate ESG considerations into the investment process' as mentioned in Appendix 6E, section 1.22 of the [report](#);
- (d) explain how the TAP influences the responsible investment approach of managers as described in Appendix 6E, section 1.22 of the [report](#); and
- (e) provide an update on work to identify measurable benchmarks to monitor alignment with United Nations Sustainable Development Goals (SDGs) as mentioned in Appendix 6E, section 1.31 of the [report](#), and advise when this work will be completed, whether it will be made public, and if not, why not?

Answer

- a. advise who the members of the Treasury Advisory Panel (TAP) are, and if this information is not public, explain why not;**

The Treasury Advisory Panel is composed of a combination of States officers and independent non-executive members from industry. The current members are:

- Lynn Cleary, Independent Chair
- Paul Dentskevich, Non-Executive Member
- Jonathan Freeman, Non-Executive Member
- Hugh Smart, Non-Executive Member
- Richard Bell, Treasurer of the States
- Thomas Holvey, States of Jersey Economist

b. outline what experience in Responsible Investment or Environment, Social and Governance (ESG) investing the members of TAP have, and whether this experience forms part of the TAP recruitment criteria;

TAP members are appointed based on a diverse range of investment and governance skills that, when combined, support the effective oversight of the States' investment portfolios. In today's investment environment, ESG and Responsible Investment considerations are not separate or optional disciplines, but are fundamental components of portfolio construction, risk management, and long-term value generation.

TAP members collectively have significant experience in applying ESG and RI principles across investment mandates. Their professional backgrounds include directorships in impact funds and environmental focussed strategies, and boards of notable entities who were early adopters of climate-related risk disclosures and broader sustainability frameworks.

Recognising that ESG is a fast-evolving area of focus globally, TAP is supported by Aon, a leading investment consultancy with specialist expertise in sustainable investing. Aon advises a broad range of institutional investors on how best to integrate ESG considerations into investment decision-making, and their research capability and access to subject-matter experts ensures TAP is well positioned to align its oversight and the portfolio with best practice as standards and expectations continue to evolve.

Experience in ESG and Responsible Investment formed an integral part of the TAP recruitment process. The competitive appointment process, overseen by the Appointments Commission, included evaluation of candidates' understanding of ESG and RI concepts. This ensures that TAP has both the technical expertise and the strategic insight to meet the Minister's expectations for responsible stewardship of public funds.

c. explain how the TAP 'fully integrate ESG considerations into the investment process' as mentioned in Appendix 6E, section 1.22 of the [report](#);

TAP does not make direct investment decisions but instead implements the Ministers investment strategy through the appointment and oversight of specialist investment managers. ESG considerations are fully integrated through both the initial selection of these managers and their ongoing monitoring. TAP recognises its duty to act responsibly when making recommendations on investments held on behalf of the States of Jersey. An understanding of financially material considerations, including environmental, social, and governance (ESG) factors, is essential to identifying both long-term investment opportunities and potential financial risks.

TAP believes that companies are unlikely to outperform their peers over time unless they properly consider the broader consequences of their actions, including how they treat all stakeholders. For instance, businesses that contribute significantly to pollution may face regulatory, reputational, and financial headwinds that present real risks to investment portfolios. TAP therefore expects high-quality investment managers to assess a wide range of risks, including ESG, as part of their investment decision-making processes. TAP actively seeks to appoint managers who exemplify this approach.

While ESG considerations are always taken into account, the method and depth of integration will appropriately vary by asset class and investment strategy. For example, an equity manager may have greater scope to implement a robust ESG policy than a manager overseeing a portfolio of short-dated government bonds.

d. explain how the TAP influences the responsible investment approach of managers as described in Appendix 6E, section 1.22 of the [report](#);

TAP influences the responsible investment approach of its managers through a structured and ongoing oversight framework that begins at the point of manager selection and continues throughout the duration of the investment relationship.

Managers are assessed not only on their financial performance, but also on their risk management, which includes the strength, clarity, and implementation of their responsible investment policies. ESG integration is expected to be appropriately tailored to each mandate and asset class, acknowledging that implementation will differ by strategy.

Once appointed, managers are subject to ongoing monitoring and engagement. A key component of this is a structured rolling programme of quarterly meetings, where managers report on overall performance, including ESG developments, policy updates, and broader industry trends. These meetings provide a regular forum for TAP to assess whether ESG considerations remain central to the manager's approach.

Where TAP identifies a failure by a manager to adequately address ESG risks, it treats this as it would any other control failure. Initial steps involve direct engagement and dialogue. However, if a manager fails to respond with prompt and comprehensive remediation, TAP retains the right to take further action—up to and including the termination of the mandate.

TAP's monitoring process includes a number of regular benchmarking exercises, including monitoring of voting patterns, carbon emission reporting, and other ESG relevant metrics. This structured programme of assessment and dialogue will continue into 2025, ensuring ESG integration remains a central component of ongoing manager oversight, and reflects an evolving landscape of industry standards and quality of available information. This comprehensive framework ensures that ESG considerations are not only a factor at the point of selection, but are continually reinforced through active oversight and engagement.

e. provide an update on work to identify measurable benchmarks to monitor alignment with United Nations Sustainable Development Goals (SDGs) as mentioned in Appendix 6E, section 1.31 of the [report](#), and advise when this work will be completed, whether it will be made public, and if not, why not?"

TAP has initiated work to explore how the Common Investment Fund (CIF) could be aligned with the United Nations Sustainable Development Goals (SDGs). As part of this work, TAP is engaging with investment managers to understand how their investment strategies currently align with the 17 SDGs, and to assess the feasibility of tracking this alignment at a portfolio level.

This is a developing area, and the work is ongoing throughout 2025. Once complete, TAP will consider how best to report on the findings. At present, no decision has been made on whether this work will be made public; this will depend on data availability, reporting consistency across managers, and whether meaningful, comparable metrics can be disclosed in a way that adds transparency without misrepresenting progress or outcomes.

2.20 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding outcomes of Older Persons support groups (WQ.211/2025):

Question

Further to the response to [Oral Question 92/2024](#), will the Chief Minister provide the meeting dates, agendas, list of attendees, and details of any decisions taken for the following groups, along with details of what projects or actions were delivered in 2024 and what plans, if any, exist for 2025 for each group –

- (a) Older Persons Living Forum;
- (b) Older Persons Cluster;
- (c) ‘Ageing well’ Officer group;

and will he further provide detail on what mechanisms, if any, are used to coordinate the work of these groups, and if no mechanisms exist, explain why not?

Answer

A)and B) The Older Persons Living Forum has absorbed the work of the previous Older Persons Cluster. The Forum includes representatives from, but not limited to, the following organisations

- Age Concern
- Dementia Jersey
- Stroke Association
- Call and Check
- Parkinson’s
- British Red Cross
- Meals on Wheels
- Good Companions
- Jersey Sport
- Mind Jersey

The Forum meets bi-monthly, and all meetings are minuted and can be found on the Government of Jersey website. This includes agenda items, attending organisations, outcomes and actions arising from meetings, which are already publicly available: [Older Persons Living Forum](#)

Agendas are prepared based on submissions from Forum members, who may submit any issue which they think is of sufficient interest and importance to the older persons of Jersey.

C) The ‘Ageing Well’ Officers group was a set of internal meetings conducted during 2023 and 2024 to:

- identify the risks and opportunities of an ageing demographic,
- to research how other international jurisdictions are addressing the issue, and
- to coordinate policy advice to the HAWAG+ Ministerial Group.

The HAWAG+ Ministerial Group, created to allow for discussions relating to wider population policy issues, including older persons, is a cross-Ministerial working group. This resulted in the articulation of the Ageing Well Roadmap in the Common Population Policy 2024 ([R-184-2024.pdf](#)), which set out the Government’s work across short- medium- and long-term actions.

Officials continue to co-ordinate policy agendas for HAWAG+, on a regular basis, including with the Older Persons Living Forum. There are no minutes of the officers group itself because these are

simply planning meetings for HAWAG+. This remains an informal, but effective, mechanism to ensure coordination across portfolios.

2.21 Deputy L.M.C. Doublet of St. Saviour of the Minister for Treasury and Resources regarding the pensions gender gap (WQ.212/2025):

Question

Will the Minister provide any information currently collated by Government in relation to the pensions gender gap, and, if not included in this data, will she advise whether her department collates information similar to that provided in the UK in their publication [The Gender Pensions Gap in Private Pensions](#), and if not, explain whether this could be produced?

Answer

The UK report focuses on private pension wealth of working age people and so does not include their UK National Insurance record or future entitlement to the UK State pension.

The Government does not collect wealth-related data that would be needed to develop a Gender Pensions Gap. I understand that the UK Department of Work and Pensions uses the Office for National Statistics' Wealth and Assets Survey principally to evaluate its policy on automatic enrolment in workplace pensions.

As the Chief Statistician recently explained to the Corporate Services Scrutiny Panel (when appearing with the Assistant Chief Minister to discuss the Gender Pay Gap), information on wealth and assets is not collected in Jersey and I do not believe that the Government would support such survey activity at this time.

As outlined in the Employment, Social Security and Housing Department's Business Plan 2025-6, building on previous work, research and preparatory work will be undertaken to develop a framework for a secondary pension scheme which will give all workers the opportunity to access a workplace pension. Once this has been addressed, a future Government might wish to monitor any gender inequalities in this area.

There is a wider issue, with many people not being able to save enough for their retirement. For example, in the Opinions and Lifestyle Survey 2023, 37% agreed (40% male, 35% female) that they have an adequate workplace pension or good private pension or other income to use in retirement.

While information on state pensions is not included in the UK publication, it should be noted that for the last two decades, the Jersey Social Security system has treated men and women equally.

The scheme has been developed over the years with gender equality in Social Security pension entitlement in mind.

For example:

- Everyone has their own contribution record and Social Security pension
- Part-time and full-time workers can build full entitlement to the Social Security pension
- Contributions are credited to fill in gaps when people are unable to work, for example, during full-time caring responsibilities and starting a family.

2.22 Deputy K.M. Wilson of St. Clement of the Chief Minister regarding progress on proposed changes to the Wills and Successions (Jersey) Law 1993 (WQ.214/2025):

Question

Will the Chief Minister detail what progress has been made regarding proposed changes to the Wills and Successions (Jersey) Law 1993, following the [consultation](#) which closed in September 2024, and will he advise whether consideration is being given to –

- (a) establishing the legal status of long-term partners who are neither married nor in a civil partnership, and specifically their rights in terms of purchasing property together and accessing assets of the deceased partner, and if not, why not;
- (b) changes to automatic entitlement of estranged relatives; and
- (c) the valuation and disposal of assets following a tragic event, for example a car or motorbike accident, to avoid distress amongst partners and relatives?

Answer

These are matters within the remit of the Legislation Advisory Panel.

The consultation did not include questions related to long term partners and/or points (a) to (c). The Legislation Advisory Panel are due to discuss these matters on 29th May 2025, and will report their position to Ministers shortly thereafter.

The consultation on the 1993 Law, undertaken on behalf of the Legislation Advisory Panel in 2024, broadly related to (i) spouses and civil partners and their lifetime enjoyment of a property, (ii) gender neutrality and (iii) so-called “half-blood relations”.

19 responses were received to the consultation, including from the Law Society of Jersey’s Sub-Committee on Succession, alongside feedback from the Judicial Greffier, the Probate Registry and the Island’s Commissioner for Children and Young People. These responses were considered by the Legislation Advisory Panel in October 2024.

- (i) Overall, respondents were in favour of amending ‘dower’ to replace the traditional entitlement of the surviving spouse or civil partner to life enjoyment of one third of the immoveable property in the late spouse or civil partner’s estate with that of lifetime enjoyment of the matrimonial or civil partnership home. Nevertheless, a number of respondents expressed concerns regarding testamentary freedom and the inheritance entitlement of any children of the late spouse or civil partner.

The Panel favoured the amendment.

- (ii) Respondents were also in favour of altering the concept of the principal heir from the eldest male heir to the eldest heir regardless of gender, albeit there were questions as to the extent to which the concept of a principal heir should be maintained given most of the historic rights of a principal heir have been eroded and related narrowly to the grant of administration of the moveable estate in intestate successions where there was no surviving spouse or civil partner of the deceased (an alternative mechanism to the concept of principal heir may be preferable).

The Panel concluded that the concept of principal heir should not be abolished and should be made gender neutral.

- (iii) The question of half-blood relatives was more contentious, with many respondents maintaining that the distinction in collateral succession between whole and half-blood relatives was a robust policy.

The Panel concluded that the distinction should not be abolished.

Further technical discussions are needed with the respondents, especially the Law Society, and in the meantime, law drafting has commenced on the above changes.

2.23 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding Income Tax over the past five years (WQ.215/2025):

Question

Will the Minister state the amount of personal income tax collected annually over the last five years as a percentage of Government revenue, including a breakdown of the percentage of personal income tax each income decile has generated?

Answer

	2020	2021	2022	2023	2024
Total personal income tax (£m)	463	558	559	624	705
Total government revenue (£m)	1,290	1,435	1,493	1,582	1,788
Personal income tax as % of government revenue	35.9%	38.9%	40.1%	39.5%	39.5%

Notes

1. Total personal tax revenue has been taken from [Government of Jersey tax receipts](#) on Gov.je.
2. Government revenue has been interpreted to mean total income of the States in the Consolidated Accounts, before gains/losses on financial assets, as reported in the Annual Report and Accounts. This is consistent with the position taken in the response to the Deputy's previous Written Questions.

A breakdown of income deciles is included in Revenue Jersey's tax statistical digest. The most recent income deciles cover years of assessment 2018-2022 and are available on [gov.je](#). Data for YOA 2023 will be published shortly.

2.24 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding the five-year forecast of the Social Security Fund balance and the potential for future increases in contributions (WQ.216/2025):

Question

Will the Minister provide the five-year forecast for the balance of the Social Security Fund and advise whether she is considering to propose an increase in Social Security contributions and, if so, when such an increase would come into effect; and if not, why not?

Answer

Forecast for the Social Security Fund

The overall assets of the Social Security Fund include the reserves maintained in the Social Security Reserve Fund. The Budget 2025 – 2028 page 89 provides the following tables that estimate the movement in the Social Security Fund and Social Security (Reserve) Fund for the period 2025 to 2028. The estimates for 2026 to 2029 will be published in the forthcoming Budget 2026 – 2029.

Social Security Fund				
	2025	2026	2027	2028
£'000	Estimate	Estimate	Estimate	Estimate
Opening Balance	86,083	87,964	89,974	99,722
Social Security Contributions	265,316	273,275	280,927	288,793
Other income	506	451	418	407
Grant to Social Security Fund	80,368	81,936	90,466	92,457
Social Benefit Payments	(334,775)	(344,227)	(353,010)	(361,584)
Other Expenditure	(7,487)	(7,066)	(7,088)	(7,194)
Revenue Expenditure on New Benefits System	(2,047)	(2,359)	(1,965)	(737)
Closing Balance	87,964	89,974	99,722	111,864

Table 48: Social Security Fund

Social Security (Reserve) Fund				
	2025	2026	2027	2028
£'000	Estimate	Estimate	Estimate	Estimate
Opening Balance	2,320,356	2,429,413	2,543,595	2,670,775
Investment income	109,057	114,182	127,180	138,880
Closing Balance	2,429,413	2,543,595	2,670,775	2,809,655

Table 49: Social Security (Reserve) Fund

Social Security contributions policy

The Minister for Social Security is not considering increasing the Social Security contributions rate.

The last actuarial review of the Social Security as at 31st December 2021¹ noted that:

“The Fund remains in good health and is expected to be able to pay benefits out for several decades under a range of scenarios considered.”

The next actuarial review of the Government Social Security Fund will be carried out during 2026 and the findings published in early 2027. The next will need to consider the outcome of the actuarial review and whether any changes in policy are required.

¹ [Report by the Government Actuary on the Jersey Social Security Fund as at 31 December 2021.pdf](#)

2.25 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding the impact of the pay award for teachers on school budgets (WQ.217/2025):

Question

Will the Minister state what impact, if any, the 2024 above inflation pay award for teachers had on school budgets, and advise whether any analysis has been undertaken to ascertain whether the agreed one percent above inflation pay award will lead to school budget overspends in 2025 and 2026?

Answer

Pay award inflation of 8% in 2024, and 4% for 2025, was fully funded and passed on to the Government of Jersey provided schools in full, and to the fee-paying schools in the normal way at 47% of the Age Weighted Pupil Unit (AWPU) for secondaries and 22% for primaries. The fee-paying schools generate sufficient income from school fees to cover the remaining costs not funded by the government

Exceptional additional funding was provided to the fee-paying schools over and above AWPU funding in 2024. This was to support the schools in a period of high inflation.

Therefore, the impact on school budgets was to increase them in accordance with the pay awards and funding mechanisms.

Due to the above, it has not been necessary to carry out any analysis to ascertain whether the pay awards will lead to school budget overspends in 2025 and 2026.

NOTES

The value of additional funding to the fee-paying schools in 2024 is set out below. The calculation was based on paying at 100% of AWPU for 8 months (rather than 47%/22%), the remaining 4 months covered by fee increases.

VCP	£	72,801
VCJ	£	147,268
Sub total	£	220,069
JCP	£	98,468
JCG	£	160,618
Sub total	£	259,086
Total	£	479,155

2.26 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Infrastructure regarding facilities maintenance at Victoria College and Victoria College Preparatory School (WQ.219/2025):

Question

In relation to the [letter](#) dated 26th July 2023 from the Minister to the Children, Education and Home Affairs Scrutiny Panel regarding States expenditure on facilities maintenance for secondary schools, will he provide in respect of Victoria College and Victoria College Preparatory School –

- (a) a detailed breakdown of any works undertaken from 2019 to date, including the dates of commencement and completion;
- (b) information on any planned facilities maintenance, including allocated budgets and future budgets; and
- (c) details of any long-term planning regarding facilities maintenance?

Answer

- (a) The following table summarises Jersey Property Holdings (“JPH”) expenditure on facilities maintenance since 2019 in respect of Victoria College and Victoria College Preparatory School. The detailed breakdown is included in an accompanying spreadsheet, which will be provided in confidence to the Deputy in her capacity as Chair of the Environment, Housing, and Infrastructure Panel. At present, Article 33 of the Freedom of Information (Jersey) Law 2011 would otherwise be applied in respect of the publication of the spreadsheet.

Year								
Category	2019	2020	2021	2022	2023	2024	2025	Grand Total
PPM	£16,059	£30,229	£17,707	£20,330	£25,637	£26,525	£8,566	£145,052
Reactive Maintenance	£154,808	£140,419	£135,553	£81,423	£265,406	£305,703	£110,886	£1,194,198
Projects	£21,835	£289,272	£197,670	£99,756	£651,931	£151,826	£4,988	£1,417,277
Grand Total	£192,702	£459,920	£350,930	£201,508	£942,974	£484,055	£124,440	£2,756,527

In addition to the above, since 2020 CYPES have spent an additional £228,928 and this is also detailed in the accompanying spreadsheet.

- (b) The Planned Preventative Maintenance (PPM) is a proactive approach to asset management that involves scheduling regular maintenance activities to prevent equipment failures and extend asset lifespan. The PPM budget for future years will be based upon the base budget of £95,393 (with annual RPI increases). There will also be incidents of reactive maintenance and associated project costs which will vary according to need and these, by their nature, are variable and unpredictable. On this basis, total future facilities maintenance budgets can be estimated from previous trends and from 2019-2024 this has averaged £438,661 per annum, as set out in the table above.

- (c) The longer-term planning regarding facilities maintenance will be linked to the long-term capital programme which is currently being reviewed with Treasury and is to be published in the next draft Government Plan, which will be lodged by the Council of Ministers and requires the approval of the States Assembly. Victoria College has been identified as a site for future refurbishment and property upgrades in the longer-term plan, which alongside regular PPM works, will then be expected to reduce the need for reactive facilities management costs.

2.27 Deputy D.J. Warr of St. Helier South of the Minister for Education and Lifelong Learning regarding the average cost of funding pupils in States non-fee-paying schools and the methodology used to calculate this funding (WQ.220/2025):

Question

Will the Minister state the average cost of funding a pupil in a States non-fee-paying primary school and of funding a pupil in a States non-fee-paying secondary school; and will he provide information on how this funding is calculated, listing all budget lines included, and where there has been any explicit decision to exclude certain budget lines from the calculation, will he provide the reasons for any such exclusion?

Answer

Funding is not allocated to any school on the basis of a flat average rate per pupil. School funding mechanisms are weighted to address a range of factors.

The Age Weighted Pupil Unit (AWPU) was used for more than 25 years across the system and was replaced by the School Funding Formula for non-fee-paying schools in 2022. The principal shift in method was to recognise that a significant proportion of the core costs of a school are fixed or semi-fixed and do not flex with the number or need of pupils, and to update the weighted cost drivers in line with modern practice. The aim was to ensure a more stable budget from year to year and facilitate better planning both at school level and for those elements of provision cost which should follow the child.

The Jersey School Funding Formula is explained line by line on the report published annually on gov.je for the purposes of full transparency. [Jersey Funding Formula for Schools 2025 Report](#)

2.28 Deputy D.J. Warr of St. Helier South of the Minister for Education and Lifelong Learning regarding the energy, cleaning, and grounds maintenance costs for Victoria College and its Preparatory School (WQ.221/2025):

Question

Will the Minister state the energy costs, cleaning costs, and grounds maintenance costs for Victoria College and Victoria College Preparatory School, and advise what percentage of these costs is funded centrally by his department?

Answer

The table below shows the costs incurred by Victoria College and Victoria College Preparatory School in 2024.

2024 expenditure by type	Victoria College	Victoria College Preparatory School
	£	£
Energy	128,563	33,165
Cleaning	197,046	57,581
Grounds maintenance	79,396	40,499
Cleaning Staff Costs	15,999	12,535
Total	421,004	143,781

The government subsidy to these schools is based on the funding that a non-fee pay paying school would receive using a costing method called the Age Weighted Pupil Unit (AWPU). The College receives 47% of AWPU and the Preparatory School receives 22% of AWPU.

The formula is used to set the budget, headteachers have discretion on how to spend it. This ensures that school leaders, who have the best understanding of the context and requirements of their school, can make spending decisions that reflect their needs.

2.29 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding the process for protecting trees and specific issues surrounding the provisional listing of trees at St. Joseph's (WQ.222/2025):

Question

Further to the response to [Written Question 442/2023](#), will the Minister explain what steps a member of public may follow to seek the protection of a tree and, in relation to those trees granted a 'provisional' listing at St. Joseph's ([T/2023/0001](#)), will the Minister explain –

- why the provisional listing expired;
- what a 'provisional' listing means;
- how and when a 'provisional' listing expires;
- what mechanisms are in place to ensure that 'provisional' listings do not expire in the future; and
- whether trees that have received a 'provisional' listing may be listed again?

Answer

Following the decision of the Assembly to repeal the wider regulation of works to trees ([P.90/2023](#)), I am reviewing the use and operation of the existing provisions, within the Planning and Building (Jersey) Law, to protect special trees and to regulate works to them. This will include the development of a clear process and policy for the protection of trees.

In the meantime, permission is not required, under the auspices of the Planning and Building (Jersey) Law, to undertake works to trees except where they enjoy some form of protection (whether in the form of being added to the List of protected trees; or by a condition attached to the award of planning permission).

Members of the public can continue to raise issues of concern about trees that they consider might warrant some form of protection by contacting Infrastructure and Environment (Regulation).

- A request for pre-application advice for development at St Joseph's raised concern at I&E (Regulation) that a number of trees might be removed from the site before a planning

application was submitted as the proposed development required the removal of some trees. As a consequence, a decision was made to provisionally add all of the trees on this site to the List of Protected Trees to ensure their initial protection, in advance of a planning application being made.

This provisional listing expired because a determination as to whether the trees embraced by it should or should not be included on the list of protected trees was not made within three months of the date of the service of notice of their provisional addition to the list.

A planning application has now been made for the development of this site (see [P/2025/0155](#)) to provide 42 sheltered homes.

The proposed development includes a formal assessment of all of the trees at the site, together with an assessment of the implications of the proposed development upon them. The proposed development would thus involve the removal of no category A (high quality) trees; six category B (moderate quality) trees; 20 category C (low quality) trees; and seven category U (poor quality) trees, as defined using the BS5837² categorisation. The proposed development also includes the planting of 54 trees.

The proposed removal of some trees at the site, together with proposals to mitigate the impact of tree loss through new planting, will now be considered as an integral part of the assessment of the planning application.

- (b) Provisional listing means that where the Chief Officer considers it necessary or expedient to restrain the actual or apprehended removal of, or damage to, a tree suitable for inclusion on the List of Protected Trees, trees might be added to the list on a provisional basis.

Protected trees cannot be removed or managed without permission.

The fact that they are listed does not, however, preclude their removal or management, where permission is granted to do so.

- (c) Trees entered provisionally on the list, remain on the list until –
 - i. a determination has been made that the tree should or should not be included on the list; or
 - ii. the expiration of a period of three months beginning with the date of service of the notice of provisional listing

whichever is the sooner.

- (d) As stated above, the Minister is reviewing the process and policy for the protection of trees. This will include the development and establishment of mechanisms to administer and operate the protection regime, subject to the availability of resources.
- (e) Trees may be added to the list of protected trees, on a provisional basis, where it is considered necessary or expedient to restrain the actual or apprehended removal of, or damage to, a tree suitable for inclusion on the List of Protected Trees.

2.30 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding the development of a policy to establish an independent medicines regulator (WQ.223/2025):

Question

² British Standard 5837:2012 - Trees in relation to design demolition and construction

Further to his response to [Written Question 204/2025](#) will the Minister advise the timeline of the policy development for the establishment of an independent medicines regulator, what consultation, if any, has been undertaken with relevant key stakeholders, and whether he intends to bring this policy to the States, and if so, what is the expected timeline for this?

Answer

I do not anticipate policy development work commencing before October 2025, as all existing policy resource is allocated to the delivery of priority projects including termination of pregnancy, assisted dying and options for the decriminalisation / regulation of recreational cannabis in accordance with Assembly decisions.

Establishing an independent medicines regulator will require legislation development with an amended law being brought to the Assembly for consideration and approval. I am keen for this to be done as soon as is practically possible and have requested Officers to develop a timetable which I will provide to the Assembly.

2.31 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and Resources regarding transfers from the Central Reserve following the public sector pay award in April 2024 (WQ.224/2025):

Question

Regarding the pay award for public sector workers agreed in April 2024, will the Minister state what transfers, if any, from the Central Reserve were required, and if any were required, detail which departments received a transfer and the amount received by each department?

Answer

A 3-year pay award was agreed in April 2024 with the following structure:

- 2024: 8% pay increase
- 2025: a guarantee of September 2024 RPI +1% (for headteachers a minimum of 2% or RPI + 1%, whichever is greater)
- 2026: a guarantee of September 2025 RPI +1% (for headteachers a minimum of 2% or RPI +1%, whichever is greater)

Ministerial Decisions relating to budget allocations from the Central Reserve are published on gov.je. To support the 2024 pay award, three Ministerial Decisions approved transfers from the Central Reserve totalling £51.4 million, including a £1.5 million non-recurring payment to teachers.

[MD-TR-2024-217 2024 Pay Award - 1st Allocation](#)

[MD-TR-2024-305 2024 Pay Award - 2nd Allocation](#)

[MD-TR-2024-434 2024 Pay Award - 3rd allocation](#)

The recurring financial impact of the 2024 pay award is reflected in departmental budgets within Budget 2025 – 2028. For a breakdown, please refer to Table 56: Changes to Revenue Heads of Expenditure on page 116, under the column entitled “2024 Pay Award”.

For 2025, a further £27.9 million was allocated from the Central Reserve. This includes funding for the 2025 pay award and Junior Doctors pay awards for 2023/2024 and 2024/2025.

MD-TR-2025-046 - 2025 Pay Awards

The pay award for Junior doctors covering 2025/2026 is still under negotiation. The 2026 pay award will not be known until September 2025 RPI is published due 23 October 2025.

In summary, the consolidated impact of the 2024 and 2025 pay awards agreed as part of the 3-year pay deal, increases departmental budgets by approximately £78m on a recurring basis.

Head of Expenditure	2024 Consolidated Pay Award	2025 Consolidated Pay Award
Cabinet Office	1,652,000	853,000
Technology and Digital Services	1,567,000	771,000
People Services	862,000	461,000
Education and Lifelong Learning	10,810,000	6,128,000
Children and Families	3,127,000	1,568,000
Customer and Local Services	1,258,000	745,000
Infrastructure	2,464,000	1,394,000
Environment	1,134,000	601,000
Health and Community Services	16,508,000	9,727,000
Justice and Home Affairs	2,862,000	1,549,000
States of Jersey Police Service	1,984,000	1,102,000
Ministry of External Relations	181,000	91,000
Economic Development, Tourism, Sport & Culture	404,000	174,000
Financial Services	331,000	201,000
Treasury and Exchequer	2,456,000	1,255,000
Bailiff's Chambers	201,000	107,000
Judicial Greffe	305,000	176,000
Law Officers Department	887,000	486,000
Office of the Lieutenant Governor	56,000	33,000
Official Analyst	42,000	22,000
Probation	212,000	117,000
States Assembly	449,000	252,000
Viscount's Department	196,000	110,000
Total	49,948,000	27,923,000

2.32 Deputy A.F. Curtis of St. Clement of the Minister for Housing regarding data on private sector housing construction costs and how this data informs Government housing policy (WQ.225/2025):

Question

Will the Minister advise what data, if any, he holds on the costs of housing construction in the private sector, including –

- (a) direct construction costs (e.g. structural works, internal fit-outs, electrical installations, landscaping);
- (b) professional service fees (e.g. architecture, structural engineering, legal, ecological, and drainage services);
- (c) total new-build costs per square metre;
- (d) total new-build costs per unit type; and
- (e) total extension or renovation costs per square metre;

and will he further explain how this data is used to inform and shape the Government's housing policy?

Answer

I do not hold this data, nor do I believe this to be information any Housing Minister has held or sought to hold, which would have limited utility relative to direct Housing Minister responsibilities.

The maintenance of construction cost indices are not something I believe to be a normal feature of government activities, although the Deputy may be aware of the existence of the Building Cost Information Service (BCIS) which provides a nationally recognised and Royal Institute of Chartered Surveyors-endorsed construction cost index. Whilst the availability of Jersey-specific data is more limited, BCIS data can provide a helpful benchmark for understanding construction costs in Jersey and this has informed the development of Government housing-related policy in the past, principally under the remit of the Minister for the Environment.

I understand that previous uses of such data have included the viability assessment associated with the-then proposed Jersey Infrastructure Levy, and to consider the overall viability of the Bridging Island Plan.

Matters pertaining to private sector development costs also arise through the planning process, whereby viability assessments can be provided in support of planning applications to inform decision-makers.

2.33 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding officer involvement in neighbour dispute resolution and Environmental Health enforcement (WQ.226/2025):

Question

For each of the last five years will the Minister advise the number of officers involved in dispute resolution between neighbours and Environmental Health and Enforcement, and the number of officer hours spent, both globally and with specific reference to St. Peter's Technical Park and Northern Leaf's Retreat Farm?

Answer

The Directorate is committed to transparent and responsive communication with the public. All team members, regardless of their role or level, may be involved in addressing concerns raised by members of the public. The nature of each query whether a complaint or dispute determines the number of

officers involved and the time required to respond appropriately. It is important to note that not all complaints or disputes result in formal investigations.

The Directorate does not maintain time logs for individual cases. As such, we are unable to provide specific details regarding the number of officers or the hours spent on cases, including those related to St. Peter's Technical Park and Northern Leaf's Retreat Farm.

The level of officer involvement varies depending on the type of correspondence or action required. Factors such as the complexity and scope of a case influence the time and resources allocated. For example, an investigation may involve several officers depending on the size and nature of the complaint, the number of site visits needed, and the activities involved in gathering evidence.

Regulation Approach

The Regulation Directorate operates under legislative powers and follows the [Regulators' Code](#), which guides policy development and operational standards. Each team aligns with this code through specific policies. Regulatory enforcement covers all interactions with those subject to legal duties. The Directorate's principles are outlined in its [Enforcement Policy](#).

Regulation Framework

This policy outlines how the Directorate addresses non-compliance, using the Four E's Model:

Engage: Build strong stakeholder relationships.

Explain: Provide clear guidance and resources.

Encourage: Promote compliance through dialogue and resolution.

Enforce: Take action only when necessary.

Persuasive Compliance

Over the past three years, the Directorate has adopted a persuasive compliance model, resolving issues early through constructive engagement. Staff receive training in conflict resolution and resilience to support this approach. This strategy promotes cooperation and shared responsibility, with enforcement used only when other methods fail or risks are high. All regulatory activities, communications, visits, inspections, and investigations are treated as equally important.

2.34 Deputy A.F. Curtis of St. Clement of the Minister for Treasury and Resources regarding construction cost data in Jersey and how it is used to ensure Andium Homes developments represent value for money (WQ.227/2025):

Question

Will the Minister advise what data she holds regarding the costs of construction in Jersey, including

- (a) any direct construction costs (e.g. structural works, internal fit-outs, electrical installations, landscaping);
- (b) any professional service fees (e.g. architecture, structural engineering, legal, ecological, and drainage services);
- (c) total new-build costs per square metre; and
- (d) total new-build costs per unit type;

and will she explain how, as shareholder representative, she (including her department and any independent advisors used) uses this data to ensure that developments by Andium Homes Limited represent value for money and are viable for the future?

Answer

I do not personally hold or maintain data on construction costs, nor does the Economics Team. The Jersey Competition Regulatory Authority (JCRA) has, however, recently undertaken a review of the construction sector and is currently consulting on its draft findings ([construction-sector-review-draft-findings-consultation-apr-2025.pdf](#)), which may help inform our understanding of cost dynamics in the sector.

So far as the assessment of Andium developments, it is the responsibility of the Andium Board, an independent board of professionals, to assess whether their developments represent value for money and are financially viable. Project costs (including construction costs) and project viability are reviewed by the Andium Board, and provided that the project meets their business strategy and viability metrics, the scheme will be considered by the Board for approval.

Once a scheme is approved by the Board, it undergoes further independent assessment. An independent expert, appointed by my department and with relevant construction industry experience, prepares an assurance report on the project. This report draws on local market data, independent sources such as Spon's Price Books and the Building Cost Information Service (BCIS) and their experience on "live" projects to benchmark the proposed costs.

If the independent review supports the Board's assessment of the project's viability and alignment with strategic priorities and, if the Minister for Housing supports the scheme from a policy perspective, I will consider a Ministerial Decision to authorise Andium to proceed with the necessary contractual arrangements.

2.35 Deputy J. Renouf of St. Brelade of the Minister for External Relations regarding the reasons behind Jersey Airport being placed under "Special Attention" and any associated risks or remedial actions (WQ.228/2025):

Question

Further to media reports that Jersey Airport has been placed in "Special Attention" by the Office of the Director of Civil Aviation due to the change in Operational Leadership, will the Minister advise whether there were any other reasons for the Airport being placed in Special Attention, in particular whether it was due to either security lapses or a lack of qualified air traffic control personnel; and if such other situations have impacted the position of the Airport, what actions are being taken to rectify these; and will he further state whether the Airport was at imminent risk of being shut down by the relevant authorities?

Answer

I was advised on 7th February 2025 that Jersey Airport was being placed under 'Special Attention' by the Office of the Director of Civil Aviation, which is Level 1 - the lowest level - of an escalation procedure. This action followed an organisational restructure at Ports of Jersey. The DCA and PoJ are now working to address the issues raised by the DCA. I have been briefed, as is appropriate at Level 1, in high-level terms on the reasons for the escalation, and I am not aware of other reasons for the Special Attention measures being applied. Level 1 carries no risk of Jersey Airport being subject to sanction or suspension of operations by Office of the Director of Civil Aviation, or any other agency.

2.36 Deputy J. Renouf of St. Brelade of the Minister for Sustainable Economic Development regarding the development of Jersey’s biotech sector and the types of businesses being attracted to the Island (WQ.229/2025):

Question

Further to his [statement](#) to the Assembly on 13th May 2025 in which he advised that Jersey is “attracting businesses in the biotech sector and as a result, we are developing a cluster of firms that operate within this high-value, low-footprint area”, will the Minister provide further details regarding the parts of the biotech sector that are being, or it is hoped will be, attracted to the Island, whether any have relocated to the Island, and whether it is expected that they will require regulatory support from the Government?

Answer

The [Future Economy Programme Delivery Framework](#) included a medium term action to ‘consider industry and Government priorities for economic growth with research and development opportunities to galvanise key areas of focus’.

Through my conversations and commercial discussions with businesses I believe the pre- conditions are right for Jersey to explore the opportunity to develop a biopharmaceutical and technology sector on the island.

These types of businesses appear to be attracted to Jersey because of our international status as a financial centre, our independent legal systems, our history in agriculture and the medicinal cannabis sector, and our strategic approach for encouraging high-value, low footprint industry.

I have asked officers to explore what a biotech sector for Jersey may look like. However, this work is dependent on resources across government Departments, including a requirement for independent regulatory support at arm's length from ministerial authority, and is at an early stage of policy thinking and discovery.

2.37 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding departmental overspending since 2022 (WQ.230/2025):

Question

Given the reported overspends in his department since 2022, will the Minister provide a costed list of where the overspends have occurred in each year, along with the steps being taken to reduce such overspends in the future?

Answer

The following tables present the costed lists of where overspends have occurred each year since 2022:

	2022	2023	2024	2025	
	£ '000	£ '000	£ '000	£ '000	Comments
Government Plan Budget (Opening)	226,290	249,032	286,235	322,065	
Budget Closing	246,931	302,324	333,363	332,792	2025 budget current as at May
Deficit Funding allocated to balance position (2022-2024) *	15,916	32,022	28,812		

Current Year Forecast Overspend				18,280	2025 forecast as per April reporting
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Rationale of overspend	
2022	£ '000
Placements- Mental Health & Social Care	2,800
Care Commission Preparation	130
Rehab Services Samares	583
Special Payment (Employment Legal Case)	375
Rebalancing Target 2022	6,250
Hugo Mascie-Taylor Response	136
Les Amis additional payments	48
Surgical Income Deficit	2,800
Tertiary Care and Ward Managers	2,794
	15,916

Rationale of overspend		
2023 (Deficit Funding allocated £32.0m)	£ '000	
Staff Costs overspend	11,300	Key overspends Medical Services £10.3m, Surgical Services £4.1m, WACS £1.7m, offset by vacancy savings elsewhere
Non Pay- Opening Budget Pressure	9,200	
Non Pay- Mental Health and Social Care	4,900	Domiciliary Care Packages, Off-Island Placements and on-Island support packages
Non-Pay- Surgical Services	2,200	Consumables spending from additional public work, charter flight contract, previous years costs due to accounts payable system issues
Non Pay- Tertiary Care	1,300	Demand pressures, high cost treatments, and price inflation above general inflation
Non Pay- Chief Nurse	1,200	Accommodation Service additional costs, partly offset in income over-recovery
Non Pay- Non-Clinical Support Services	900	Patient travel and accommodation costs related to increased activity
Non Pay- Estates	600	Maintenance works due to an increasingly ageing estate
Non Pay- Jersey Care Model Initiatives	500	
Non Pay- Medical Director	200	
Income overachievement	-300	
	32,000	

Rationale of overspend		
2024 (Deficit Funding allocated £28.8m)	£ '000	
Staff costs overspend	6,196	Key overspends in Medical Services £4.5m, Surgical Services £2.1m, and WACS £1.8m, offset by vacancy savings elsewhere
Non Pay- Medical Services	5,000	Consumables/medical supplies and drugs
Non Pay- Social Care	4,800	Domiciliary Care Packages
Non Pay- Mental Health	2,700	Off-Island Placements and on-Island support packages
Non Pay- Tertiary Care	2,400	Demand pressures, high cost treatments, and price inflation above general inflation
Non Pay- Medical Director	1,800	Costs of investigations and insurance costs including settlements
Non Pay- Chief Officer's Dept	1,300	Included £1.7m opening budget pressure
Non Pay- Estates & Hard FM	1,400	
Non Pay- Surgical Services	1,000	
Non Pay - Patient Access	700	Patient Travel costs
Income underachievement	1,516	Surgical Services PP income under-achievement £3.8m, offset by over-recovery in Medical Director (HEE income) and Medical Services
	28,812	

The accepted benchmark for sustainable recurrent level of savings delivery in the NHS is between 2%-3% year-on-year. The now well-established FRP Programme has delivered savings of £3.2m vs £3m plan in FY23, £8.9m (2.9% of budget, 2.7% against outturn) (recurrent £6.75m) vs £5m plan in FY24, and has planned savings target of £17.1m (5.4% of budget) in FY25 vs £8m plan.

In terms of the steps being taken to reduce such overspends in the future, in 2025:

- Efforts are being redoubled to recruit too hard to fill clinical vacancies currently covered by locums, and to replace locums with substantive employees.
- Job planning is well advanced to help improve efficiency and value across the medical workforce.
- Patient flow improvements are being identified, with interventions needed to divert admissions and reduce demand on A&E whilst addressing actions needed to reduce Delayed Transfer of Care (DTC). This will support a winter plan for 2025.
- A monthly meeting between the Private Patient Strategy group and care groups to review delivery of income forecasts.
- Developing a centralised buying and purchasing function to deliver more efficiencies.
- Developing a prioritisation policy to support clinicians in decisions over which treatments to provide and which might be de-prioritised.

- Investing in infrastructure resources to implement firm grip and control and demand management processes.
- Developing strategic partnerships with UK providers to stabilise the clinical model, workforce, and generate income opportunities, and the work on new hospital facilities.

Longer term work is also being undertaken to assess additional financial requirements for two essential areas of work -

- 5 year plan to assist in delivering preventative healthcare to reduce eventual secondary care cost growth
- 5 year plan to digitise entire Health Service

2.38 Deputy K.M. Wilson of St. Clement of the Minister for Justice and Home Affairs regarding crime statistics for knife crime, arson, and illegal firearms, and related policy responses and safety initiatives (WQ. 231/2025):

Question

Will the Minister provide the data collected in relation to knife crime, arson, and the illegal use of firearms for each of the last 3 years, and the number of related prosecutions and sentences for such crimes; and will she further advise –

- whether there have been any changes to policy further to recent reporting in the local press on knife incidents in the community;
- what progress has been made on community safety initiatives and how these initiatives are measured and monitored;
- whether there have been any changes to policy or resources in response to increases in activity in those seeking to import quantities of illegal drugs, substances or weapons into the Island; and
- whether her department is taking any steps to address low-level fire setting in some communities, and if not, why not?

Answer

Knife Crime

Knife crime, as defined here, broadly relates to two kinds of behaviour. The first relates to people owning or possessing knives when doing so is illegal. This may be because their ownership is specifically banned, such as certain (de facto or ‘made’) offensive weapons, or because they are illegal in certain contexts, mainly being possessed in public without good reason. These are so-called State or Rex crimes and do not involve a victim. The second behaviour relates to the use of a knife in the commission of another offence, so-called ‘knife-involved offences’. Typically, this relates to violence or threats against the person, larceny, break and entry or malicious damage.

In 2024, knife crimes increased to 51 in comparison with previous years. This increase was due to more common assaults, which involved threats with a knife, being recorded. More offences were recorded from corresponding incidents in line with a continuous effort to improve crime recording standards in line with Home Office crime recording.

Year	Number of Recorded Offences	Number of Charges or PHE	Sanctions
2025	8	-	-
2024	51	5 *3 offences are still live	1 Probation Order 1 Imprisonment
2023	32	7 *1 offence still live	2 Probation Orders 2 Imprisonment 1 Fine 1 Community Service
2022	41	11	3 Probation Orders 3 Imprisonment 1 Caution 1 Binding Over Order

Arson

Recorded Fire Service Law (statutory arson) offences increased in 2024 to 45. This was primarily due to young people setting fires in various locations including public toilets.

Year	Number of Recorded Offences	Number of Charges or PHE	Sanctions
2025	10	-	-
2024	45	3	1 Probation Order 1 Binding Over Order 1 Written Caution
2023	18	1	1 Imprisonment
2022	19	3	2 Treatment Orders 1 Written Caution

Illegal Use of Firearms

The crimes included in this category are:

Art 2(1)(a) Firearms Law 2000 -Possess, purchase or acquire a firearm without certificate-
Article 2(1)(a) - Firearms Law 2000 -Possess, purchase or acquire a firearm without certificate-
Article 2(1)(c) - Firearms (Jersey) Law 2000 - Contravenes or fails to comply with any condition subject to which a firearm certificate is held by the person
Possess, purchase or acquire a firearm without certificate-Art 2(1)(a) Firearms Law 2000
Possess, purchase or acquire ammo without certificate-Art 2(1)(b) Firearms Law 2000

Year	Number of Recorded Offences	Number of Charges or PHE	Sanctions
2025	1	1	-
2024	0	-	-
2023	1	1	1 Fine
2022	3	3	2 Imprisonment 1 Binding Over Order

(a) whether there have been any changes to policy further to recent reporting in the local press on knife incidents in the community;

There have not been any changes in policy within the areas the Minister for Justice and Home Affairs is responsible for in response to recent media reporting on knife incidents.

As outlined above, knife incidents are dealt with in accordance with the relevant legislation.

(b) what progress has been made on community safety initiatives and how these initiatives are measured and monitored;

Work through the BASC framework is continuing to develop with several key projects now in progress. Work continues to establish BASC across Government as a ‘coordinating’ function enabling horizon scanning regarding community safety. This is progressing well.

The BASC Education programme continues with very positive feedback from both teachers and students. To date, in this academic year, the team have delivered to 7 schools to nearly 900 students with another 5 schools booked before the end of the summer term. This means that by the end of the academic school year, every Year 8 student in education will have taken part in the day. This includes Mont A ‘Labbe and La Passerelle who have worked with the team to co-design a bespoke programme to meet specific needs of their students.

A BASC data partnership has been established under the BASC Framework, which will support measuring and monitoring of outcomes.

(c) whether there have been any changes to policy or resources in response to increases in activity in those seeking to import quantities of illegal drugs, substances or weapons into the Island; and

The Customs and Immigration Service covers a multitude of functions, and as such will direct resources to areas of demand. Whilst there has been no change in policy or increase in resources, the Service deploys staff accordingly to deal with any increased risk of the attempted importation of prohibited or restricted goods, including illegal drugs and weapons.

(d) whether her department is taking any steps to address low-level fire setting in some communities, and if not, why not?”

The number of deliberate Fire Setting incidents identified as being caused by youths aged 10-17 years.

- a. 2022; 10 fires (all secondary fires)
- b. 2023; 14 fires (5 primary fires, 9 secondary fires)
- c. 2024; 22 fires (5 primary fires, 17 secondary fires)
- d. 2025 (to date); 7 fires (1 primary fire, 6 secondary fires).

The States of Jersey Fire and Rescue Service takes a proactive and preventative approach to this risk, delivering Fire Setting and Arson training and education to all primary school year 4 classes, and secondary school year 8 classes, which highlights the dangers, risks and impacts associated with Fire Setting and Arson. The focus of this input is to protect the children and to reduce the number of instances of Fire Setting and Arson related anti-social behaviour in their communities. The education is delivered by members of the Fire Safety department and operationally based firefighters.

When children and young people are identified as needing support they can be referred to the service for an intervention. Several members of the States of Jersey Fire and Rescue Service are trained in delivering Fire Setting intervention techniques. We provide support to anyone requesting assistance related to Fire Setting / Arson; this is usually requested by the Police or Children's Services but can be from family members or schools. In the last three years, four children have received support from members of the States of Jersey Fire and Rescue Service in direct relation to Fire Setting. The number of children referred to the Fire and Rescue Service is low as it is often difficult to identify who is responsible for causing a primary or secondary fire.

Note: A primary fire is a fire that generally involves a risk to life, property, or requires a significant response whereas secondary fires are generally smaller fires that don't involve people or property, like refuse, grassland fires (except over a certain size, when they become primary fires), derelict properties or vehicles that are off the road and not in use.

3. Oral Questions

3.1 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding means-testing by social housing providers (OQ.122/2025):

In light of the Minister's comments regarding means-testing by social housing providers, made during the debate on the amendment to P.29/2025, will the Minister advise whether, in her assessment, a lack of such means-testing would negatively impact on delivery of the proposition?

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

During my speech in the debate on P.29, I referred to Andium and other social housing providers undertaking means-testing and not a complete absence of means-testing. Means-testing is already undertaken when an individual or family is admitted on the Housing Gateway list. Tenants who receive income support are also means-tested. There is therefore no lack of means-testing that would negatively impact on delivery of the proposition. I believe that, as part of reviewing options for social housing policies going forward, it would be inefficient and costly for social housing providers to assume responsibility for means-testing when it is already undertaken by government departments. My principal concern in my speech was to emphasise the importance of preserving the business models of Andium and the other social housing providers to ensure that they can continue to meet decent home standards and deliver ongoing maintenance and, in the case of Andium, their capital development and building programme.

3.1.1 Deputy M.B. Andrews:

The proposer, Deputy Kovacs, alluded to members of our society living in relative poverty, and that is really what she wanted to see be addressed. I want to know whether the Minister for Treasury and Resources is of the view that this is something that can be addressed with her and our officers once they look at this issue in greater detail.

Deputy M.E. Millar:

I think we are in danger of pre-empting a debate that will happen early next year. The outcome of the P.29 debate was that the Minister for Housing is going to do some work and bring forward some options. I think it is premature to discuss aspects until he has done that.

3.1.2 Deputy P.F.C. Ozouf of St. Saviour:

Would the Minister for Treasury and Resources, who has of course been Minister for Social Security and got wide experience, would she agree with me and the view that fundamentally the issue which the Deputy is asking, and the issues in that debate fundamentally need the whole of the Government, the whole of the Assembly, to focus on the supply side of houses? If we had more of them, then people would not be in such poverty. Would she not say that that is where the focus of her attention and officers might better be spent than creating another means-tested system?

Deputy M.E. Millar:

I thank the Deputy for his question. I think we would all agree that supply is an issue. We do need to focus on more supply of homes, whether in the public or the private sector. We need to consider the affordability of those homes, and that is exactly why we need to have social housing providers focusing on that and not on means-testing. But that is my view, and this is a debate for another day.

Deputy P.F.C. Ozouf:

I thank the Minister for her reply.

The Bailiff:

Final supplementary then, Deputy Andrews. Very well.

3.2 Deputy H.M. Miles of St. Brelade of the Minister for Infrastructure regarding delays to presentation of the lease of Les Creux Pavilion (OQ.129/2025):

Given the tender document for the lease of Les Creux Pavillion stated that presentations to a panel would begin during the week commencing 21st April 2025, but that no further information has been given in response to expressions of interest, will the Minister explain why there has been a delay and set out the timetable for presentations to take place?

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

I thank the Deputy for her question. I am pleased to say that there has been a positive response for expressions of interest, with a significant number of detailed submissions being received. This excellent response has meant that it has taken much longer than anticipated to review the submissions so that we can come up with a shortlist and a timetable for presentations to a panel can be set. It is important that the review process is conducted thoroughly, and I equally appreciate the need for it to be undertaken in a timely way so we can bring Le Creux back into full use as soon as possible. It is anticipated that once the review of submissions is complete, presentations to a panel will be scheduled later this month. Parties have been informed and I have also asked that Parish representatives are briefed before a final decision is confirmed and announced.

3.2.1 Deputy H.M. Miles:

I thank the Minister for his answer. That is a very promising answer. My question is, when a facility like Le Creux becomes vacant, and in this case it was well-known that the tenant was going to give up the lease, why does it take over a year to put out an expressions of interest? Does the Minister have any processes or procedures in place to encourage meanwhile use?

The Connétable of St. John:

The problem with Le Creux is that we thought we were going to have to use it for meanwhile use for tenants of another facility that the Government owns, that we were told was going to cost £700,000 to make it usable. Thankfully we found an alternative solution and those tenants can stay in place. But we kept Le Creux available as a potential for those tenants that we had somewhere else.

3.2.2 Deputy J. Renouf of St. Brelade:

The delay has obviously caused some problems for people who were perhaps building business models around the potential use of that site. Does the Minister have any message to give to the people who have put in applications about the delay?

The Connétable of St. John:

I have not seen any of the applications, but I am told that some of them are incredibly extensive and detailed. That is what has taken the time. Whether it is a charity, whether it is a community group, whether it is a business, we have to take consideration.

[9:45]

We want Le Creux to be used as widely as possible for the community and potentially sport is possible. That is our hope.

3.2.3 Deputy J. Renouf:

I thank the Minister for his response. Can he shed any light on the criteria that the panel will be using to judge the final appointment?

The Connétable of St. John:

As I have said, it would need to serve the community and/or sport, or a combination of both. That is our priority for Le Creux. It is not seen as a facility for a business to run per se but it is seen primarily for the community and for sport.

3.2.4 Deputy H.M. Miles:

As I said, the site at Le Creux has been empty for well over a year. Can the Minister tell us what maintenance has been done to the building and the ground, and whether the facility will be restored to any extent at all before the new tenants arrive?

The Connétable of St. John:

Routine checks, et cetera, have continued to be made. Some maintenance has taken place and clearly we will need to make sure that the premises are fit before any new tenant takes place.

The Bailiff:

We come to question 3 that Deputy Wilson will ask the Minister for Sustainable Economic Development

Deputy P.F.C. Ozouf of St. Saviour:

Deputy Wilson is excusé.

The Bailiff:

Yes, I beg your pardon I thought she was online and I misremembered. Apologies. Very well, number 3 falls away.

3.3 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding a compensation scheme for healthcare workers affected by Covid-19 (OQ.123/2025):

Will the Minister advise whether the Government has implemented, or intends to implement, a compensation scheme for healthcare workers who have been left with serious health issues or life-changing disabilities as a result of contracting COVID-19 in the course of their employment?

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

The Government has not and does not plan to implement a specific compensation scheme for healthcare workers who have been adversely affected by COVID-19 in the course of their employment. Having said that, Jersey does have a vaccine damage payment scheme which is operated by the NHS Business Service Authority. This provides a one-off tax-free payment for individuals who, based on medical evidence, are severely disabled as a direct result of receiving a vaccination. This would include COVID vaccinations. In addition, staff members who are permanently incapacitated and unable to work due to illness of this or any other sort can apply for ill-health retirement through the Government's Pension Fund and can also seek support through Occupational Health Services. I hope that answer is helpful.

3.3.1 Deputy I. Gardiner:

It is concerning. I would like to check with the Minister, does the Government acknowledge any responsibility to support healthcare workers whose health has been permanently affected as a result of their service during the COVID-19 crisis?

Deputy T.J.A. Binet:

It acknowledges responsibility to the extent that it was covered by the scheme that has been adopted from the U.K. (United Kingdom).

3.4 Deputy A.F. Curtis of St. Clement of the Minister for Infrastructure regarding pre-application advice for the redevelopment of Fort Regent (OQ.136/2025):

In relation to the proposed redevelopment of Fort Regent, will the Minister advise whether his department or the States of Jersey Development Company, as a delivery partner, will seek pre-application advice for any scheme; and if not, why not?

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

The States of Jersey Development Company are already in discussions with officers in the Planning Department, including those that deal with heritage, and will continue to do so throughout the planning process. It is proposed that if Fort Regent is redeveloped this will be split into several applications, the first of which will be repairs required to the roof and façades, and pre-application advice has been requested and received for this first application. It is intended to request further pre-application advice once the results of the recent public consultation survey are known and the intended uses to the various areas are established.

3.4.1 Deputy A.F. Curtis:

Could the Minister explain a little further how he and the States of Jersey Development Company will use the feedback from pre-application advice? Will he use that to, in essence, try to assure the maximum success of delivery of a project by making sure it is compliant and does not try to stretch policies too far?

The Connétable of St. John:

The whole reason that we are asking for pre-application advice is so that we can follow the advice that we are given and not do something totally different. We are looking to try and be as efficient as we can and therefore working with partners.

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

Can I raise the défaut on Deputy Porée first, please?

The Bailiff:

Yes, the défaut is raised on Deputy Porée.

3.5 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding the impact of Blue Island flight disruptions on patients travelling to the UK for medical treatment (OQ.133/2025):

Further to the reduction in services by Blue Islands airline resulting in flight disruptions and cancellations, will the Minister state when he first became aware of the situation, advise what impact this will have on Islanders travelling to the U.K. for medical treatment and explain what actions, if any, are being taken to mitigate any impact?

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

The Health and Care travel team is in daily contact with the staff of Blue Islands to co-ordinate arrangements for patient flights. On average, the service facilitates approximately 15 return flights for patients each day, the majority going to Southampton. On the evidence presented, I am comfortable that Blue Islands fully understand the essential nature of these medical appointments, and it is clear from their recent actions that they are prioritising Jersey patients to make sure their transfer is planned. In the event that flights are cancelled or disrupted, Blue Islands contact both affected patients and the H.C.J. (Health and Care Jersey) travel team as soon as they can to make alternative arrangements. Where possible, they provide notice of any changes to the flight schedule, and that is often several days in advance. This allows the H.C.J. travel team to rebook patients on to alternative flights or flights on different days, minimising disruption to the greatest extent possible.

3.5.1 Deputy T.A. Coles:

What discussions, if any, have taken place between the Minister and the Minister for Sustainable Economic Development and the Minister for Treasury and Resources: to co-ordinate Government's engagement with Blue Islands about this, and if none, why not?

Deputy T.J.A. Binet:

None have taken place, I have to be perfectly honest about that, because to the extent that the information has been relayed to me, the best arrangements that can be made are being made. I would have thought short of hiring planes individually, there is little else we can do given that we are on an Island in the middle of the Channel.

3.6 Deputy J. Renouf of St. Brelade of the Minister for External Relations regarding the organisational restructure at Ports of Jersey and its link to special attention status at Jersey Airport (OQ.130/2025):

Further to Written Question 228/2025, will the Minister provide details of the “organisational restructure” of Ports of Jersey that led to Jersey Airport being placed under “special attention” by the Office of the Director of Civil Aviation, and advise what measures are being taken to address the situation?

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

The Office of the Director of Civil Aviation operates an escalation procedure that mirrors that used by the U.K. Civil Aviation Authority. Special attention status is level one, the lowest level of an escalation procedure, and is therefore a matter for the D.C.A. (Director of Civil Aviation) and the Airport. As I have stated in Written Question 228, I have been provided a high-level brief, as is appropriate at level one. This did not provide detail on the organisational restructure, however it highlighted that the restructure had resulted in the need for further recruitment as well as training and development among the management team. The D.C.A. and Ports of Jersey are now working to address the issues raised by the D.C.A.

3.6.1 Deputy J. Renouf:

The Minister is adopting a kind of nothing-to-see-here approach, but I have been told that the Airport has failed 2 security checks, that the control tower is not staffed with appropriately qualified personnel, and that a new recruit meant to address the shortage of qualified staff in the control tower, has since left. Can the Minister confirm this is the case, and what actions has he taken to ensure that Ports are on top of what is going on?

Deputy I.J. Gorst:

The action that is being taken is the action that I have described both in the answer to the written question and the oral question. That the Office of the Director of Civil Aviation, post the restructure, has put the Airport under level one escalation procedure, which is around special attention. I have just been clear in my answer to Members that that has required and will require special additional training. I understand from the Ports that they have also recruited consultants and there will be a further audit undertaken by the D.C.A. later this month, and they will revert back to me. Level one does not require and is not, as some have suggested ... that the Airport is not under level one subject to sanction or suspension of operations.

3.6.2 Deputy I. Gardiner of St. Helier North:

Would the Minister advise how many meetings he had with the Ports to stay on top of the situation and what questions he asked the senior officials?

Deputy I.J. Gorst:

Normally, the level one escalation would not require a briefing to the Minister. It arises out of Ports' restructure. When I was made aware of it in February, I asked for a meeting not only with the D.C.A., which I had, I also asked for a joint meeting with Ports of Jersey. Both agreed to work on the reasons that the D.C.A. had issued the level one escalation process, and they continue to do so. As I say, in that meeting, both Ports and the D.C.A. agreed that they would work to ensure that there was the correct training in place, and Ports confirmed that they had used consultants to fill in any gaps that the D.C.A. had highlighted. There will, as I say, be a further review later this month and they will

report back to me and to the Minister for Sustainable Economic Development. Because we remind ourselves that the D.C.A. sits under my Department, the operation of the Port sits under the Minister for Sustainable Economic Development.

3.6.3 Deputy I. Gardiner:

How long does the Minister expect the Airport to stay on in special attention category?

Deputy I.J. Gorst:

That I am not, of course, able to answer because that will be determined by the result of the review later this month that the D.C.A. will undertake.

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

Deputy Renouf gave a fairly specific list of questions he wished confirmation from the Minister for. Does the Minister recognise the instances given by Deputy Renouf and could he be firmer and clearer in his response on that? It was not that clear to me the first time.

Deputy I.J. Gorst:

I think, as I said, I do not have those details and not been provided with those details. I would expect that the D.C.A. would revert to me if he had concerns around the ongoing mitigations and improvements that he had agreed with Ports to be put in place. He has not yet done that, but he will be undertaking, as I said, a further review later this month and will reference back to me and the Minister for Sustainable Economic Development once that review has been undertaken.

3.6.5 Deputy A.F. Curtis:

Will the Minister, having had this conversation in the States now, seek clarification on those specific points so that if that is the case he will know the answer next time? Understanding he has not been briefed quite yet, will he undertake to seek those specifics?

Deputy I.J. Gorst:

I imagine now that I have had these questions in the States, that will be of the questions that I ask the D.C.A. when he reverts to me with the result of his review or audit, as Members would expect.

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

Given that the Airport was placed into special attention as a result of their own organisational structure one could say that this situation is self-inflicted. Therefore does the Minister have complete confidence in the chief executive of Ports of Jersey?

Deputy I.J. Gorst:

I am not sure that it is my place to say whether I have complete confidence in the chief executive of the Ports of Jersey or not. Within my remit falls the Office of the Director of Civil Aviation. As I have just said to Members, I have had these conversations with the Director of Civil Aviation. Inevitably, during reorganisation, as I understand it - and again I am not an expert on civil aviation - on any major reorganisation, then I understand that an escalation of special attention would be put in place. What is important and what was important for me when I was informed of that, and in my meeting with the Minister of Sustainable Economic Development, was that there was no risk to security and that Ports of Jersey were taking the action that the Director of Civil Aviation, which operates in line with international standards, asks them to take. That he was confident that any perceived processes which were not working effectively were being addressed.

[10:00]

They both gave me that confidence but, as we all know, the proof will be in the eating of the pudding and we will only know that once the Director of Civil Aviation has done his further review later this month.

3.6.7 Deputy H.M. Miles:

I thank the Minister for his answer. Will the Minister publish any correspondence between Ports of Jersey and the D.C.A. relating to these issues between himself and Ports. I am not sure that that would be a normal process, nor am I sure that that would happen elsewhere, but it is certainly something I could consider.

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

On a similar train of thought, the Minister has referred to a review, a report, an audit that is going to happen in due course. Will that report also be published, and if not, why not?

Deputy I.J. Gorst:

As I have just said to Deputy Miles, I am not aware that that is the normal procedure but what I will certainly undertake to do is to ensure that Members are informed. Whether it is the actual report or a form of a report or a briefing to the public is already provided because it seems to me that the number of questions and the interest in this Assembly means that we need to ensure that Islanders continue to have confidence in the security operations of the Airport. One of the ways that we can do that is by putting information into the public domain.

3.6.9 Deputy P.F.C. Ozouf of St. Saviour:

The Minister answered a series of questions what, in hindsight, may look like a script from a “Carry On” movie, and I make no joke about this or a “Yes, Prime Minister” with the Department of Regulation and Administrative Affairs who review external consultants. With the chief executive of the States of Jersey and the president of the new Chamber of Commerce speaking about the importance of A.L.O.s (arm’s length organisations) and cutting red tape, does he not think that it would be good for him to spend some time looking at the structures that we have created? Because it sounds as though this script could be a script for the Department of Administrative Affairs when we should be having tight, small, efficient, efficacious ways of dealing with things, not the department that passes things to other people and creating lots of things where people’s safety is concerned. Is it not time for a proper review, like the chief executive says?

The Bailiff:

It is within the ambit, in my view.

Deputy I.J. Gorst:

Funnily enough, I have just started rewatching the series “Yes, Minister”, and last night I got to where the Minister was made the Prime Minister. **[Laughter]** I am always struck by, sadly, in certain situations, how lifelike it actually is. I am sure members of the public would be surprised to hear me saying that. The Department for External Relations has responsibility for the Office of the Director of Civil Aviation which mirrors the U.K. Civil Aviation Authority. That has to be separate from the operation of the Airport and the Harbours themselves. Does it fit well with the Minister for External Relations? I do not believe it does. I think it is almost an accident of history that it sits here. Should we, in Jersey, be looking at methodologies which, in this instance, puts supreme safety of Islanders and air transport; yes, we should. But should we find a way of going back to what we always used to do incredibly well in Jersey, which is sitting around the table sorting problems out without a big bureaucratic infrastructure, then he is absolutely right; we should. While I have to stand up and support the work of the D.C.A., and they have to make sure that Islanders’ safety is paramount and security is paramount, we also have to have an economic and sustainable airport and harbours system. That does mean that we need to work together and we have got to get away from, as he highlighted,

big bureaucracy that hinders us from doing our everyday work and that do not have Islanders at the heart of their operations.

3.6.10 Deputy P.F.C. Ozouf:

I am grateful, Sir, for you allowing that question, because in the Minister's answer, he is really pushing, I think, and I hope that I have said something uncomfortably true. Would he, in conclusion, rather than having more, very sadly "Yes, Prime Minister" episodes playing out in this Assembly this morning, which is dealing with the most important issue - as he says, safety - would he actually spend some of his weeks between now and the next election using his skills of Government to ... and I am not suggesting a chainsaw but dealing with the structures that we have put in place that we need to untangle in order to get better value for taxpayers and a safer Island? Yes or no would be fine. I would happily meet him next week.

Deputy I.J. Gorst:

That is partly what I am doing in the other area of my portfolio around financial services. He is absolutely right, it needs to be done. It is also something that I think the Chief Minister is absolutely committed to. I am just thinking out loud about my diary, but of course I will be happy to meet him next week to discuss it further.

3.6.11 Deputy M. Tadier of St. Brelade:

The question for me really is why it has taken so long for the Government to acknowledge that there has been an issue at Jersey Airport being placed under special measures. I can see that there was a freedom of information request submitted back in February, asking whether the Airport had been put into special measures. The response was that it was exempt and that the Government did not give an answer. I also know that others had raised this with the Minister for Sustainable Economic Development as far back as February. Was the Minister for External Relations going to make a statement and tell at least States Members of the condition of the Airport, were it not for this oral question and written question from a States Member?

Deputy I.J. Gorst:

I was made aware of the special attention - we have to get the terminology correct - in February, probably around the time, I guess, but I do not have the dates in front of me ... just from Deputy Tadier's mention of the freedom of information request at about that time. As I am aware, that was the same time that the Minister for Sustainable Economic Development was made aware. At that point we, of course, undertook to brief the Deputy and his panel on what we knew. We offered for the Director of Civil Aviation to meet with the panel to brief them about concerns, which I understand had been raised with them, and I also understand that the Ports of Jersey, the offer was made that they would brief the panel as well, which I think has yet to take place but is in the diary. These issues are always difficult and, as I said in an earlier question, if I had thought that the D.C.A. felt that they were not getting traction with the Ports of Jersey and the Ports of Jersey were not taking the necessary action, then of course I would have had to make a more public statement. But my understanding at that time from meetings with both of them in the same room, that the actions that the Director of Civil Aviation were taking ... sorry, that Ports of Jersey were taking were those which the Director of Civil Aviation thought they should take to deal with the issues that caused the Airport to be placed under special attention.

3.6.12 Deputy M. Tadier:

Would the Minister undertake to give a full timeline to Members and to publish it about who knew what when, and when this started to become a problem? Because certainly, as a panel, we were made aware of an issue at the beginning of February, when we raised it with the Minister for Sustainable Economic Development. That means that he knew at least about it then. I would be very surprised if this was not an ongoing issue before that. For public transparency, would he speak to his

Ministerial colleagues and publish that timeline and circulate it, at least with States Members, if not with the public, so we know exactly what this problem is, how long it has been going on for and if we would have found out about it, and what can be put in the public domain?

Deputy I.J. Gorst:

As I understand it, the D.C.A. ... I am just trying to deal with those timelines now. On 10th December, the D.C.A. notified the accountable manager that the Ports of Jersey had been placed on special attention, that is stage one of escalation, and requested various things, and those things were forthcoming. I have that from a briefing that was provided to myself on 7th February. I became aware of it in early February. They, as far as I am aware, are the timelines. I cannot speak for others. If I am incorrect with those timelines, which I will go back to the department and check ... if I am incorrect then of course I will notify Members accordingly.

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

Please may I raise the défaut on Deputy Jeune?

The Bailiff:

Yes, the défaut is raised on Deputy Jeune. I assume that meant you did not want to ask a question.

3.6.13 Deputy J. Renouf:

It looks like this organisational restructure from Ports of Jersey is not going to be winning any awards, and it was put in place and known about back in February. The Government believes in openness and transparency. There have been 3 opportunities to be open and transparent. First, when the problem arose. Second, with my written question. Third, with this oral question. All 3 opportunities, it seems to me, have been missed. Will he therefore undertake to provide a full account of what has gone wrong at the Airport and what is being done to correct the situation? Because at the moment it does look like I am a bit more clued up than he is.

Deputy I.J. Gorst:

Of course, Government can never win when it comes to talking about openness and transparency. I am the Minister with responsibility for the Office of the Director of Civil Aviation, and within the terms of that question, of course, there were other responsibilities that he wants me to either opine upon or provide information for. As I have said in answer to other questions, of course I am prepared to go back. The fact that Members have had so many questions means that we do need to ensure that Islanders are ultimately confident in the operation and security at the Airport, and not just myself and the Minister for Sustainable Economic Development in the meetings and the undertakings that we have had from the D.C.A. and the Ports of Jersey. I do think that, as I said in answer to Deputy Stephenson, that once the review has been undertaken later this month, that is an opportunity for us to put further or fuller, if we are provided with it, information into the public domain.

3.7 Deputy S.M. Ahier of St. Helier North of the Minister for Sustainable Economic Development regarding plans for a Regulatory Authority under proposed changes for Licensing (Jersey) Law 1974 (OQ.132/2025):

Following the consultation on proposed amendments to the Licensing (Jersey) Law 1974, will the Minister advise whether he intends to set up a stand-alone Regulatory Authority for the distribution of licences or give this responsibility to the Jersey Gambling Commission?

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

The Island's gambling and alcohol licensing laws are to be kept separate in any changes to liquor licensing. However, the recent public consultation does note the synergy in having a shared regulator for both laws. At this stage, it has not yet been determined finally whether this will be via a renamed

and expanded gambling commission or in the form of a new body. Just for clarification, a new body that undertakes both functions.

3.7.1 Deputy S.M. Ahier:

If it is the intention for the Minister to set up a new regulatory authority, is it the Minister's intention for the Licensing Authority to take on the responsibilities of the Gambling Commission in the future to avoid unnecessary costs?

Deputy K.F. Morel:

As I understand the question, then the answer would be yes. My intention is that there is one authority and that it would undertake both the alcohol licensing and the Gambling Commission's functions. But obviously, those functions will be determined by 2 separate laws. The laws will remain separate, but one authority can undertake both. This is part of that idea that we want to reduce, as previous questions and answers have suggested. We do not want to create more arm's-length bodies, and I think the synergies between these 2 are quite strong.

[10:15]

3.8 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding communication with Blue Islands concerning their performance under the Covid-19 loan agreement (OQ.126/2025):

Will the Minister advise what communication, if any, she has had with Blue Islands regarding their performance under the loan agreement that was reached during Covid-19; and if no communication has been had, does she plan to approach them?

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

Since the loan was granted, a representative from Treasury and the C.E.O. (chief executive officer) of Ports of Jersey have attended all Blue Islands board meetings as observers. This observer status provides access to all board papers and reports, enabling close monitoring of the Airline's performance against the base-case model and its broader commercial activity. The Treasury and investment management team is responsible for ongoing oversight of the loan agreement. While I have not personally attended meetings with Blue Islands, I am kept informed through regular updates from the Treasury representative. As Minister, I must emphasise that the loan issued to Blue Islands is commercially sensitive. Any discussions held with the Airline in relation to this loan are subject to that same commercial sensitivity. While we are not in a position to discuss the specifics of the loan publicly, I would like to reassure Members and the public that we are committed to undertaking appropriate oversight. We will be happy to share further information with the relevant Scrutiny Panel shortly. As Minister for Treasury and Resources, my primary interest in the matter is to ensure that the loan extended to Blue Islands during the COVID pandemic is repaid in full.

3.8.1 Deputy K.L. Moore:

Does the Minister consider that the performance is acceptable under the terms of the agreement?

Deputy M.E. Millar:

Yes. In light of the discussions that we have had with Blue Islands over that time, yes, it is.

3.8.2 Deputy J. Renouf of St. Brelade:

Blue Islands seems to be struggling a bit at the moment with running it as a service. Is the Minister concerned that the loan might become a bad loan?

Deputy M.E. Millar:

As I said, matters relating to the loan are commercially sensitive and I am not prepared to discuss that in public.

3.8.3 Deputy J. Renouf:

Would the Minister consider giving further loans or further grants to Blue Islands in order to sustain the service in the future?

Deputy M.E. Millar:

That depends very much on circumstances. I do not believe that we have been approached for further loans or grants.

3.8.4 Deputy M. Tadier of St. Brelade:

Stop me if this is too far from the original question, but will the Minister clarify whether there would be any public interest to avoid such situations in the future as to whether airlines that operate to and from Jersey, which receive a government grant ...

The Bailiff:

I think that I can stop you. This relates specifically to communications with Blue Island. I do not think that we can extend beyond that.

Deputy M. Tadier:

Understood. Thank you.

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

Would the Minister confirm that Blue Islands is bringing in chartered aircraft to cover their own aircraft, which have gone tech - for want of a better word - to satisfy the need for the public transport obligations as in the original agreement?

Deputy M.E. Millar:

That does not relate to the matter of the loan. I believe that the actual operation sits with the Minister for Sustainable Economic Development and is not within my remit.

The Bailiff:

There is no supplemental question to that, I do not think.

The Connétable of St. Brelade

No, Sir.

3.8.6 Deputy K.L. Moore:

Despite the Minister's suggestion that it is not possible to discuss the requirements of the loan, it was reported in the media in October of last year that one-fifth of the loan - only one-fifth - has been repaid to date and the loan repayment period has been extended to 2028. Could the Minister therefore confirm whether any further repayments have been made and whether she is confident that they will continue to be made going forward?

Deputy M.E. Millar:

I can only repeat that it is a matter of commercial sensitivity, and I am not going to discuss that here. I will provide a briefing to the Scrutiny Panel in due course.

3.9 Deputy S.Y. Mézec of St. Helier South of the President of the Scrutiny Liaison Committee regarding the use of Artificial Intelligence by contributors to Scrutiny reviews (OQ.135/2025):

Will the president advise what experience, if any, Scrutiny Panels have had of artificial intelligence being used by contributors to their reviews, and what consideration, if any, is being given to how A.I.-generated submissions can be identified and assessed?

Deputy I. Gardiner of St. Helier North (President, Scrutiny Liaison Committee):

Thank you to the Deputy for this question. I am mindful that the use of A.I. in research and the formulation of written materials, including submissions, is not inherently negative, and the range of uses to which it can be put is extremely wide. Scrutiny members and our officers are extremely mindful of the importance of establishing and understanding the context and origin of any evidence or submission that is received. Indeed, any submission received anonymously, for example, will be inadmissible. The weighting or credibility given to any submission is determined by several factors, which might include how well source material is referenced within it. We might ensure that it is not a bot, it is not an automatic submission. We need to ensure that the real person, the person made the submission and expressed views. In respect to the second part of the question, as part of work of the department in this area, the States Greffe's current business plan, R.45, contains an objective which reads: "To continue investigating and implementing opportunities to integrate advances in technology and software, including artificial intelligence, into the work of the department." Specific to the scrutiny, the team of officers supporting us has established a working group to explore developments in A.I. and technology in parliamentary committee settings and to learn how such developments are being approached in other jurisdictions. Learning from this group will give us advice and I ask also, following the question from the Deputy, to add working with submissions and influence of A.I. to our next Scrutiny Liaison Committee meeting, which will take place next week.

3.9.1 Deputy S.Y. Mézec:

I thank the president for that answer. Part of my question was about what experience, if any, Scrutiny Panels had had of A.I. being used by contributors to their reviews. The president is obviously right to say that A.I. can be a very useful tool. I am aware of at least one instance that I could identify of a submission that looked to be almost wholly written by A.I. and contained numerous points of misinformation in them. Could I ask the president if she could confirm if this is something the panels have reported experience of, or if it is any more widespread than at least I have been able to identify?

Deputy I. Gardiner:

First of all, there was one particular submission. When the Deputy submitted the question I definitely checked with all chairs and with officers, and it was one particular submission that raised concern. Saying this, that when we looked through this particular submission - we can discuss the quality of the submission and maybe some contradictions - but if we are talking about the same submission, I am happy to discuss with the Deputy. There are 4 members of the particular organisation signed the submission so it is an official submission. Regarding the misunderstanding or misconceptions, I believe if it is factually incorrect, 2 is 2, 5 is 5, which is facts and numbers, I would be welcoming if somebody found the factual mistakes to raise it with the Scrutiny. Saying this, we always receive submissions from the members of the public that are based on an article from the newspaper, from the book, and from the internet, and their own views and their own interpretations. It is very important that we will look at all various interpretations and views from the public.

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

Will the president agree that, if used correctly, A.I. can be a vital tool in developing work and conducting research? In fact, is vital in helping Islanders to enhance their productivity, which is, of course, a matter that I believe forms part of the common strategic priorities of this Government?

Deputy I. Gardiner:

I believe that we all are learning how to work with A.I. In my opinion, going forward, the speed and the depth of research possible with A.I. gives almost equal research capabilities, for example, to

Scrutiny compared to the Government, with no extra cost, which can only be good for democracy. I believe that we all need to work together to understand how we are managing new technology coming into our life, which we must balance the strong human oversight and possible risks of bias and misconceptions that can come from A.I. But this is why it is important to still have human oversight.

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

May I ask the president of the panel, does she support the creation of a register of lobbyists ,which may include guidance on the use of A.I.?

Deputy I. Gardiner:

First of all, thank you for the question, because the work with lobby groups has been raised at the Scrutiny Liaison Committee. It is another theme that Scrutiny Liaison Committee are looking into that. We also need to define, I think all Parliaments are looking how to work, but at the end of the day we work with individual parishioners and we work with all groups. We need to make sure that we are engaging with a variety of public views.

3.9.4 Deputy R.J. Ward:

I noted that the president of the committee earlier referred to an official submission. Does she think that a register of lobbyists would help us define what we mean by “official” in those terms? Because there are different levels, if you like, of organisations of groups that lobby our Scrutiny and indeed all parts of Government, quite frankly.

Deputy I. Gardiner:

Thank you for the question. I think it is important to understand what is a lobby group, and we all work with lobby groups. We need to understand, for example, if the Chamber of Commerce can see the lobby group, or the union can see the lobby group. From both ways, we have lobby and we work with it. These groups are presenting views of specific groups of the members of the public, and we have a variety of them.

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

Continuing from Deputy Mézec’s question about the potential misinformation. Deputy Mézec in his question said that the responses seem to contain misinformation. Whether it is from a machine learning tool or whether it is by a human being, would the Scrutiny Liaison Committee and the Scrutiny Panels seek to call out misinformation where it is stated in a response to review?

Deputy I. Gardiner:

I think it is important that the Scrutiny work together with the Government because sometimes what we consider as misinformation or different interpretation. If we are thinking about the law, the same law can be interpreted by different lawyers in different ways. So, the members of the public, what was presented to them, can be interpreting things in different ways. If the Ministers consider there is specific misinformation was put towards the Scrutiny, it is important to raise it with the Scrutiny, and we will look into this if it is misinformation or interpretation. Another thing, when Scrutiny put in the reports, the first thing that Scrutiny does before any report publication, it is fact checked with the Government. It is, I think, another stop to ensure that misinformation is not cascaded to the public. The fact check from the Government coming back to the Scrutiny, saying these facts are wrong, and we can talk about the fact.

3.9.6 Deputy K.F. Morel:

Tying this to lobby groups, as in Deputy Ward’s question, where misinformation is not about interpretation, but is just about incorrect facts, and the portrayal of incorrect facts as real facts, something which lobby groups sometimes do, or have been seen to do at least in other jurisdictions,

is that something that Scrutiny would seek to call out, to highlight the fact that some groups try to masquerade non-facts as facts?

Deputy I. Gardiner:

Yes. We would consider what are the facts, and this is why I am saying that Scrutiny look into this, and Scrutiny might not have the same knowledge as the government official who put it forward. This is why it is important the oral submission published, and our officers are looking through them. It is important to emphasise the submissions that contradict existing facts in the public domain would be considered in different way, and the submitter would be questioned about the facts. It is really important to emphasise the separation between facts and different views of the submitter.

[10.30]

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

Just to clarify, given that there can be submissions that contain misinformation, whether or not that is the result of the use of A.I. or not, can the president simply confirm whether the reports produced by Scrutiny Panels, bearing in mind that the submissions have been made public, whether the reports themselves will identify whether submissions contain misinformation or not?

Deputy I. Gardiner:

Before the report is published it will be checked by us and also checked by the Government. Before the report published, it is coming back to the Scrutiny with Government notes, and this is another option for the Government to ensure that if we can miss some misinformation, this should be raised with us.

3.9.8 Deputy M.R. Scott:

Maybe my question was not understood. I do not believe that it is Government's responsibility in terms of the submissions. I am asking whether Scrutiny itself, in publishing reports, will identify submissions that contain misinformation so that can be published in the reports to inform the public better.

Deputy I. Gardiner:

Absolutely. I mean it is the Scrutiny, once we receive submission, looking through them, and our officers looking through them and making sure that we do have correct information. It is completely Scrutiny role to ensure that the submission that we receive is a submission that express the views of specific people and not the bots if you are talking about A.I., and factual information is correct. I am not putting responsibility on the Government. What I said, Scrutiny do it most to ensure that misinformation is not published, and if we miss something there is another stop before the report published, which calls fact check. This is normal engagement process between Scrutiny and the Executive.

The Bailiff:

Final supplementary, Deputy Mézec.

Deputy S.Y. Mézec:

No, thank you.

3.10 Deputy D.J. Warr of St. Helier South of the Minister for Education and Lifelong Learning regarding plans to amend the funding formula for fee-paying schools introduced by P.41/2017 (OQ.134/2025):

Will the Minister advise what plans, if any, he has to amend the formula of Government funding for fee-paying schools that was introduced with the adoption of P.45/2017, and will he confirm that

pupils at fee-paying schools are currently funded at the level of 22 per cent and 47 per cent of the average cost of pupils in primary and secondary non-fee schools respectively?

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

I thank the Deputy for his question. P.41/2017 did indeed set the percentage of the A.W.P.U. (Age Weighted Pupil Unit) 22 per cent and 47 per cent. I have no intention of changing those percentages of the A.W.P.U. to the fee-paying schools.

3.10.1 Deputy D.J. Warr:

When the fee-paying schools are on the new school funding formula, can the Minister inform the Assembly how the funding for pupils with a record of need and those with S.E.N. (special educational needs) but without a record of need, will be funded at the fee-paying schools, i.e. will they be funded 100 per cent, or at 22 per cent and 47 per cent respectively?

Deputy R.J. Ward:

If and when the fee-paying schools move on to the funding formula, records of need, as they are now, are fully funded for the fee-paying schools and non-fee-paying schools. The percentages quoted cannot be defined yet because we are comparing 2 very different things, with the A.W.P.U. and the funding formula. It is like comparing Branston pickle with jam. They do 2 very different jobs. Therefore, the percentages on those would have to be discussed in part of the ongoing process of how that will work best for everyone involved.

3.10.2 Deputy I. Gardiner of St. Helier North:

If the Minister intends to maintain the current funding model, as he indicated for the fee-paying school, will he consider granting these schools greater autonomy in finance management to reflect the reduced level of state support, and ensure that they are better equipped to meet the specific needs of their pupils?

Deputy R.J. Ward:

I think the fee-paying schools already have a great level of autonomy in funding. I think there will be a move into the funding formula, but that is an ongoing discussion that has to be got right. It would also require legislation, and that legislative process will take time. I do not think we will be ready for that before we have to end legislation in this Assembly. But I think all of the groundwork on how the funding formula will look for fee-paying schools, what the levels will be, and the type of impact that will have on their funding, can be done over the next 6 months to a year, and be ready to go after that. But that is a really important decision to be made for those schools and for the Education Department, and how effectively that works for everybody involved.

3.10.3 Deputy I. Gardiner:

There is autonomy and there is no autonomy. If we can pay state fee-paying schools compared to grant-receiving schools, grant-receiving schools get a grant and they do whatever they want, including raising fees. Fee-paying schools are restricted by several things, for example, raising fees by the department, or introduce different types of a funding mechanism to fee-paying schools. This is why I am asking if the Minister would consider to give more autonomy to fee-paying schools that might suggest different models, can save public money, and maintain their delivery.

Deputy R.J. Ward:

I think what the Deputy has raised, the complexity of the way that we fund our fee-paying schools, absolutely right. A grant and the funding for other fee-paying schools are very different. That is an issue that does need to be looked at when into the future. There are lots of models, and we have to be careful what we wish for. The Deputy will know that in 2020 there was an independent schools funding review that recognised a change in the relationship between the Government of Jersey and

fee-paying schools, including offering greater autonomy and potentially means-testing support for fees, rather than offering subsidised fee-paying education as a universal benefit. That is a big discussion for us to have on this Island, so we have to enter in any discussions over changes to the way in which fee-paying schools are funded with open eyes and looking at all of the consequences. The last thing we want to do is make those legislative changes in the last minute just before an election where, dare I say, we might not be making the more sensible decisions we may do if there was a longer term. I think we have to be very careful. But those discussions are ongoing, the implications of those are ongoing, and I think one of the things we should have done when we introduced the funding formula - and we have learned from that, we have learned a great deal from the previous work - is to perhaps have a phase where it sort of overlaps so that schools know where they are. Just one more thing. As the Deputy knows, the problem we have got with schools is they go from September to September, but our funding goes from January to January. I would like to see a 3-year funding model for schools, because I think it will help them enormously. But how we do that, I am not totally sure at the moment.

3.10.4 Deputy J. Renouf of St. Brelade:

At least one fee-paying school has questioned whether the formula is being followed. Does he acknowledge that there is dispute, or some room for argument, about the details of the funding formula, and could that be improved?

Deputy R.J. Ward:

Yes, there is always room for dispute. One of the schools has questioned that. There is ongoing work with that. We are going to look more closely at that particular school and work with them over the coming weeks, and look in depth as to why they are in the situation they are in. But I do believe that the A.W.P.U. is being met. Money is given to schools, they know how much money they have, and they have to decide on spending that money. It is difficult for all schools. There are challenges across the board. We know that. But that is one of the responsibilities for the headteacher and the management team, and for the board of governors who should be holding the headteacher to account for their spend.

3.10.5 Deputy J. Renouf:

I thank the Minister for his answer. He says the discussions are ongoing with that particular school, which sounds positive. Does he think though that the funding formula could be formally and officially and publicly clarified in ways that would provide more certainty to all schools in that category?

Deputy R.J. Ward:

I think what we have is a slightly Catch-22 situation with the funding for it, because it is clear, it is 22 per cent and 47 per cent of what the A.W.P.U. was at that set time, as that is increased over time. What has happened is that the non-fee-paying schools have moved to a funding formula, which targets money where there is more need. I think putting all of our schools on to that funding formula is a good step forward, but, again, as I have mentioned before, we have to look at the genuine implications of that. That takes account of low prior attainment, the requirement for special needs, records of need, English as a second language, Pupil Premium, and a myriad of other features that may affect the funding levels for schools in terms of their intake. We have to look very, very carefully at the impact of those formula on schools as we go forward.

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

Can the Minister advise whether he is aware of the impact of the current cost-of-living crisis on parents' ability to keep their children in these schools and whether any funding formulas might need to reflect that?

Deputy R.J. Ward:

The cost-of-living crisis affects those parents, but affects all parents in our schools, because it has affected everybody on the Island; it affected different sections of our population that perhaps have not been affected before. Yes, there is a challenge for parents who pay for fee-paying schools. There are choices across all of our schools as to where young people go to. I want to see a model where every single one of our schools is a genuine option for every single parent because they are of high quality and provide the type of education that everybody wants.

3.10.7 Deputy L.M.C. Doublet:

Following on from that, is the Minister analysing the current birth rates, and the fact that there are going to be probably less children to attend schools across the board, what the model might look like, and whether we would still have private schools and state schools. What might that look like in future years?

Deputy R.J. Ward:

I genuinely thank the Deputy for this question, because it is exactly the work that we are doing. I am currently producing a document, which looks exactly at that, and I am thinking about the best way to present it, whether as a report to the Assembly and take questions, which I am very happy to do, because I want it to be a genuine open discussion about the future. Demographics will have challenges across our schools. But those challenges could be opportunities for the way in which we model our schools to open our schools up, to have more collective work across our schools, and more collaboration across our schools to give the very best education for everybody. I was at the Education World Forum a week or so ago, and these challenges are not just for Jersey, but there are solutions out there, and it is through those open discussions that we have been having with headteachers, and meeting headteachers to talk about demographics. They have their eyes open, and I think we have a positive future on that if we get it right. But we have to think long term.

3.10.8 Deputy M. Tadier of St. Brelade:

Will the Minister confirm whether or not this kind of funding formula applies to building maintenance for those schools which are fee-paying, but which receive money from Government for the maintenance of their buildings?

Deputy R.J. Ward:

Yes. The A.W.P.U., the percentage given to schools is to basically run the school, and that is the funding you have got. It is complex because of the relationship with the J.P.H. (Jersey Property Holdings), which takes care of many buildings, and it is complex. So, yes, the funding does include that, but there are also subtleties to that as well. I agree with the Deputy that these can be problems, but they can be problems across our estate, particularly as an estate ages. We have got that particular problem with our primary schools in the centre of St. Helier. A new build will solve that problem, save a huge amount of money, and have purpose-built schools for all of our children in the centre of St. Helier.

3.10.9 Deputy M. Tadier:

Is the Minister concerned, or would he give consideration to whether or not fee-paying schools should own their own buildings and that Government should not be subsidising the buildings of fee-paying schools, and certainly that this money, which should be destined towards pupils, is not going towards subsidising buildings?

Deputy R.J. Ward:

That is a very good question. I think the answer would be one has to be careful what you wish for. Buildings do become places that really do take in enormous amounts of money as we go forward.

Owning the buildings may be counterintuitive for a school. I think what we need to do is to look at the structure of our school system, certainly starting for post-16 and then work our way down our school structures to see how they can best work together. Because we are the size of a reasonable-sized authority, no more than that. It is certainly not unachievable. I do not know the answer about whether they should own their own buildings to be responsible, or whether that would put schools in a worse position that they are in now. So, we have to be careful with that.

[10:45]

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

I thank the Minister for the letter, which has just been published to the C.E.H.A. (Children, Education and Home Affairs) Panel, which outlines all the funding to every school at the moment. Will the Minister advise whether he will consider providing S.E.N. funding above that for record of needs support to the fee-paying schools?

Deputy R.J. Ward:

The S.E.N. funding is part of the A.W.P.U. and when a school raises its money, accordingly it is expected to fund in that way. R.O.N.s (records of need) are fully funded up to the full amount of a record of need. I think the difference in funding is not huge if we were to say we will give additional funding, but then that would move the money above the percentage of the A.W.P.U. that is given to the school. So, there is a challenge there. I want to see all schools accept children according to their need, and not refuse children because of their special educational needs, and so therefore, of course, we would discuss the best way forward for that for all of our schools, fee-paying or non-fee-paying, and that is one of the biggest challenges we have got into the future.

3.10.11 Deputy C.D. Curtis:

Would the Minister consider that not supporting the S.E.N. needs of children in the fee-paying schools in the similar way to other schools is working against those children's needs?

Deputy R.J. Ward:

I simply do not accept that we do not support the needs of S.E.N. children in those schools. Those schools do raise funding. It is very clear that they have a percentage of their funding that comes from fees. Fee increases have been above inflation. Additional money, for example, was given last year because of the high wage increase, so there was additional money given to cover some of those areas. I think the choice is how in which the school is going to spend that money, how it is going to address those needs, and we can look. But I do want to open the discussion about what is the changing needs within those schools so that we can address those views, and the move to the funding formula will be an interesting move as to how that changes. That is one of the features that we have to look at in the move to the funding formula, which may well be beneficial in those terms, because it has been beneficial certainly for the non-fee-paying schools in recognition of need.

3.10.12 Deputy D.J. Warr:

Can the Minister confirm that real-term funding will cover 22 per cent and 47 per cent of the average cost of pupil to other Government of Jersey schools?

Deputy R.J. Ward:

It will cover the A.W.P.U., because we do not have the A.W.P.U. in other schools now. It will cover the A.W.P.U. as set when that change was made and followed on. So, the answer is yes in those terms.

3.11 Deputy L.M.C. Doublet of St. Saviour the Minister for Sustainable and Economic Development regarding Government engagement with Blue Islands over recent flight disruptions (OQ.125/2025):

Will the Minister advise how, if at all, the Government is working with Blue Islands to help resolve any disruptions faced in recent weeks by Islanders and visitors due to cancelled flights and other disruptions?

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

I and my colleagues, other Ministers, appreciate the difficulties that Islanders have experienced over the past few weeks as a result of rescheduled and sometimes cancelled Blue Islands services. But it is important to recognise that these are operational matters for the airline itself. I, myself, and my fellow Ministers, continue to strongly emphasise to Blue Islands that it must work to mitigate the recent disruption they impact on their customers, and I understand that Blue Islands are working to resolve the technical issues that are affecting its fleet, and there have been additional challenges within the aviation supply chain that have exacerbated these. Ports of Jersey are also working closely with the operator to support these processes. The Government and myself will always advocate for Islanders, reinforcing to industry the importance of good practice and public engagement. But at an operational and commercial level it is properly a matter for the operator and its relevant industry partners to deal with these matters.

3.11.1 Deputy L.M.C. Doublet:

I thank the Minister for his answer, and I understand the answer. My supplementary is based around the E.U. legislation in regards to reimbursement, and compensation does not apply. Passengers are facing huge costs in terms of hotels and rerouting travel expenses. What does the Minister plan to do to ensure that customers who face these costs, Islanders and visitors, that they are reimbursed along the similar levels that they would be were they travelling within the E.U.?

Deputy K.F. Morel:

I think it is important, as we know Jersey has never been a part of the European Union, and, so, those directives do not apply to travel that includes Jersey necessarily. It is a matter that the Government is happy to look at, but there are no plans at the moment to include such compensations.

3.11.2 Deputy M. Tadier of St. Brelade:

Will the Minister confirm whether or not Blue Islands receives any government subsidy, and if so, how much that is?

Deputy K.F. Morel:

I would have to get specifics on that. If there is any government subsidy, I believe it would be for something like the flights to Paris, particular route-based subsidies. I do not believe there are any overall subsidies to the airline. I think the only one might be for Paris.

3.11.3 Deputy M. Tadier:

Will the Minister seek to publish at least which routes operating to and from Jersey are subsidised, preferably how much they are subsidised by, so that we can have a discussion publicly about the unintended consequences of certain routes potentially not receiving subsidies, while other routes therefore operators may do?

Deputy K.F. Morel:

I am of course happy to publish the details about which groups are subsidised. I would suggest that any conversation that does ensue needs to be highly technically based, and engaging in that conversation would need and be predicated on people understanding how the economics of airways work.

3.11.4 Deputy J. Renouf of St. Brelade:

I think I am right in saying that the Minister in the past has said that he did not support a compensation scheme, such as operates elsewhere, because it would affect financial viability of the airline, and it seems, given the problems that they are facing, that he is probably right. Does he think that we simply should accept that as a subscale airline it will not be able to meet the standards that bigger airlines provide, or does he have a belief that they should meet those standards?

Deputy K.F. Morel:

This speaks to my answer to the previous question about having better understandings of the economics of airlines and the way they work. I think the Deputy is absolutely right to point to small airlines versus large airlines and the different economic pressures they face. There is a reality that, for instance, inter-island and short routes from Jersey are unlikely to be served by large airlines, therefore the finances of smaller airlines are likely to be more vulnerable. It is one reason why you might seek to find airlines that have certain scale. In the past we have had Flybe, which was a regional carrier that had greater scale but obviously certainly met its own problems as well. So, I would be surprised if I said I was against compensation. I think what I said in the past was that we have to be careful when talking about compensation because it is possible that such obligations would mean that airlines just pull out of a route and say: “No, we are not going to run these routes because of those difficulties.” That is what I mean by all these discussions need to be predicated on us having an awareness and understanding of the way airlines work financially.

3.11.5 Deputy J. Renouf:

It is of course a complex question. I wonder if the Minister would consider the question as to whether the expansion of the route network might have limitations, might cause problems in terms of extending the airline into areas which are core to the Island, up to the Island’s transport offer, if you like. I accept that there is a “damned if you do, damned if you do not” sort of thing here, but does he think there is a limit to how much Blue Islands could extend those route networks at the very least?

Deputy K.F. Morel:

I think that is an astute observation. It is something I am often concerned about with regard specifically to Blue Islands, and whether it at times may over extend itself, because obviously it has a fleet, I believe, of 5 aircraft. One of those tends to be in reserve, and so it is flying a fleet of 4 aircraft, which is not many. At the moment, my understanding is that 2 aircraft have been out of action, which is what has put pressure on these services. I think it is important to add that my understanding is, and this is information that comes directly from the airline, I believe 4 per cent of flights on, I think it is the Southampton route, have been cancelled due to technical issues. Where there have been other cancellations, it has been due to weather and matters outside the airline’s own control. So, it is also important to put these things into perspective. If that number is correct, 4 per cent, it does suggest that the scale of the disruption is smaller than people seem to suggest. It is the case that one cancelled flight can generate lots of attention, whereas a flight which travels on time will generate zero attention. That is not me minimising it, it is me trying to say that the figures that I have seen suggest that just 4 per cent of flights have been cancelled due to matters other than those outside its control.

3.11.6 Deputy I. Gardiner of St. Helier North:

I am having a bit of déjà vu because my oral question from 11th June 2024, we are talking about a year ago, was specifically about the introduction of this compensation scheme as our Islanders are discriminated against the U.K. and E.U. residents. That time, Minister mentioned: “13.4 per cent of passengers are affected. We do not know the numbers. We need to look into the numbers.” It was a year ago. Has the Minister looked into all numbers? How many passengers were affected by cancellation, not due to the weather, due to the technical operation from the Blue Islands during the year?

Deputy K.F. Morel:

As I just mentioned, there is a 4 per cent number, which comes from the airline itself. A formal review of those cancellations has not taken place.

3.11.7 Deputy I. Gardiner:

I think it is just cancellation/delays if it is only Southampton. If others are looking at what was at least published by Ports of Jersey, and I followed, last week it was a bit ... feels more than 4 per cent, but I would like to get the numbers. Again, would the Minister do any work considering how we can protect Islanders who experience high cost for the delays and for cancellations, and they will not be reimbursed by anyone.

Deputy K.F. Morel:

Well I think again, I have explained already the pros and cons, so I think it is something that the States Assembly are often faced with, the idea that we should provide schemes for X or Y. That is fine, but they come with a cost and there are implications. If we want compensation schemes they will come at a cost and there will be implications and those implications may mean that airlines choose not to run routes at all. That is something the States Assembly should be aware of. That is the reality of the situation. Compensation schemes can be brought in but the impacts of them may be adverse and may be detrimental to the Island as a whole. I think it is important to reiterate, we live on an Island, if we want to leave the Island we have to travel on either a ferry or a plane. It is always advisable to have travel insurance with you for the potential that there are cancellations or rescheduling, and also for your own health protection as well when you are abroad. I do advise Islanders, whether they are travelling on flights that have compensation or do not have compensation, I would always advise travellers to take travel insurance.

3.11.8 Deputy P.F.C. Ozouf of St. Saviour:

I am just trying to raise the thing right up to its highest level in terms of why this question is being asked and what the Minister thinks. Milton Friedman says: "Nothing is so permanent as a temporary government programme" which was the original plan to put subsidy into Blue Islands. The Minister has been asked by Members during the course of Question Time whether he will publish all the subsidies that are given. I would ask him whether or not he would be of the view that has been taken over many years that Jersey is better placed by private airlines serving Jersey without government subsidy if we compare ourselves to other islands? Would he not agree and continue the approach whereby the private sector operating private routes without subsidy works better? Government should do fewer things, not do them better.

Deputy K.F. Morel:

If I understand that, my general stance on things is that you do not in general want Government running any commercial operations. That is a general rule. It is not a hard and fast rule but that is how I would suggest life in this Island is better served. Certainly when it comes to something as technical as running an airline, I would strongly suggest that Government should not be involved in running airlines.

[11:00]

I think that is better served by those who are able to specialise in that. There is reality, and we have seen this in the neighbouring Island, where when you do own and run an airline, losses have to be covered by the Government. They are, therefore, variable losses that will have variable impacts on the public purse. I am not convinced that Jersey would want to see variable amounts of money each year being ploughed into an airline but maybe it does. At the end of the day, if it comes to the matter of protecting subscale non-commercial routes, then it is almost certain that government subsidies would be needed to do that. So far we have been served on a commercial basis by Blue Islands, and

previous to that other airlines that have served routes such as the Southampton route and inter-island routes on a commercial basis and have done so successfully. I shall seek stronger resilience in this area and maybe if it is possible to have an airline operating with many more than 4 or 5 planes, that would be helpful. At the moment we have Blue Islands who do their best - and I know they always do their best - to provide services to passengers and to make sure that lifeline services are effected. I do have assurance from Blue Islands themselves with regard to the Minister for Health and Social Services' earlier answers that Blue Islands does seek and does understand the importance of that Southampton route and does seek to make sure that its timetable protects that Southampton route as much as possible.

3.11.9 Deputy P.F.C. Ozouf:

I do not think there is anything I can really ask apart from welcome the Minister's ... I am just trying to work out how I can reconcile what he has just said with the Economic Development Department providing subsidies for new routes, but I will leave that there.

Deputy K.F. Morel:

If I could just clarify again, we do not subsidise en masse, to the best of my knowledge, Blue Islands' routes.

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

Are there any service level agreements associated with loans and subsidies?

Deputy K.F. Morel:

That is a very general question that I could not answer. The Deputy did not even say loans and subsidies to who or what.

Deputy D.J. Warr:

Sorry, Blue Islands, as the subject is.

The Bailiff:

I am prepared to accept that the question is: are there any service level agreements associated with loans and subsidies to Blue Islands?

Deputy K.F. Morel:

To be honest, I do not know, and certainly with the loan, it was done by a previous Government. It is the Minister for Treasury and Resources' responsibility, so I have no idea.

3.11.11 Deputy L.M.C. Doublet:

I understand the Minister is quoting the 4 per cent for cancelled flights, but is the Minister aware of the multiple delayed flights, especially over the past week, some delayed for up to 30 hours, and no staff at any of the airports and no support with ongoing transport, which left some passengers stranded in the middle of the night at Jersey Airport with no taxis available. He mentioned the insurance companies. Is the Minister aware that Jersey insurance companies are not paying out for these costs because they are saying that they are covered by the E.U. (European Union) law? Would he look into that, please? Also, would he take note of the results of the Jersey Consumer Council investigation and survey because they are looking into this? Could he ensure that if this airline is at risk of collapse that Government steps in to prevent this?

Deputy K.F. Morel:

I am concerned about the Deputy's tone when she talks about airlines being at risk of collapse. That is something that the Deputy, I believe, has created herself. I do not know that this airline is at risk of collapse.

Deputy L.M.C. Doublet:

I think that is impugning improper motives.

Deputy K.F. Morel:

It was no way impugning.

The Bailiff:

Well I do not think that you were suggesting that the Deputy was creating an imminence of collapse but were you? I am seeking clarification from you, I think.

Deputy K.F. Morel:

No, I am not suggesting it. I am just suggesting that I do not know where this risk of collapse has come from.

The Bailiff:

Well I think, Minister, it is still for you to answer the question that has been posed to the extent that it dealt with other matters as well. It was a very large supplemental question.

Deputy K.F. Morel:

I noticed that and my memory is not that large. Certainly with regard to matters such as insurance companies not paying out because they say things are covered by the E.U. laws, then I would suggest that that is something that should be taken up with the appropriate ombudsman. I believe in this case that is the Channel Islands Financial Services Ombudsman and that would be absolutely the appropriate place for people to direct their complaints around that. If the Deputy is receiving complaints around insurance, then I would ask that she directs those constituents to the Channel Islands Financial Services Ombudsman.

The Bailiff:

Very well, we do not have question 13 because that was one of Deputy Wilson's questions. We come to question 14 that Deputy Renouf will ask of the Minister for Health and Social Services.

3.12 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding proposed changes to the appointment process for senior roles in Health (OQ.131/2025):

Further to the Minister's comments at the Health and Social Security Scrutiny Panel's public hearing on 20th May 2025, regarding appointments to senior roles in Health, will he explain how he intends to change the appointment process and state what advice he has sought on this matter?

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

Strictly speaking, I am unable to answer this question as worded because at no point have I ever suggested that I intended to change the appointments process. From that it follows that I would not have taken advice from anyone on the subject. I think I would probably be quite within my rights to end the response there but I like to be helpful, so I obtained a transcript of the public hearing on 20th May. I simply stated that I would like to see one or more H.C.J. Advisory Board non-executive directors sitting on the Jersey Appointments Commission panel for the recruitment of all senior H.C.J. appointments. I think I would refer the Deputy to a point of clarification that I made, and here I quote: "I cannot interfere with the Appointments Commission but what I can do is make recommendations."

3.12.1 Deputy J. Renouf of St. Brelade:

The Minister said: "I am keen that all further senior appointments with Health contain one or more than one of our advisory board N.E.D.s (non-executive directors)." Then he clarified that he wanted a minimum of 2, when I asked, adding them to the Jersey Appointments Commission for those jobs.

That was adding them to the Jersey Appointments Commission for those jobs, which is why I asked the question. Given that the Jersey Appointments Commission is constituted by the Employment of States of Jersey Employees Law and all appointments to the commission are subject to confirmation by the States Employment Board and, indeed, the Assembly, can the Minister explain whether he intends to appoint people to advise the board, as he said in that answer and, if so, whether he would go through this process of appointing them that is mandated in law?

Deputy T.J.A. Binet:

I am not aware that I am in a position to appoint anybody to the Appointments Commission. I did say at that meeting that I would take this forward; I have done exactly that. I have met with the chair of the Appointments Commission. I have explained that I think it would be beneficial to have 2 of our N.E.D.s sitting on future appointments for senior executives. I have not had the confirmation in writing but it seems to me that that suggestion would be doable under the existing laws and that the chair would be quite happy to accept that, certainly for a limited period. There is quite a lot of change going on at Health at the moment and I think that he would be agreeable to that, certainly for a limited period.

3.12.2 Deputy P.F.C. Ozouf of St. Saviour:

Just so that the public can understand what we are talking about, can I ask the Minister to clarify very clearly, is he getting involved himself with the appointment of individuals to the board or not or is it the commission that is doing it on his behalf?

Deputy T.J.A. Binet:

I will requote my words, I cannot interfere with the Appointments Commission. I do not think I can be any plainer than that. I am entitled to speak to the chair of the Appointments Commission, and the chair of the Appointments Commission is entitled to speak to me and listen to what I have to say by way of suggestion. He then interprets that in accordance with the regulations which cover him, and he seemed minded to accept the suggestion that it fits within the regulations for a limited period. I hope that is reasonably clear.

Deputy P.F.C. Ozouf:

I think it is very clear. I am just trying to understand why we are taking up time on discussing something which is clear. The Minister said: "I am not involved but I will talk to people in the process."

The Bailiff:

There is no ...

Deputy T.J.A. Binet:

I will respond by thanking the Deputy.

The Bailiff:

I am sorry, I do not think that was a question, Deputy Ozouf.

Deputy P.F.C. Ozouf:

It was not, it was frustration.

The Bailiff:

Yes, but unfortunately Standing Orders do not provide for venting frustration.

3.12.3 Deputy I. Gardiner of St. Helier North:

Just for my clarification, and it is very simple, following the Minister's response, what discussions did the Minister have with the Jersey Appointments Commissioner? If I understood correctly, the Jersey Appointments Commissioner confirmed or did not confirm that they would welcome 2 N.E.D.s to the appointment process? If my understanding is correct.

Deputy T.J.A. Binet:

For limited senior health executives for a limited period of time.

3.12.4 Deputy I. Gardiner:

It was the confirmation from the Appointments Commissioner that they are content with this process?

Deputy T.J.A. Binet:

Yes.

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

I was not in the Scrutiny Panel hearing, so I was just wondering if the Minister could explain why he thinks it is important that he would suggest he would like N.E.D.s for a short period of time. What is the benefit that he sees in this? Why is he suggesting this?

Deputy T.J.A. Binet:

I have got a transcript of what I said and explained it. We are very fortunate to have some extremely experienced non-executive directors on our advisory board. I trust their judgment very much; they have been extremely helpful to me. I thought it was sensible because I think it is very important when you are making significant change in any area that you have the right people in the room. I think these people have got a particular ability in selecting the right people. It is pretty straightforward stuff.

3.12.6 Deputy H.L. Jeune:

I was just wondering if this is a standard practice within the Government in general and if he thinks that this would be useful for other Ministers to suggest in future for other areas of Government.

The Bailiff:

I think that is far too general. What this Minister may think about what should be applied across the board in Government is really nothing to do with his express Ministerial responsibility at all.

Deputy H.L. Jeune:

Could I ask the first section, has it been done before in this role with Health?

The Bailiff:

"Has it been done within your Ministry?" Yes, I would accept that as a supplemental question.

Deputy T.J.A. Binet:

I have no idea, sorry.

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

Would the Minister explain why it would be limited, both in scope and in time period, please?

Deputy T.J.A. Binet:

The scope, the Appointments Commission probably only gets involved in relatively senior appointments, in any event. I think as regards the time period that the chair was keen not for this to set long-term precedents. I think he was mindful of the fact that there was quite a lot of change happening at the moment, was sympathetic to that, and thought that for the time being that was

appropriate but did not want to have that cast in tablets of stone. I thought that was a very sensible approach.

3.12.8 Deputy L.K.F. Stephenson:

Given that it would still set some kind of precedent going forward, and not just for the Health Department, I wonder if I could request, would the Minister be willing to take that point away and maybe use the conversations he has been having to feed back that it might be helpful to have some very clear set guidelines about why it is limited, and the time period, so that we do not end up with just a very murky area, I suppose, that does set potential precedents for all sorts of things in the future?

Deputy T.J.A. Binet:

I do not think there is anything murky about it at all. There are very clear guidelines as to what can and cannot be done. I think there must be an element of discretion for the chair, and that was the discretion that he exercised. He checked and it fitted within the regulations that govern his conduct.

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

I was always under the impression that the whole purpose of having an independent Appointments Commission was to insulate the process from political interference. Is the Minister concerned at all that his proposal risks undermining that principle?

Deputy T.J.A. Binet:

Not at all.

3.12.10 Deputy H.M. Miles:

Will the Minister be nominating the N.E.D.s that he would like to see as part of the appointment process?

Deputy T.J.A. Binet:

No.

3.12.11 Deputy M. Tadier of St. Brelade:

Following on from Deputy Miles's question, really, when the Minister said that when he spoke to the Appointments Commission, I believe he said, that he was not interfering but he was seeking to influence. Can he clarify what the difference is between those 2 and in fact whether seeking to influence is a form of interference?

[11:15]

Deputy T.J.A. Binet:

I have made it quite clear that I do not consider that a form of interference at all. I do not think there is much else I can say. It seems quite remarkable that when one is doing something in the interests of making sure that people get a really good Health Service that it becomes deemed to be tantamount to a crime. I am quite amazed. Of course, we live in a democracy and people are entitled to make whatever comments they want, but I would remind people that my courses of action generally aim to try to make sure that people here, and their families, get an improved Health Service. I would like them to bear that in mind when they are asking future questions.

3.12.12 Deputy M. Tadier:

Nobody is accusing the Minister of a crime but I also think we cannot simply accept that the ends justify the means, which sounds like what he is saying. The simple question is: if a board is supposed to be independent, should they not be arriving at their own decisions and conclusions without the

need for a Minister to intervene and say what he or she thinks? If he in this case is doing that, does that not overstep the mark?

Deputy T.J.A. Binet:

I am more sympathetic now than I was with Deputy Ozouf's comments. I will state again. I state quite clearly I cannot interfere with the Appointments Commission. I cannot. The chair was at liberty to tell me to get lost when I spoke to him. He is governed by a set of rules and he is applying those rules. If anybody here thinks he is not applying those rules, then they should perhaps take him to task. I think, certainly from what I can see, he is behaving in an orderly manner and I believe that I am too, and I make no apology for it.

3.12.13 Deputy J. Renouf:

This is not a disagreement about making a better Health Service, we all want a better Health Service, it is a disagreement - if there is a disagreement - about the role of the Minister influencing appointments. The clear point here is that the Appointments Commission is set up to be independent of politicians but the Minister has held meetings with them to try and change the normal process. Can he please publish and describe in more detail what it is that he intends to do and which appointments this will cover, so that we can see the scope and the process that is going to be followed, so that we can understand whether the fears that might arise from changing the appointments process are justified or not.

Deputy T.J.A. Binet:

I do not know if I am allowed to do this, I would like to request that that question be disallowed. I have not at any point in time attempted to change the process. I have been accused of that in the question. I believe I was at liberty to sit down at the end of the initial response because I clarified that at no point had I commented that I intended to change the process. I am being accused of that again and I am afraid I am going to refuse to answer that question because that is not what I have said at any point in time. We have had no evidence to that end.

The Bailiff:

Is the answer not that you are refusing to answer the question, Minister, but that your answer is the same? You have never stated that you are going to change?

Deputy T.J.A. Binet:

It is exactly the same as my very first answer where I clarified that I have never stated that that was my intention.

Deputy J. Renouf:

Am I allowed to ask a point of order or clarification of the Minister?

The Bailiff:

Well you can certainly always ask a point of order, not a clarification.

Deputy J. Renouf:

The question was because the process has been changed in respect of the addition of 2 people to be added to a normal appointment panel, does that therefore not qualify as a justified and legitimate question to ask the Minister?

The Bailiff:

Well, I am afraid now you would have to repeat to me the question in the form that you would like to have asked it with that background so that I can make a ruling on it.

Deputy T.J.A. Binet:

As a point of clarification ...

The Bailiff:

No, I will hear from the Deputy first.

Deputy T.J.A. Binet:

Sorry.

Deputy J. Renouf:

The question was about whether the Minister would publish more details about the scope of the change that he is proposing to the appointments process and the time-limited nature of it so that we could understand whether it is indeed a significant change or not; the point being that it is a change in process, unlike the Minister's claim that it is not a change in process.

The Bailiff:

Well on the basis that there are 2 premises, I suppose, within that question, that it is different now than it was then, is probably the essence of the question. Will you provide published details as to the way in which it is different now than it was then?; is that a fair characterisation without using tendentious words relating to change or process?

Deputy T.J.A. Binet:

For the umpteenth time, I will repeat, I do not intend to publish anything at all. I am not going to be drawn into this nonsense. It is time-wasting nonsense; nothing has changed. The Appointments Commission operates as it does. We are not putting any additional people in there. I think before the Deputy asked the question, he would have done well to read the terms and conditions of the Appointments Commission because clearly he does not understand them, and it would have saved people a lot of time. The chair can select a number of different people and if he chooses to add 2 N.E.D.s to the panel as part of the panel that would have been in place, that is a matter for him. He will be operating within the regulations. I think the Deputy would have done well to do his homework before he has wasted everybody's time.

3.13 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding actions taken in 2025 to implement the Third Amendment to the Common Strategic Policy 2024-2026 (OQ.124/2025):

Further to the adoption of the Third Amendment to the Common Strategic Policy 2024-2026, will the Chief Minister advise what steps, if any, the Government has taken, and is taking in 2025, to ensure the sustainability of our health provisions and to protect the Island's economic prosperity in light of projected demographic changes?

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

The Council of Ministers took these issues into consideration during the development of the Common Strategic Policy. The Ageing Well Roadmap was published at the end of 2024 as part of the annual Common Population Policy report that sets a range of short, medium and long-term actions and show how Ministers are working together to make sure that the older population in Jersey have access to the services and opportunities they need now and long into the future. Health is a key issue in relation to projected demographic issues, of course. We are about to start building the new hospital and the Minister for Health and Social Services is refocusing on the whole service and how it interacts with the wider health community and community in Jersey into the future. These proposals include a move to more investment in preventative healthcare and tech-based solutions. A new dementia strategy has already been published. These and other issues have been raised in the Future Economy Programme which includes measures to improve economic growth, productivity and right-sizing the public sector. In terms of lifelong learning, the 2025 Budget has provided for enhanced grants for

distance learning to help older people to reskill and balance retraining with other family responsibilities. Also, we have the International Competitiveness Review being led by Deputy Gorst, investing in Jersey plans, which Members will learn about very shortly, that specifically covers, among other things, the provision of much-needed affordable family homes, the work on curbing the growth in the public service, that work will materialise in this next Budget and future Budgets, and the forthcoming Population Policy report. Of course, can I remind Members that the first of our States Members' workshops last month was an opportunity to discuss the long-term challenges in detail and question expert officers alongside the changing world order and the ageing demographic, the major overarching theme that guides our approach and to prioritisation on a whole range of tactical and longer-term decision-making, which I hope the whole Assembly will continue to be involved in.

3.13.1 Deputy I. Gardiner:

I am grateful to the Chief Minister for giving us an insight into general Government work; it is helpful. Would the Chief Minister give an example specifically on new policies or actions that have been introduced in 2024 and planned for 2025 as a direct response for future demographic projections? The Chief Minister mentioned the ageing population, I would add also low birth rate as well; we have those coming at the same time. I would be grateful for 3, 4 or 5 specific policies that have been introduced where actions have been taken.

Deputy L.J. Farnham:

I believe I did give a number of examples in my previous answer but short-term actions include data and planning, improving data collection, especially in relation to the older population, to inform future service planning, awareness and inclusion, promoting age-friendly practices, and reduce ageism, health access, begin enhancing access to primary care and preventative services for the community, financial security, review pension adequacy and employment support for the community, the older sectors of the community. Will that do, Sir? I could keep going.

The Bailiff:

It is not for me to say if that would do but I am sure there will be a final supplementary at some point, Chief Minister.

3.13.2 Deputy R.S. Kovacs of St. Saviour:

Can the Chief Minister confirm clearly that in addressing demographic pressures on our health system, his Government will not resort to introducing new charges for core health services that are currently free at the point of use?

Deputy L.J. Farnham:

I think that is probably ultimately a matter for the Assembly, and I have not discussed this in detail with the Minister for Health and Social Services. He has mentioned that that could be an option. I am not sure it is an option that we can discuss without the full details of what is proposed. I am very much of the belief that our key services should be funded from general taxation, which is why work on right-sizing and reprioritising expenditure is important. Whatever happens in relation to taxes and charges will ultimately be a matter for this Assembly.

3.13.3 Deputy R.S. Kovacs:

Will the Chief Minister rule out any increase in general personal taxation as a means of funding demographic-related health and economic measures during the Common Strategic Policy period?

Deputy L.J. Farnham:

Well there are certainly no plans to increase personal taxation at the moment.

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

The Chief Minister's use of the word "right-sizing"; to what extent does it involve privatisation of services which are currently public?

Deputy L.J. Farnham:

Right now I am not aware of any plans to privatise any existing services.

3.13.5 Deputy G.P. Southern:

Has the Chief Minister had any discussions with his Ministers on the subject of privatisation of health services currently given free at source?

Deputy L.J. Farnham:

No, I do not believe we have.

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

Is the Chief Minister supportive of the proportion of spending on digital in the Health Department that the Minister for Health and Social Services is planning? Does he think that that is reasonable?

Deputy L.J. Farnham:

There is still a lot of detail to be agreed but I certainly agree with the Minister for Health and Social Services that to improve our health service we need to embrace tech-based solutions. We are way behind in our digital offering for Islanders when it comes to health, so I am fully supportive of the proposals to develop that aspect. In relation to the cost, well I think if we manage to do this effectively and proportionately, the original investment - that is what I call it - will pay back many times over. That will help us to embrace more preventative types of approach.

3.13.7 Deputy L.M.C. Doublet:

Is the Chief Minister maintaining oversight of that project to ensure that it does produce value for money?

Deputy L.J. Farnham:

That is the remit of the Minister for Health and Social Services at this stage but of course it will ultimately come to Council of Ministers, Treasury and to the Budget for approval by the Assembly. What I will say is that I am pleased of the collaboration around the Council of Ministers' table. Generally speaking, we are working together on almost every single project, which I think has been important to the progress we have been making, and I hope that continues long into the future.

3.13.8 Deputy I. Gardiner:

Would the Chief Minister advise what matrix or indicators his Government is using to track the success of actions and policies introduced to manage demographic challenges into the future?

[11:30]

Deputy L.J. Farnham:

I think all Members received a copy of the presentation slides which came before the States Members' workshop on Jersey's long-term challenges, which laid out a lot of these facts and figures. I will come back with a written response to the specific question about the types of matrix and indices we are using.

The Bailiff:

Very well, that ends questions with notice. We come now to questions without notice.

4. Questions to Ministers without notice - The Minister for Sustainable Economic Development

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

On 29th May the Public Health Department published the *Jersey Alcohol Profile 2024* and it showed that Jersey residents consume more alcohol per capita than the U.K., placing us among higher-consuming countries, but alcohol benefit claims cost the taxpayer in Jersey over £600,000 in 2024 with rising long-term incapacity allowance payments indicating pressure on Health and Social Services. On the following day, the restrictions around price and availability of alcohol in Jersey were relaxed to allow, among other things, happy hours and 2 for one promotions. Will the Minister explain why he has allowed the hospitality industry to control the narrative around alcohol and public health?

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

I do not mean to sound dismissive but I have not.

4.1.1 Deputy H.M. Miles:

I thank the Minister for that uninformed answer. **[Laughter]** Could the Minister please tell us what interaction he had with the Minister for Justice and Home Affairs about how this change will impact policing of the nighttime economy?

Deputy K.F. Morel:

This was not a decision that I made. I did not personally speak to the Minister for Justice and Home Affairs.

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

Given his responsibility of economic policy and oversight of emerging and regulated sectors, will the Minister advise whether he supports the introduction of a formal revolving-door policy in Jersey to ensure appropriate safeguards and transparency when senior civil servants or officials involved in sector policy or regulation move into roles within those same industries?

Deputy K.F. Morel:

I think that Jersey is in a difficult position. People need to work to live in Jersey and if somebody has left working for the civil services, they do need to be able to work elsewhere. I would be guarded in having any formal rules; I think it is a very different situation compared to large countries where there are millions of people to choose from. I think in Jersey we do need to try to retain talented people in both the public and the private sectors. That does mean that you are going to have people moving between the public and private sectors, as indeed I have, as indeed I believe the Deputy has in the past as well, not necessarily within Jersey but you just move between the 2. Whether there should be tighter controls, I am not sure I am in that world at the moment, given I feel that Jersey overall economically has tightened things to the point where it is very difficult to freely operate a business these days.

4.2.1 Deputy H.L. Jeune:

I thank the Minister for his answer. Of course, I was specifically asking about when civil servants or officers who were involved in a specific sector policy regulation move to those specific roles within the industry. I would like to ask if the Minister is aware that both the former chief pharmacist and a group director of the Economy, 2 of the most senior officials involved in designing Jersey's medical cannabis policy, have since moved into roles within the same industry? Does this raise concerns for the Minister about regulatory capture or conflicts of interest? Does he believe stronger revolving-

door safeguards should be in place to protect the integrity of government policy-making, giving this specific example?

Deputy K.F. Morel:

I do not know very much about the chief pharmacist but I do know with regard to the former employee in the Department for the Economy. That employee was effectively made redundant and so the decision to leave was not effectively that employee's. That employee then needs to earn a living and they have expertise, so it makes sense that one of the areas that they find work in is an area in which they have expertise. That is the way it works; that is the way we all work. I know that there are planning officers who leave the Planning Department and go and work for consultancies on planning matters; that is because they have expertise in planning. If we were expecting someone to leave the Planning Department and go and work in retail, it is going to be a very big ask, because their expertise throughout all of their life has been in planning, so they are going to stay in that area. I think it is one of these things that it is very easy to be idealistic and to say that people should not go from this job into that sort of job. There is a reality for an Island of 100,000 people, we have got very few professionally-qualified people in certain areas. If they no longer work in Government, they need to work somewhere else, and we should not have to ask them to leave the Island in order to stay within their profession. They should be able to find work within their profession in Jersey.

4.3 Deputy P.F.C. Ozouf of St. Saviour:

I would like to ask the Minister what his position is on the staying of overnight French visitors with a French I.D. (Identification) card. Is he entirely satisfied that he has done everything around the Council of Ministers' table to ensure that he can see a further growth in sales of our hotel accommodation by French I.D. card holders being able to stay the night?

Deputy K.F. Morel:

What I wish and want that may be the best route for the Island may be 2 different things. I think it is important that we handle the French I.D. card matter carefully. Quite simply, the reason is this: the United Kingdom, whether rightly or wrongly, is very, very sensitive to matters of immigration. I would suggest more so than we are in Jersey at the moment. Therefore, anything that the United Kingdom Government sees as a potential weak link in their border situation is something that is going to attract attention from the United Kingdom Government. At the moment, the situation we have with one-day in Jersey using a French I.D. card is something which we have shown over the last 3 years works very, very well. Now, I think it is most important that we solidify that day-long commitment before we start pushing further. As beneficial as it may be to the Island, the thing I would fear the most is that by pushing further we end up with the United Kingdom cracking down on the one-day that we have already. That is something I would not wish to see.

4.3.1 Deputy P.F.C. Ozouf:

We will come to the debate later but can I just ask the Minister whether he has had a briefing on the "can dos" and "cannot dos" for Jersey in relation to this matter? Yes or no? The underlying thing is, does he understand that the Republic of Ireland has French I.D. cards as part of the C.T.A. (Common Travel Area) without any controls whatsoever?

Deputy K.F. Morel:

Quite simply, Jersey can do pretty much what it wants in regard to accepting people into this Island. Jersey can, that is correct. From my perspective, I would love to have that controlled entirely for Jersey and exercise it. We have that control legally but there is a practical reality and that practical reality is we sit within the Common Travel Area. Now I envy the Republic of Ireland situation. I question why Jersey lost the situation that we had previously, and somewhere like the Republic of Ireland has got something that we used to have; but we need to tread carefully. We need to do these things diplomatically and preferably not in open parliament.

4.4 Deputy J. Renouf of St. Brelade:

Building on Deputy Jeune's comments, the Minister directed his comments at the question of employment and, of course, former employees of Government do need employment. In the U.K. there is a requirement for a 2-year break between leaving the Government and lobbying government in that same sector. Of course, that is only for senior employees so it would not apply to people like planners. In this case we are talking about senior officers in his department who are involved in shaping policy and regulation and have relationships with existing Ministers and officers. Does he not think that a 2-year lobbying rule in Jersey would make sense?

Deputy K.F. Morel:

Thinking further about this, I believe - and I can only take these employees at face value - they have been working *pro bono*. They have, to my understanding, not been working for any wage in this area. I think it is very, very difficult to legislate or regulate for these sorts of matters. I think people have also been referring to another role, chief pharmacist, which has never been in my department and I do not know anything about the chief pharmacist, previous or current, in that respect. I think we just have to be very careful. We are an Island of 100,000 people. We keep saying that we want people to remain in the Island, that we do not want to keep having to attract new people, we want people to develop their skills in Jersey. That means we have to allow them to be able to move between firms and between the Government and firms. All I say is, I think people need to think carefully that this is not a matter for just jumping on the bandwagon and doing what the U.K. does because the U.K. does it, this is something that we need to think about within the context of an Island of 100,000 people.

4.4.1 Deputy J. Renouf:

It is also possible to argue that precisely because we are an Island of 100,000 people, and where networks and so on can influence things behind the scenes, that transparency is important. A rule around the break between people having a senior role in Government and then taking on a lobbying role in that same area, whether they are paid or not, would alleviate concerns that there is influence behind the scenes, unseen influence, giving unfair advantages. Does the Minister not accept - if I can push him - that some kind of rule limiting lobbying - just lobbying - would make sense?

Deputy K.F. Morel:

I think the road to a certain place is paved with good intentions. I think this Assembly often makes mistakes on the altar of good intentions and I fear that this may be another one.

4.5 Deputy M. Tadier of St. Brelade:

The question relates to the forthcoming inshore safety legislation that is on the table for the Minister. Can the Minister explain whether he believes that the law should include prevention of what is effectively drink-driving at sea and, if not, why not?

Deputy K.F. Morel:

I think I have said before that in this case I believe, particularly if you look within the context of the number of incidents at sea, that a step-by-step approach has been the best approach, and that is the approach we are taking through this law.

4.5.1 Deputy M. Tadier:

Will the Minister clarify that under his proposals it will be fine to drink as much alcohol as somebody wants to, get behind the wheel of a vessel, and that in itself will not be an offence legally? Is that the position that the Minister is comfortable with, given the fact that we have raised this with him on a number of occasions?

Deputy K.F. Morel:

It is the case that the proposed law does not create an offence of being drunk in charge of a vessel in that sense. What it does create is an offence whereby if harm is committed to personal property, that prosecution for being inebriated can take place. At the moment, that is not the case, and so we are making it an offence whereas previously there was no offence.

Deputy M. Tadier:

Can I ask a point of order? The Minister has not answered the question. I asked whether he is comfortable with that; I did not ask him to restate to me what the law says. I know what it says.

The Bailiff:

Well, I think that is fair, that ...

Deputy K.F. Morel:

I can help you, my comfort is neither here nor there.

Deputy M. Tadier:

Sorry, it is a point of order, does the same Standing Order that applies to written questions apply to oral questions about the fact that an answer must address the question?

The Bailiff:

Yes, and the way in which that question was addressed was the Minister's expression of a view that his comfort or otherwise simply was not relevant. It is a legitimate way of addressing the question and the consequences of that are not for me, they are of a political nature.

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

In regard to Boxing Day opening of retail premises, I asked a question of the Minister on 21st January when he responded: "That is absolutely something that I would be pleased to consider." Has the Minister now had time to consider this matter and will he be bringing forward a change in the law to allow retail outlets to all open this Boxing Day?

Deputy K.F. Morel:

I regret to say, we have not taken that further at the moment, for no other reason than general workloads. I will revert on that to the Deputy and see if we can make progress this year.

4.7 Deputy I. Gardiner of St. Helier North:

Cost of living is the number one concern for Islanders; would the Minister in his role as the chair of the Cost of Living Ministerial Group share with the Assembly their work?

Deputy K.F. Morel:

Yes.

4.7.1 Deputy I. Gardiner:

Would the Minister share with the Assembly what is the working plan for the group and what is the outcome of the work that we can see in public?

[11:45]

Deputy K.F. Morel:

The Cost-of-Living Group does meet regularly and we have, of course, an interesting agenda. We are also for the next meeting inviting the Economic and International Affairs Panel members to attend some of the aspects of our meeting, should they wish to. Those would include an update on the Better Business Support Package and how that is helping businesses, grocery price monitoring and the inflation outlook and future forecasting. On top of that, work that we have done includes obviously

the Government has a direction to keep fee increases low. As an example within the Economy Department - within the economy - this has involved freezing fees associated with the fishing industry. A new and improved Jersey Consumer Council price comparison website is being launched. Monitoring of local grocery prices is to be considered at the next meeting, as I discussed, and, as I said, we are inviting the Scrutiny Panel along to that should they wish to attend. We are working to develop a minimum income standard. That is something which would alleviate the cost of living ...

The Bailiff:

I am afraid time is up, Minister, for questions to you. We now come to the Minister for Justice and Home Affairs.

5. Questions to Ministers without notice - The Minister for Justice and Home Affairs

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

What progress is being made with the introduction of a police complaints commission?

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

I am not aware in relation to any progress that is being made in relation to the police commission.

5.1.1 Deputy K.L. Moore:

I presume that it is no longer a matter on the Minister's work programme. In light of no change there for the police complaints process, has the Minister considered introducing time limits for dealing with complaints and does she accept that failing to deal with complaints within a timeframe impacts upon trust in Government?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. In relation to the police complaints, obviously the legislation is still not completed and it should be imminent. Unfortunately, it has not. I 100 per cent agree with the Deputy in relation to the expeditious dealing of complaints in relation to complaints made against the police. Unfortunately, there will be times where there will be delay in relation to *sub judice*; however, having worked in that department and been subject myself to complaints, I realise and fully appreciate the impact on both the person complained about and the families and also victims of those complaints.

5.2 Deputy P.F.C. Ozouf of St. Saviour:

In the response to Deputy Bailhache's and my amendment in French I.D. cards, the Minister quotes that there are increased costs going to be arising. Has the Minister received officer advice about the cost of that additional administration?

Deputy M.R. Le Hegarat:

Sorry, can he just clarify that he said the additional cost for the implementation of the 3-day ...

Deputy P.F.C. Ozouf:

Yes.

Deputy M.R. Le Hegarat:

I think it is more than the cost of resources in relation to what the Deputy has asked for the 3-day extension. It is quite clear that with correspondence from the Home Office, this is not a project that they particularly endorse. We have been exceptionally successful in administering the one-day element. This heightens the risk of us in relation to the C.T.A. and also potentially us being given a hard border, which would have a serious impact on other Islanders who wish to travel to the U.K.

5.2.1 Deputy P.F.C. Ozouf:

Sorry, but is the Minister really telling me that allowing a scheme that is permitted in Ireland with no controls is risking the U.K. putting a passports-approach border on our relations to the U.K.? Is that really what we are being told?

Deputy M.R. Le Hegarat:

My responsibility as the Minister for Justice and Home Affairs is safety of all Islanders. That means that we need to ensure that our borders are safe. We will be like all other jurisdictions getting the E.T.A. (Electronic Travel Authorisation) at the latter part of this year and early next. From my perspective, I have worked with Deputy Bailhache in relation to Customs and Immigration, and also other Council of Ministers. It is my view, as the Minister for Justice and Home Affairs, that this is the best option for Jersey at this time and not to risk being possibly a way to get in through Jersey because our borders are deemed not to be safe.

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

The regulations regarding the promotion of alcohol were relaxed last week to include the provision of lower pricing. In the *J.E.P. (Jersey Evening Post)* it was reported that the Attorney General said his department had sought the views of the States of Jersey Police but that no response had been received in spite of a chaser note being sent. He went on to say that the inference is that if the police were really worried they would have said something. Is the Minister content with this approach and would she like to say something about this removal of restrictions and the impact it might have on policing the night-time economy?

Deputy M.R. Le Hegarat:

Firstly, I would like to clarify a point. The Attorney General has confirmed that S.o.J.P. (States of Jersey Police) were not consulted nor did they receive a chaser as referenced in the Assembly meeting. The chief has met with the A.G. (Attorney General) who has apologised for the administrative oversight. They look forward to working together in collaboration to monitor this over the summer period. It will not be a surprise to the Deputy that I was not aware either until I saw it in the news. I am not in favour of drinks promotion, either on or off licensed premises. It is also going to be something that will need to be monitored, both by police and their response and their resources to the matter, and also the Ambulance Service, which this could also impact. In relation to of course the Licensing Law, the responsibility firmly sits with the licensee. Therefore, any matters which are deemed to be inappropriate ... I would remind Members that the law is quite clear, that it is an offence to be drunk on licensed premises. Should there be any problems over the summer months, these matters will be dealt with by the States of Jersey Police and those matters under Article 9 references will be referred back to the Licensing Assembly.

5.3.1 Deputy H.M. Miles:

Thanks to the Minister for that very comprehensive answer; I appreciate it. My supplementary really is: will the Minister undertake to ensure that the States of Jersey Police put robust systems in place to monitor the impact of the relaxation on policing of the night-time economy so that an adequate comparison can be made with the before situation and the after?

Deputy M.R. Le Hegarat:

Absolutely. Obviously at this stage we are not able to state whether this will or will not impact resources within the States of Jersey Police but also of course the Ambulance Service, which we in recent months have concerns in relation to violence and aggression. As I said, we will work with what we currently have and we will show the data that is necessary to be able to reflect it by the end of the summer.

5.4 Deputy J. Renouf of St. Brelade:

At the meeting of the Health Scrutiny Panel a couple of weeks ago, the Minister for Health and Social Services talked about the risks that had arisen because of the medicinal cannabis trade and the potential that that had caused for mental health issues and so on. Does the Minister support the idea, the principle of further regulation of medicinal cannabis from a Minister for Justice and Home Affairs' point of view?

Deputy M.R. Le Hegarat:

I absolutely do. I was not supportive of decriminalising cannabis. I think that legislation should be tight and I believe that that needs to change because we now have a situation where medicinal cannabis is being provided. I would surmise that it may not be being used by those that are always getting it.

5.4.1 Deputy J. Renouf:

That is 2 senior Ministers in the Government who think that something should be done. Is the Minister aware that anything will be done between now and the next election by this Government?

Deputy M.R. Le Hegarat:

It is not obviously on my schedule in relation to legislative changes but I am happy to speak to the Ministers in relation to those relevant departments to ensure the position coming to the end of this term of office.

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

Will the Minister advise the number of prisoners in La Moye with drug-related convictions and has this in any way led to drug taking within the prison?

Deputy M.R. Le Hegarat:

There are currently 65 prisoners in relation to drug offences, which will obviously be under different legislations and different parts. In relation to the drug taking in prison, there is nothing that has been highlighted to me of concern; however, I would assume that this is something that is always potentially to be there. I can certainly update the Deputy if there is any data in relation to that. As far as I am concerned, it is not something that has been raised as a concern at this time.

5.5.1 Deputy S.M. Ahier:

Sixty-five convicted felons in drug importation, presumably, how many of those could be transferred to other prisons in their own country? Is there any way that we could reduce our costs by transferring them back to the place that they came from?

Deputy M.R. Le Hegarat:

In relation to the breakdown of the actual offences, there are 5 which are down to "other", importation is 40 and supply is 20, which makes the 65 in total. Prior to COVID, we had a reasonable transfer of prisoners to the U.K. Since COVID that number has reduced because obviously they could not go during COVID but, as the Assembly will be aware, there is a significant issue in U.K. prisons in relation to overcrowding. In the recent months, the Crown Dependencies, including obviously ourselves, have negotiated and had further conversations with the U.K. in relation to transfer of prisoners. We usually have roughly 20 that are asking to be transferred to the U.K. and there are others that will go to other jurisdictions as long as we are satisfied that those jurisdictions are able and capable of taking them under the remit to which they are convicted. We have since, in the last 3 or 4 months, been able to secure one transfer per month roughly. This is not ideal from the perspective of the prison numbers, and it is not ideal for prisoners either which means that they cannot necessarily go back closer to home. We are transferring them as quickly as we possibly can but obviously the numbers will never be reduced to nil because as we have one transferred, there is likely to be more that wish to go.

5.6 Deputy B.B. de S.V.M. Porée of St. Helier South:

Further to the recent announcement made by the U.K. Prime Minister, with plans to ban recruitment of care workers from overseas and to tighten access to skilled worker's visa, has the Minister for Justice and Home Affairs considered what impact this decision will have on recruitment in Jersey?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. In relation to immigration, we do link in with the U.K. However, we have our own work permit policies and therefore we will work within our own work permit policies. We have a broad remit of people who can come to the Island on work permits and we do align to a lot of the skills that the U.K. policies are, but we will continue to work within our own boundaries and what is necessary for our Island.

[12:00]

5.6.1 Deputy B.B. de S.V.M. Porée:

I thank the Minister for her answer, but I am going to ask specifically in terms of Jersey, as the Minister has admitted to having those concerns, how does she intend to prepare for when that happens in the Island?

Deputy M.R. Le Hegarat:

I am a little confused because, as I explained to the Deputy, even though we are aligned to the U.K. in relation to immigration policy, we do have our own work permit policy, so we do have people come to Jersey under work permits. As an example, from my recollection, we bring in work permit holders for the industry of agriculture, whereas in the U.K., I do not believe they do. We do have our own policies in relation to work permits.

The Bailiff:

Deputy Bailhache, possibly there is a chance of a question.

5.7 Deputy P.M. Bailhache of St. Clement:

Following up the questions from Deputy Ozouf, may I ask the Minister whether there has been an explicit threat from the Home Office to introduce a hard border if Deputy Ozouf's proposed extension by 48 hours were to be introduced?

Deputy M.R. Le Hegarat:

I am not quite sure what the Deputy would mean by a threat. I cannot imagine for one minute that the U.K. Government would threaten another jurisdiction, particularly a Crown Dependency.

The Bailiff:

Very well. That brings the time available for these questions to this Minister to an end. The next question period is for the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

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

In light of Jersey's commitment to integrity and good governance, can the Chief Minister confirm whether he has been assured that the Cannabis Licensing Framework had been formerly approved through the proper Ministerial processes prior to licences being granted in 2020?

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

I am not sure I fully understand the question. I cannot remember the detail back that far but, to the best of my knowledge, correct due process was followed. I am happy to doublecheck, but I have no reason to believe it was not.

6.1.1 Deputy H.L. Jeune:

I thank the Chief Minister for his answer and for possibly checking this because is the Chief Minister aware that internal documents published under F.O.I. (Freedom of Information) show that the chief pharmacist and 2 other senior officials advised against referring the Cannabis Regulatory Framework to the Council of Ministers and instead recommended it to be enacted via a Ministerial Order to avoid Council scrutiny and public debate potentially? Does the Chief Minister believe that this was an appropriate approach given the complexity and public health implications involved and, with hindsight, would he recommend the same approach now?

Deputy L.J. Farnham:

I think the process for Ministers to decide is well-known, but I would have to look at the detail. I would think in that instance or current policy, Ministers are well advised to bring key decisions to Council of Ministers for support although they remain within their right to make decisions. I cannot remember the detail of the time, but I will check, if that is helpful.

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

At the recent Chamber lunch, the Chief Minister of Guernsey said that Guernsey was cultivating a relationship with Nigel Farage and that the Reform U.K. leader could be of value to the Channel Islands. Is that a position that Jersey's Chief Minister agrees with and what kind of relationship does he and his Government currently have with Mr. Farage and hope to have in the future?

Deputy L.J. Farnham:

I think the Chief Minister of Guernsey was alluding to a personal conversation he had had with Mr. Farage in relation to a potential application to move this end. In Jersey, we would not comment on personal applications from a political perspective. Nigel Farage is the leader of the Reform U.K. party, and we would hope to have good relationships with all U.K. political parties. I know the Minister for External Relations leads on that work so that would be no different with the Reform Party or any other party in relation to ... I will not get into the detail of whether we agree with policies or not, but our policy is to work closely with all U.K. political parties.

6.2.1 Deputy L.K.F. Stephenson:

Has the Chief Minister or any of his Ministers met with Mr. Farage in any official capacity since taking office?

Deputy L.J. Farnham:

I do not believe so.

6.3 Deputy J. Renouf of St. Brelade:

The Government has multiple infrastructure programmes, which I believe are covered under the overall heading of investment in Jersey. They include things like what was known as Project Breakwater but also existing infrastructure projects. Can he provide clarification on what these workstreams are and what state they are at?

Deputy L.J. Farnham:

I refer the Deputy to my many previous answers to the same, if not similar, questions and look forward to sharing the detail of what was known as Project Breakwater, the Island Regeneration Programme and long-term capital planning as soon as the Council of Ministers has agreed the detail. Then I look forward to giving Members and Scrutiny a very detailed presentation for their views.

6.3.1 Deputy J. Renouf:

Can he confirm that none of these programmes have come to the Council of Ministers for formal agreement and can he say when they might?

Deputy L.J. Farnham:

All of the threads and aspects, every single part, of what is proposed has been to the Council of Ministers on a number of occasions and dealt with in a number of Ministerial workshops. I am hoping we are very much in a position to have the paper formally presented at the next Council of Ministers on 10th June for formal approval.

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

Staying on the topic, in Oral Question 110/2025, the Minister for Treasury and Resources confirmed that States Members would be briefed on the Island Regeneration Plan in June. Can the Minister confirm whether this briefing and publication will happen between said 10th June and the end of June?

Deputy L.J. Farnham:

I am mindful I have already missed at least one deadline by promising a date. We very much hope to present to Members in June, and we are working towards that as a Council of Ministers.

6.4.1 Deputy A.F. Curtis:

Can the Chief Minister advise whether any bodies outside of Government that are not A.L.O.s (arm's length organisations) or S.O.E.s (state-owned enterprises) have been briefed or provided information on this package?

Deputy L.J. Farnham:

Not that I am aware of. Once Council of Ministers have approved it, then I will instruct officials to discuss the detail with all relevant stakeholders.

6.5 Deputy P.F.C. Ozouf of St. Saviour:

Would the Chief Minister update the Assembly on discussions concerning the Fuel Farm? Having attempted on numerous occasions to ask him publicly, and the Minister for Infrastructure, I have no information, cancelled meetings. Can he please tell me and the public when they are going to know what the rationale of the Government's decisions are?

Deputy L.J. Farnham:

The Minister had a briefing and a meeting that the Minister for Infrastructure and I attended with officials, I think, 2 weeks ago - 2 or 3 weeks ago - at Union House in the boardroom ... perhaps you could instruct the Deputy to stop interrupting, Sir. It is a little bit off-putting.

The Bailiff:

I think shaking of heads is one thing but repetition of disagreement during the course of the answer is probably not acceptable. Thank you. Please carry on, Chief Minister.

Deputy L.J. Farnham:

Thank you. The Deputy is aware of the proposal to extend the Fuel Farm. At least, I spoke to the Deputy earlier in the Member's room. I need to speak to the Minister for Infrastructure. We propose to invite the Deputy to vent his concerns to the Council of Ministers at the next meeting, but the position remains unchanged. The Council of Ministers have made a decision in relation to the direction in which they want to go but we are prepared - as we would be with any Member - to listen to the detail of any concerns.

6.5.1 Deputy P.F.C. Ozouf:

Would the Chief Minister agree that concerns can only be expressed when information is received? Can he confirm that after asking him - I do not know - how many times publicly and privately, his Minister for Infrastructure and other Ministerial colleagues have given me not a single piece of

information on which to base any conclusions on behalf of the public who I represent and who are concerned about fuel prices? Could he just confirm that he has given not one piece of information at a meeting or anything else - by email or anything - in order to be able to raise concerns?

Deputy L.J. Farnham:

I understand that the Deputy, at his own admission, is very well versed in all of this having worked on it for a long time. There is a certain amount of information that must remain commercially sensitive into the detail but I am happy to share with the Deputy the information relating to the extension of the lease and the terms within. We will share that information with him prior to the meeting.

The Bailiff:

The question, of course, was have you done so up to now?

Deputy P.F.C. Ozouf:

Can I raise a point of order because we have got this ping pong going all the time? I just want your guidance, Sir. I ask things in this place on an undertaking that the Ministers will do what they do. I have asked this numerous times. I am given some foggy answer, and I do not know what to do. I just want the information of which the Minister has said I am going to get it, and I am just in this ping pong, Sir. Can you give me some guidance about what to do? I cannot keep on like this.

The Bailiff:

Well, the short answer is I was about to suggest to the Chief Minister that your question had not been answered because you had asked whether he had provided you directly with any information and the Minister talked about what might be generally available in the public domain, so that was the first point. The second point is if a Minister - the Chief Minister or any other Minister, or indeed any other Member within the Assembly - says they are, in response to a query or question, going to do a thing, then the Assembly is entitled to expect that they will do it and they will do it within a reasonable period or explain why not. However, the consequences of not doing it are political. They are not ... or via complaint in the normal way in accordance with the States complaint procedures. I cannot really say any further than that, Deputy, because ...

Deputy P.F.C. Ozouf:

I am grateful for your ruling. At least it has been said. I am grateful for your ruling, Sir, because I do not know where a Bank-Bencher does go when he just simply ends up getting fobbed off all the time but thank you for your ruling.

The Bailiff:

Are you able to provide the final answer?

Deputy L.J. Farnham:

Far from fobbing the Deputy off, we know his persistence in politics and we have made every effort to talk to him, to provide the information he requires, to explain our position, to explain the rationale behind the decision of the Council of Ministers and, as I have just said a couple of minutes ago, we will provide the Deputy with the information prior to his coming to the Council of Ministers next week. I make that undertaking again. We will provide relevant information for the Deputy. I do not believe I have broken any promises or flip-flopped or whatever the adjectives were used to describe our behaviour, and we look forward to welcoming the Deputy at the Council of Ministers meeting next week where we can hear the full detail of his concerns.

The Bailiff:

Yes. I should explain that the clock has stopped, therefore Members cannot look at the wall for guidance as to how much is left. My note of when we started plus 15 minutes takes us to 12.17 p.m. and I am allowing an extra minute for the rulings that have been required of me. We will stop at 12.18 p.m. by my clock, which is not necessarily precisely the same as the clock there.

6.6 Deputy M. Tadier of St. Brelade:

We have heard from various Members, including Ministers, that there are differing views around alcohol policy, so things like minimum pricing of alcohol, promotions of drinks. Does the Minister accept that all of these things are ultimately policy considerations which should be therefore set by politicians following debate, but this does not currently happen in Jersey's system?

Deputy L.J. Farnham:

I think that is part of the rationale for the Minister for Sustainable Economic Development in revising and refreshing the law to look at a different way of doing it. We have seen, I believe, an imbalance into the late 1980s in relation to drinks promotions or competitiveness within the sector where we allowed the retailers, the off-licence trade, to discount with impunity until recently to a par with minimum unit prices of alcohol while imposing completely different restrictions on the on-trade.

[12:15]

Of course, there is an important aspect of the impact on health of excessive consumption of alcohol, but I believe, and I have confidence, that the laws and the licensing law working with the police and the Licensing Assembly will do their part to monitor the situation very closely and not tolerate improper use of licences. I think a new law will put more emphasis on political involvement in policy making but, of course, if you go back long enough, that was taken out of the political sphere for a reason. I think, largely speaking, the Licensing Assembly has dealt with it well in recent decades, but a full review is under process with new legislation.

6.6.1 Deputy M. Tadier:

My question really is the fact that these kind of policy decisions are not made by politicians, and I do not think the new law will change that. They are made by the Licensing bench and the Attorney General who, with due respect, is not an elected politician. Does the Minister agree that at some point - and could he perhaps make a commitment - under his leadership that these fundamental questions about minimum pricing of alcohol, about drinks promotions will come to the Assembly for debate so a clearer policy can be established that can then inform decisions that are being made by those bodies?

Deputy L.J. Farnham:

First of all, we have to remember that the decision to grant the authority to make decisions to the Licensing Assembly was a political decision made by this Assembly. This Assembly passed that authority on to the Licensing Assembly and they have been discharging that duty since then. The second part of the question: should there be more political ... well, of course, overall policy, I think, in relation to that needs to be ultimately political, which I think it will have to be when we discharge the Licensing Assembly of that duty. That will have to be a States decision, and I am looking to the Minister for Sustainable Economic Development for a nod of the head that the revised Licensing Law will be brought to the Assembly soon which deals with the questions that Deputy Tadier has asked.

6.7 Deputy B.B. de S.V.M. Porée:

Can the Chief Minister inform the Assembly what impact, if any, the recently updated U.K. Immigration Law will have in Jersey immigration figures?

Deputy L.J. Farnham:

I am afraid I cannot say off the top of my head, but I will find out and write to the Deputy.

The Bailiff:

I am afraid that brings us to the end of time available for questions to the Chief Minister and there is nothing under J. and K., so we move now to Public Business.

PUBLIC BUSINESS

7. Amendment to Standing Orders - deadline for challenging written responses (P.5/2025)

The Bailiff:

The first item of Public Business is Amendment to Standing Orders - deadline for challenging written responses, P.5, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendment to the Standing Orders of the States of Jersey with immediate effect.

7.1 Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

P.P.C. (Privileges and Procedures Committee) is proposing a simple amendment to Standing Orders that makes a change to the deadline for challenging answers to written questions. This follows an issue that was raised to us by Deputy Moore. Under Standing Order 12, responses to written questions must be directly relevant to the question asked. The Standing Order sets out a process whereby a Member can challenge the response received on the grounds of direct relevance. The Member is obliged to refer the matter to the Bailiff. The Bailiff makes a ruling. If the ruling is that a new response is required, the Member answering is required to provide a new one. This process is subject to a set timeframe. The deadline for challenging is 12.45 p.m. on the first meeting day for which the Order Paper lists the question. To give an example, the Order Paper for this meeting listed all the written questions submitted over the last 4 weeks and for which an answer has been given. The deadline for challenging any of those responses, regardless of when you submitted the question, is 12.45 p.m. today. The list on the Order Paper includes the written questions submitted last week but for which responses were only provided yesterday. They appear on the Consolidated Order Paper. How much time a Member has to challenge depends on when they submitted their question in relation to the meeting. For those questions submitted last week, Members had less than 24 hours to challenge the responses they received. This seems a short timeframe for Members to meet. This amendment to Standing Orders would change that. For questions submitted a week before a States meeting, the deadline for challenging would be extended to the following States meeting. If this rule had been in place now, it would have meant that the deadline for challenging the responses that were received yesterday would have been 12.45 p.m. on 24th June, the next States meeting, rather than 12.45 p.m. today. This amendment would mean no Member would in future have less than 24 hours to challenge a response they had received. I believe this proposition is straightforward and in the Members' interest and I make the proposition and ask Members to support it.

The Bailiff:

Thank you very much. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

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

I just speak to support this. I think it is good to give time. I would like to raise one point that I have noticed. All questions are due at midday on a Thursday. We have sometimes not received that formal question formally until after 6.00 p.m. on the Thursday which means that ... I want to do everything

I can to give full answers to oral questions and be prepared because I think that is what we owe to the Assembly but if my Ministerial is sat on a Friday morning, which it is, it gives us very little time to do that. I think we do also need to ask P.P.C. to try and extend ... I realise the challenges everybody has and the workload that everyone has but we all have that as well so sometimes perhaps when there is criticism - or critique is perhaps the best word - of answers being given, there also needs to be time to work on those, not just for myself. We all know in this Assembly that it is not a 9.00 a.m. to 5.00 p.m. job, and we work weekends as well but staff that work with us and for us are entitled to have their weekends and time as well in the evenings. I think we need to be cognisant of that in terms of questions, so I just raise that small point but, yes, I fully support this.

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

I would just like to thank the Privileges and Procedures Committee for bringing this amendment and for taking the time to consider this request. Contrary, perhaps, to popular belief, and as I am sure the Privileges and Procedures Committee have recognised, our work is varied and covers many long hours and is generally unsupported in basic administration areas. Therefore, this extra time limit will be very helpful in the following up of questions. If we take today's list of written answers, there are, I think, 64 pages to get through and, despite my best efforts this morning, I have not yet been able to do so, so I thank the committee and hope that Members will support their amendment.

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

Just quickly, I wanted to say that the Council of Ministers welcome the proposed amendment brought by the Privileges and Procedures Committee. While the Council of Ministers always seeks to ensure that their individual responses to questions from Members are in order when they are first tabled, it is recognised that there are occasions when the questioner is of a view that a response requires a challenge and sometimes that position is upheld by yourself with checks and balances being an important part of the democratic process. Members should be afforded sufficient time to consider the content of a response and constructively challenge when they feel appropriate, notwithstanding we take on board the comments of Deputy Rob Ward. Basically, the premise is the sooner the Ministers can get the questions, the more time we have to provide a comprehensive answer so the Council of Ministers support it, and I would also recommend the States support the proposition.

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

I just want to just brag for a minute. It is nice to see a piece of legislation that you have been responsible for developing and growing as it turns out to be more and more useful in terms of pinning Ministers down to exactly what they mean when they produce an answer, so I wish it well.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon the chair of P.P.C. to respond.

7.1.5 The Connétable of St. Martin:

I thank Deputy Rob Ward. P.P.C. will look at the timeframe for oral questions. I thank Deputy Moore for bringing this to our attention and thank the Deputy for her comments. Likewise, I thank the Chief Minister for his comments on behalf of the Council of Ministers and Deputy Southern for seeing that this is a very pragmatic approach. Thank you. I make the proposition and call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been adopted.

Pour: 41		Contre: 0		Abstained: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
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 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 H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				

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

8. Draft Income Support (Jersey) Amendment Regulations 202- (P.30/2025)

The Bailiff:

The next item of Public Business is the Draft Income Support (Jersey) Amendment Regulations, P.30, lodged by the Minister for Social Security. The main responder is the chair of the Health and Social Security Scrutiny Panel, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Income Support (Jersey) Amendment Regulations 202-. The States make these Regulations under Articles 5 and 19 of the Income Support (Jersey) Law 2007.

8.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am very pleased to be bringing these amendments to the Assembly today. These changes, if they are approved, will streamline access to 2 important benefits for people who are terminally ill. This will have the effect of reducing administration and speeding up access to support at a time when families most need Government to act quickly. For those people affected, it will make it quicker to get the support they need when they have less than 12 months to live. The 2 benefits affected by these regulations are income support, specifically the medical component of this benefit, and the home carer's allowance benefit. I will explain the impact on both benefits but to clarify now, I will say that one of the conditions to receive home carer's allowance is through medical assessment used in income support. This is why access to both benefits can be addressed by the regulations I am proposing. Income support has separate elements, called components, which meet the different costs of households who apply for these benefits. One of these is called personal care. It is a medical component that is paid for a person who has extra needs because of a long-term illness or disability. Personal care is paid at 3 levels with the highest level being worth an extra £198.03 a week. It is awarded following a medical assessment that considers all of the person's needs and looks at evidence from any relevant medical professionals and from the person themselves. Terminally ill people can already get personal care level 3 but have to currently make an application, which I felt was too complicated given their circumstances. I should stress that we have always worked hard to ensure that terminally ill people on income support are assessed for personal care 3 and get support but here we are talking about a situation where any delay could be upsetting and where the risk of simplifying the process is also very low. This is because evidence here is not ambiguous. People who are terminally ill will always be under the care of a medical specialist, whether here or as part of a treatment in the U.K. arranged by our health service. Terminally ill means a person who a medical professional expects might die within the next 12 months. In the U.K., there are special

procedures that let certain benefit applications be fast-tracked if the relevant clinician provides a simple, standard form of evidence that says they expect that this might be the case. These regulations are designed to achieve the same effect in Jersey. They will mean that a person who qualifies for income support could receive personal care level 3 very quickly if they are in this situation. We refer to a relevant clinician in the proposed regulation. This means a Jersey or U.K. medical practitioner or a nurse with a specialism in the terminal condition of the adult or child.

[12:30]

The way that income support is set up would mean that personal care level 3 would also be available to children or young adults who live with their families, even if their families earn too much to qualify for income support. The other conditions of income support, such as the requirement for an adult member of the household to have lived in Jersey for at least 5 years, do still apply. For families who do get income support, personal care level 3 can also trigger the award of a carer's component worth an extra £71.61 a week. Moving to home carer's allowance, which is a separate benefit which comes from Social Security Fund, unlike income support it does not have a means test, but to apply the carer must have paid or have been credited with the relevant social security contributions, must be below state pension age and must either give up or significantly reduce working hours to care full-time. It is worth £1,132.04 every 4 weeks and also covers the carer's contribution records. To get Home Carer's Allowance, the cared for person must meet the criteria for personal care level 3. That means that streamlining the assessment for personal care level 3 has the same effect for people applying for home carer's allowance. It reduces the time taken to apply and the amount of administration involved. It is not possible to directly estimate the cost of this benefit, but the numbers are expected to be low. This is because many people in Jersey who are terminally ill are likely to be already getting benefits because they are sick or have a disability. Many will be getting long-term care. I can say that for every extra 10 people who claim through the new route, it will cost just under £100,000 for income support payments and just under £140,000 for home carer's allowance from the Social Security Fund. Although I expect that Members will require little persuasion to adopt this common-sense change, I would like to clarify a few small matters. I know that in the national papers there is a lot of discussion about people who have been asked to repay U.K. carer's benefits that were overpaid in error. I would like to reassure Members that the system is very different in Jersey and these issues do not arise. I can also reassure Members that the benefit paid under this new route does not stop if a person happens to live longer than 12 months. We have specifically designed our system to recognise that sometimes people will live longer. The second is just to remind Members that this change is a small part of Jersey's overall system that supports Islanders who are carers or have care needs or who are at the end of their lives. These regulations simply streamline access to parts of our system without taking anything away from our provision of long-term care or the support available from our healthcare system and, of course, Jersey's voluntary sector. I believe these changes will make a meaningful difference to Islanders who find themselves in an incredibly difficult situation. Although the numbers of people who need access to these end-of-life benefits are likely to remain small, I know from my time as a Back-Bencher that those families who are affected by this will really benefit from these changes. Thank you. I maintain the principles.

The Bailiff:

Those in favour of adopting the principles kindly show. I beg your pardon. All of a sudden the world changed for me there a moment. I do apologise. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

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

Yes, just to briefly welcome these changes. I think the streamlining of this particular benefit will prove invaluable to many. Many a time I have sat down with what is quite a complex set of conditions, some of which are intermittent, some of which vary from week to week. It is a very

difficult process applying through this. The streamlining for some patients which is proposed here is to be welcomed absolutely.

8.1.2 Deputy P.M. Bailhache of St. Clement:

The Minister has made a good case for this change, but her proposal seems to me to be lacking in detail about the financial implications and that detail seems to me to be important. The report states, and I quote: “The cost of these proposals can be absorbed within the existing budgets of Income Support and Social Security Fund expenditure”, but earlier it is stated that, and again I quote: “An accurate assessment of claim volumes is not possible.” How does the Minister know that the cost can be absorbed? There were 877 deaths in Jersey in 2024 and many of those, it seems to me, will have involved a last illness or put the individual in a position to be assessed as having less than 12 months to live. The home carer’s allowance is not means tested. 877 times £14,717 equals £12,906,809. Of course, some of the potential claimants will be already receiving the allowance, but even so, the figures seem to me to be large enough to suggest that the statement that an accurate assessment of claim volumes is not possible is not really good enough. An estimate must be possible, and it seems to me that the States should be told. Recent accounts published show that the States expenditure has been rising dramatically and exceeds our income. Every occasion upon which the Assembly is asked to justify the expenditure of more money from taxpayer’s funds it seems to me that a Minister should be called upon to explain precisely why she thinks that the money should be spent.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon the Minister to respond.

8.1.3 Deputy L.V. Feltham:

I thank Deputy Southern for his words. I know he has worked very hard to try and simplify income support processes and access to benefits. I value the work that he has done, and I hope to continue improving access to our benefits. I am not sure how best to respond to Deputy Bailhache’s comments. Of course, this change does not make more people eligible that are not already eligible to benefits. This change is about ensuring that people that are going through one of the most difficult periods of their lives do not have to deal with unnecessary bureaucracy, and I hope that the Deputy can see the absolute value in that. The reason that the report suggests a possible additional expenditure is that it may well be that people found it too difficult previously to go through that bureaucratic process and did not claim when they were eligible for it. I have said in this Assembly before, and I will maintain that it is my view as Minister for Social Security, that we should be ensuring that our benefits are there for people who are entitled to them and that everybody that is entitled to such a benefit should have no barriers to claiming those. With that said, I maintain the principles and call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the principles of the Income Support Amendment Regulations. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The principles have been adopted.

Pour: 42		Contre: 0		Abstained: 1
Connétable of St. Lawrence				Deputy Sir P.M. Bailhache
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. Mary				
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 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 P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				

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

The Greffier of the States:

Deputy Bailhache abstained.

The Bailiff:

Does the Health and Social Security Scrutiny Panel wish to scrutinise this matter?

Deputy J. Renouf of St. Brelade (Vice-Chair, Health and Social Security Scrutiny Panel):

Deputy Doublet has been called away for an urgent personal matter and has asked me to respond. No, we do not wish to call it in.

The Bailiff:

Thank you very much. Very well. It seems to me before we move on to discussing the rest, it is an appropriate moment to ask if Members wish to continue until we conclude this item of legislation or wish to adjourn in the normal way?

LUNCHEON ADJOURNMENT PROPOSED

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

Before we do adjourn, I have just rapidly remembered, can I remind all Members the wonder of the C.P.A. (Commonwealth Parliamentary Association) A.G.M. (Annual General Meeting) is immediately after the sitting. We are all members; we are all part of it. It would be great for us to celebrate that membership, and there will be some presentations afterwards as well so it will work for the C.P.A. That is immediately after the end of today's sitting.

The Bailiff:

The Assembly therefore stands adjourned until 2.15 p.m.

[12:41]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

All right. We continue with the debate on P.30. The principles have been adopted. How do you move the matter in Second Reading, Minister?

8.2 Deputy L.V. Feltham:

En bloc, please, Sir.

The Bailiff:

Is the matter seconded for Second Reading? [**Seconded**] Does any Member wish to speak in Second Reading?

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

I welcome the amendment to the regulations. I am sure it will be a great help for people in very difficult circumstances. What I would like to ask the Minister is: how well will this change be publicised? Will it be made easy for people to apply? Because when a family member is caring for someone in these circumstances they may be overwhelmed and will need assistance to understand what is available to them.

The Bailiff:

I am perfectly content to admit that speech, Deputy Curtis, but of course debate in Second Reading is on the individual Articles and whether or not they should be adopted and not more general points. Perhaps that might have been better for Third Reading but we will leave it as it is. Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading, I close the debate and call upon the Minister to respond.

8.2.2 Deputy L.V. Feltham:

I thank the Deputy for her comments. Within the regulations we do speak about relevant clinicians that will already be working with the people concerned. I have asked my team to ensure that communications I had with all of those relevant clinicians so that the process is understood by all. I would also like to give the Deputy my assurance that one of my priorities is to ensure that all of our benefits are well promoted so that people that are eligible for them do know that they can claim and that those processes are as easy as possible. At the core of these law changes is that desire to make our processes as easy and friction-free as possible. I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to the Assembly. The vote is on the adoption of the Articles in Second Reading. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

Pour: 37		Contre: 0		Abstained: 0
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. Mary				

Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Do you move the law in Third Reading, Minister?

8.3 Deputy L.V. Feltham:

Yes, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to in Third Reading, I close the debate and call for the appel or ...

Deputy L.V. Feltham:

Yes, Sir.

The Bailiff:

Very well. I ask the Greffier to open the voting. The vote is on P.30 in Third Reading. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

Pour: 37		Contre: 0		Abstained: 0
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. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy L.J. Farnham				

Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

9. Draft Highways Law (Jersey) Amendment Regulations 202- (P.31/2025)

The Bailiff:

The next item is the Draft Highways Law (Jersey) Amendment Regulations, P.31, lodged by the Minister for Infrastructure. The main respondent will be the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Highways Law (Jersey) Amendment Regulations 202-. The States make these Regulations under the Order in Council of 26th December 1851 and Article 8A of the Highways (Jersey) Law 1956.

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

During the build up to the 2022 General Election, the 13 highway authorities became aware of the legal requirement for a candidate standing for election to apply for a licence from the relevant highway authority if they wish to place any election materials on the highway. A candidate for Deputy or Connétable would, therefore, likely have to apply to the Minister for Infrastructure and to

the relevant Parish Roads Committee if they were to place materials on both States and Parish roads, in some cases perhaps requiring multiple licences. This requirement was combined with the concern for the safety of anyone placing election materials on or above the highway and the possible impact of unsafe activities on the general public. A set of guidelines agreed by the highway authorities was, therefore, produced to provide safe standards of practices replacing such materials. The highway authorities deemed the placement of election materials acceptable without a licence, subject to compliance with these guidelines. That was the first step towards the creation of the draft regulations which are before the Assembly today. In the period between the 2022 General Election and today officers from Infrastructure have worked with relevant colleagues to review what had been put in place in 2022. It was determined that the guidelines, while providing some details of, were when and how election advertising can be placed. Currently it is stretching the law and that this should be formalised in future, otherwise a licence from each relevant highway authority would be required. The draft regulations, if agreed, will accordingly make the necessary changes to the Highways (Jersey) Law 1956 to enable advertising materials which relate to either an election held in accordance with the Elections (Jersey) Law 2002 or a referendum held in accordance with the Referendum (Jersey) Law 2017, to be placed on or above the highway without a requirement for a licence, provided such advertising is compliant with the conditions that will be specified in guidance to be issued on the *vires* of the subsequent order. Work is currently ongoing in respect of the guidance and consultation has commenced and continues. The same position would be applied to a parochial election for either a Centenier or Procureur du Bien Publique, as both of these are also governed by the Elections (Jersey) Law 2002. An election for any other parochial position, such as a Vingtenier, Constables Officer or Roads Committee or Rates would not be affected by this. The current requirement for each candidate to obtain a licence from the relevant highway authorities, which would include a number of conditions applied to ensure the safety of everyone concerned, the candidate, their supporters and the general public, replacing additional administrative burden on already busy officers to process and could incur a cost. These draft regulations, if adopted, reduce the administration burden and facilitate the democratic process in a legal and orderly manner by ensuring there are consistent, fair and safe rules for the placing of election materials. I hope Members will agree that it is important that there are some arrangements in place for election materials, as signs can present a safety risk to the public. If, for example, they are placed next to important road signs or they are obstructive in some other way. I trust that the proposed solution of removing the requirement for a licence and relying instead on adherence to a code, which is widely consulted upon and sensibly applied, is a practical and proportionate way forward. I move the principles.

The Bailiff:

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

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

Really I rise to speak on behalf of the Comité des Connétables who wholeheartedly support this proposal. Clearly, the arrangements in the past have been somewhat woolly and impossible to manage in a fair and proper way. This will give Parishes and the police, I suppose, who would be the *vires* to be able to deal with advertising material inappropriately placed, and I look forward to seeing it in action.

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

I rise briefly also as the chair of the Environment, Housing and Infrastructure Panel to say that we briefly reviewed this amendment and will also welcome the amendments brought by the Minister for Infrastructure.

The Bailiff:

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

9.1.3 The Connétable of St. John:

I thank the 2 Members for their comments and also for their support. We have consulted with both parties. It is important that we have a level playing field for both candidates and also the highway authorities so that a consistent approach can be taken. I move the principles.

The Bailiff:

Those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Jeune, I take it from what you said your panel does not wish to call the matter in.

Deputy H.L. Jeune:

No, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading?

9.2 The Connétable of St. John:

There are just 2 regulations which deliver what I have set out in the principles. I, therefore, intend to move the regulations *en bloc*.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? I close the debate. Those in favour of adopting in Second Reading kindly show. Those against. Adopted in Second Reading. Do you move in Third Reading, Minister?

9.3 The Connétable of St. John:

Before I do, Sir, I would just like to thank my officials for their work, the Parish officials, the Comité des Connétables for their positive comments, my colleagues in Scrutiny and also the law officer and drafter. I move the principles in Third Reading and ask for the appel.

The Bailiff:

Very well. Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? I close the debate. The appel is called for. I invite any Members not in the Assembly to return to their seats and I ask the Greffier to open the voting. The vote is on the adoption of the regulations in Third Reading. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

Pour: 42		Contre: 0		Abstained: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				

Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
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 T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

10. Consultation and Report on Pre-Sale Agreements for Land and Property Transactions (P.34/2025)

The Bailiff:

We now come to the next item of Public Business, which is Consultation and Report on Pre-Sale Agreements for Land and Property Transactions, P.34, lodged by Deputy Andrews. The main responder will be the Chief Minister and the Minister for Housing. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Chief Minister, in collaboration with the Minister for Housing, to conduct a consultation with interested parties regarding the use of pre-sale agreements for land and property transactions, with a view to presenting the findings of the consultation to the Assembly no later than June 2027.

10.1 Deputy M.B. Andrews of St. Helier North:

I took great interest in the property transaction review report that I studied several months ago. It was a report in fact that I was totally unaware of. It was only when I did a bit of digging that I came

across it and I was fascinated by the findings of the report but also the recommendations. I was somewhat disappointed to see that some of the recommendations were not followed through. The then Chief Minister, Deputy Gorst, neither agreed or disagreed with some of the recommendations. The first recommendation was one that I thought was a very prudent recommendation. It was requesting that the Minister go away and launch a consultation into the use of pre-sale agreements in a standard transaction process. There would also be included a discussion about whether a fee should be incurred should one party fail the other in a property transaction or a prospective property transaction that ends up being failed. There is of course discourse among lawyers and estate agents and also members of the public about what should be done. What should Jersey do? Should we introduce legislation or not? Many people of course, as you may already be aware, have in fact experienced gazundering and gazumping. In fact Jersey has had an issue with gazumping. Due to low interest rates there was more demand in the market and because there were minimal protections or the individuals involved in the transaction did not know about pre-sale agreements or they had been poorly advised there is no protections. Quite late on what would happen is once they had obtained a mortgage and instructed their lawyer to proceed with the transaction, the bank would go ahead and conduct a survey, all of which happens to be very, very costly, especially for somebody who is part of middle Jersey.

[14:30]

To see the counterparty all of a sudden pull out of a transaction when you have spent, potentially, £5,000, £10,000 but possibly more thousands of pounds on a transaction that happens to be failed, I and other Members, I am sure, agree that something ought to be done. This cannot continue. Having engaged with many members of the public, having rectified my politics page that was not working for about 18 months, I managed to promote an ad and I was wanting to hear the voices of those Islanders who have been gazumped or, potentially, those who have been gazundered. Many people came forward, some of whom did not really want to speak about it in the public domain. It was in the private domain that I was informed about the process that they, unfortunately, experienced, one where a second buyer would come in late into the process, outbid them and it was maybe quite often a couple of days before the court date. Also, you have got to consider about the chain as well. There are many people involved in transactions. It is not just about selling your property, you also might be involved in acquiring a property as well. Just because the panel covered this topic, there were several aspects. I went away and I did a bit of research and it was not really imponent to what was covered, unfortunately, in 2018 regarding the use of pre-sale agreements. I just want to now respond to several things that were mentioned in the comments paper. The Chief Minister predicated that I mentioned that it would not form part of every single transaction. In other jurisdictions there are exclusions and that would be part of the law. For instance, if it was interfamily transaction, transfers between related entities, banks selling repossessed property, compulsory purchase, intergovernmental transfers such as those 2 A.L.O.s. However, in a country such as China where off-plan sales happen to be very well-regulated. I know some people might say well it is the Chinese Government, however, they do consider things with caution in regard to protecting buyers and also in the interests of developers as well. In France it is probably quite well known that they have quite a robust process as a unilateral and bilateral agreement where parties can agree to a transaction. There is a 10-day cooling off period, in essence, if somebody maybe has reservations about the transaction and they want to put a halt to it, then they can choose to do so. I think it is very important that if we are to go ahead with this that we are open-minded. We are open to exploring opportunities for people. We want Islanders to be protected. Because at the moment what exists is an unethical and immoral practice, and it is legal. It ought to be addressed. What we ought to be ensuring is that there are greater protections, so there is a greater degree of certainty for people who commence with a transaction. Buyers and sellers, it is not just about having a greater level of certainty, it is also about stipulating clauses within pre-sale agreements and that should, again, be defined in law. For instance, if somebody is part of a chain and they cannot sell their property because somebody has pulled out,

then there should be no such fee that is incurred to the buyer of a property who was selling the property to them. The reason for that is because there is a genuine reason why they were unable to commit. I think there should be such clauses in pre-sale agreements to ensure that no fee is incurred for parties. There also has to be defined reasons and legitimate reasons for somebody being able to withdraw from a transaction. In one such case a friend of mine, who was very young at the time, climbed on to the property ladder when he was about 22 and, unfortunately, the property was quite old. He really struggled to sell the property because about 4 or 5 people who had surveys completed on the property discovered that there were a number of issues and so the bank was not willing to lend. Therefore, there would be an implication, had my friend not been able to secure a sale of his property, then how could he commit to the purchase of another property? I think it is sensible to have that inclusion within a law if one was to be introduced. I will just go through my notes here. There is an important element that I think ought to be mentioned and that is an exclusivity clause. What that basically stipulates is once an agreement has been struck the seller cannot continue to market the property. I think this is a fair and a reasonable stance. We want to ensure that there is no gazumping. Potentially there could be if somebody is willing to pay above and beyond the price that is marketed and also in excess of the fee that would be incurred for the seller. I think that is a pertinent thing to do. I know a number of estate agents in fact who happen to be in support of this. One in fact happened to contact me and the reason being is because they knew that this is something that is required. We do need a law but we need to consult and we need to consult largely with industry; that means lawyers, it means estate agents and other property professionals as well. But it is also about exploring the extent of gazumping in the past because that has been a real issue. There have been a number of people who have shared their experiences of being gazumped and, again, the costs amount to thousands of pounds. There have been a number of studies that, again, are relative to the U.K. but gazumping has proven to be a considerable problem. It has been an issue where many, many people have lost out financially. There was one such study in 2014, 37 per cent of the 1,183 surveyed participants said that they had experience of being gazumped during the property transaction process; 59 per cent of those attributed this to delays in securing a mortgage. There were others as well who had difficulties in selling their property and they made up 58 per cent of those surveyed participants who had experienced gazumping. Recently a further study that was completed by an independent specialist lender, launched a survey and 2,000 participants took part in the survey, of which 31 per cent of the people who had purchased a property in England and Wales over the last decade had experienced gazumping. That is a considerable number of people, and I would imagine the same thing has happened in Jersey as well. Both the U.K. and Jersey have inadequate protections for people. This is an area that must, must be improved. I know the Chief Minister is saying: "This should be something for the next Government to deal with." But in the response to my written question I have received during the interval he said: "This is something that the next Government must do." Why can we not commit to ensuring that this work is done? Why is it a case of saying, no, we cannot do this because we have got our own priority? Surely this should be a priority; people are losing out considerably because of this. It was on 21st January 2016 that even the Chief Minister himself said: "We need a law for this." Because he experienced a young couple being gazumped. Of course Deputy Luce was also in agreement, underneath he commented: "I totally agree with you on this. We need a law." I totally agree with both the Chief Minister and the Minister for the Environment as well. But we cannot just instruct the Executive to go away and form a law. It is important that we consult and we consult properly. I also want to hear the voices of those who happen to be antithetical about pre-sale agreements. It is only right that they have their voice be heard. I know many lawyers will probably fall into that category but there is a huge number of the public who are in agreement with me. I had over 70 responses to my post, many of whom were people who have been gazumped. What they were saying is: "We need protections. We need protections. We cannot afford to do this." In fact I bumped into a relative of mine and I explained to them what I was doing politically because they asked. I said: "Yes, I am looking at gazumping." Then I spoke to my grandfather and he said: "You should not have brought that topic up with them." That was the reason

why they, unfortunately, had a very bad experience where they had a bit of a breakdown and it was that, that is what triggered it, among other things. It does do that to people, it does hurt you financially. Also, it does, inevitably, cause tensions within the household. If you have seen your transaction fail, as the case is with one survey in the U.K. here, 62 per cent of the respondents who were gazumped, they said they missed out on their dream home because somebody gazumped them. I do not think that is really fair. I think something has to be done and I think it is down to politicians such as ourselves and legislatures in other jurisdictions, not just Jersey, who have got to do more. We have got to be more effective. We have got to be more methodical. We have got to be protecting people. I do not see why there should be a response to the one that is in relation to my proposition, effectively, saying: "This is for a future Council of Ministers to decide whether they should do it." Is it a case of we cannot agree any decision whatsoever if it goes into next term of office? That does not sound very democratic. Is this a matter of public interest? Of course, it certainly is. We have seen many people, especially middle Jersey, be hard done by; that is not right. It has to be corrected and we should be supporting this proposition. We should be launching a consultation to make sure that there are enhanced protections for Islanders to put a stop to gazumping but also to gazundering because gazundering has been a more recent issue. Because there has been a negative output gap in the economy, people have been finding it very difficult to try and sell their properties. When a buyer comes along they are in a very strong position, even if a price has been agreed, they can say last minute: "I am sorry but I am only going to accept a lower price." That is why many people who have maybe made a commitment to then buy a property have to then rethink altogether. It is not right, it is not okay. The Chief Minister, surely he agrees with me that something has to be done and it should be done before 2027. That is the responsibility of a political Executive. How is he going to justify himself when he previously agreed that a law is needed and now he is saying no law is needed? That is not on and things ought to change. I am going to propose my proposition and I look forward to hearing Members out.

The Bailiff:

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

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

I merely wish to compliment Deputy Andrews on his excellent research and for bringing back to the Assembly a matter that impacts upon many people's lives. Ultimately, we are here to serve the public, not ourselves. Forgive me but some members of the public who observe this Assembly could be forgiven at the end of today thinking that we prefer to give officers jobs looking into the positioning of posters for our election campaigns over and above conducting work that impacts on what is widely known and recognised as one of the most stressful times in a person's life, that of transacting or buying or moving home. I will absolutely be supporting Deputy Andrews in this simple request. I, too, have spoken to members of the estate agents community, along with constituents who have experienced difficulties in reaching agreements on the purchase of a home. I think that it is about time that we start to make progress on this matter and not put it off and kick it into the long grass once again.

The Bailiff:

Deputy Tadier, you have a question for the Attorney General?

Deputy M. Tadier of St. Brelade:

Yes, Sir. Obviously he can answer it whenever he likes, so I apologise that I have not been able to give notice, it has only just come to my mind. Would the Attorney General clarify whether there is anything that prevents currently the use of pre-sale agreements in Jersey law and whether or not in his experience it is something that takes place? The latter may be a political question, I accept, but

if he is able to maybe clarify what the current position is and what the framework might be currently without this if this was not passed today.

The Bailiff:

Mr Attorney, do you wish to offer an answer at this point?

[14:45]

Mr. M.H. Temple K.C., H.M. Attorney General:

I am happy to do so. Pre-sale agreements are currently available in Jersey law. They are, as I understand it, infrequently used and they create obligations between both buyer and seller, so that if the buyer, for example, fails to complete then there is a possible penalty that the buyer may suffer. In terms of how they operate, they do not necessarily guarantee that a property purchase will take place because if there is a failure to complete, then normally it is agreed in such pre-sale agreements that liquidated damages will be paid as a sum of money, rather than necessarily the transfer of the property. That is because in Jersey law where it is real property, as opposed to share transfer property, property that is owned by a company, specific performance is not available as a matter of Jersey law. In summary, they are already available in Jersey but they are not frequently used for the reasons that I have just summarised. Also, there is an additional cost to using. and that may be a further reason for not using it. I hope that assists.

The Bailiff:

Thank you very much, Mr Attorney.

Deputy M. Tadier:

Thank you, Sir.

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

Towards the end of her remarks Deputy Moore spoke of wanting to move forward and not kick things down the road. I have to say that I think that the principal problem with this proposition is that it does not achieve what Deputy Moore suggested in principle she would want to see. The reason that I think the Assembly should reject the proposition, notwithstanding the fact that Deputy Andrews raises an absolutely valid point and valid concern that there will be people out there in our society who that will resonate with, who have been subject to injustice because of those practices, but his proposition has 3 flaws. The first flaw is that he is asking for a 2-year consultation; that is excessive. That is way too long to be consulting on what is a very narrow point. That brings me on to the next flaw, is that it is far too narrow a point. He is asking us to consult on one part of the process for buying or selling homes, when there are probably quite a few other elements of the system that could do with a good look at as well. It is not ordinary, when compared to other jurisdictions, that in Jersey to buy your home you have to physically go to court and go through the uncertainty of that process. If we were wanting to dedicate time and resource on to making the system better for people buying and selling, why would we restrict ourselves to one very narrow part of that? That strikes me to be totally disproportionate to spend 2 years looking at just one tiny element of the system. The third flaw in it is that his proposition asks us to conduct a 2-year consultation without itself specifying what potential solutions we would want to fish for views on. The report is rather non-committal about what potential solutions there might be to this. If he were to ask for a consultation on making pre-sale agreements compulsory, that comes with all sorts of problems itself but at least it is an idea for a solution. He is not asking us to consult on that, it seems to be just a completely open consultation, which I do not think would be a very good use of resources. It would not be direct and it is not clear what we would end up with at the end of it. Either way we would not end up with it, potentially, for 2 years from now. I am sorry to say that I struggle to get enthusiastic about the way this proposition is termed though it is clearly coming from a well-meaning place and it highlights an

issue that some people will face. I think that its principal problem is that it does the opposite of what Deputy Moore suggested, which is that it does not take us forward and it does kick things into the long grass. I think that if the subject of the process of buying and selling a home is one to be looked at to make that better for everyone this is certainly not the way of going about it, and that is why I will oppose the proposition.

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

The report accompanying the proposition begins with the words: “The Residential Property Transactions Review Panel” and its report. I chaired that panel 2 summers ago at any rate and it is right that one of our main recommendations was the greater use of preliminary agreements. Personally, I find it disappointing that greater use is not made of them and I still fail to understand why it is not the common practice. The Attorney General makes reference to costs. One firm of lawyers who does use them occasionally say it does not increase the cost. I think another problem might well be the belief that it adds to a delay in the transaction. I do recall that at the time of my presentation report I drew an analogy between the conveyancing process and the cross-Channel ferry service suggesting that the preliminary contract one was akin to catching the overnight boat, which was almost guaranteed to run but might take longer, while the straight into court on a Friday not knowing whether you are going to pass contracts or not and just walk into the quicker service whether other problems might intervene. I am not quite sure whether the state of our ferry service now merits such an analogy today, but I think Members will get my drift. It is always the case that there is going to be a time when verbal agreement has been reached and a binding agreement has not yet been reached. During that period there is an opportunity to gazump or gazunder. Even with a preliminary contract for sale gone through lawyers, you will not automatically avoid that problem. It would perhaps confine the timing in which it can be exercised to a shorter period, and that is commendable. Certainly I do very much favour the idea of a preliminary contract. I confess to, in my earlier life, I carried out more conveyancing than I care to for a living and I tend to avoid that activity. But it was standard practice in English practice you have a preliminary agreement, you exchange contracts, sometimes over the phone and you then bring an element of certainty to the equation. That is a basic problem with the present system, the lack of certainty, which affects and gives rise to possible gazumping and gazundering problems to last-minute requests for a further amount to get the deal through. Also, and that is not well-publicised, the problem it inflicts on tenants. There is an interaction between buying and selling houses and tenancies. How could a tenant commit to giving notice on his tenancy agreement to buy his house if he does not get: “No, it will definitely go through.” The converse applies someone selling a house is not going to commit to a tenancy agreement until that sale has gone through and it does slow down the whole process. Again, as other speakers have mentioned, I commend the Deputy for bringing this to public attention. It is still there and I think can only be solved by lawyers, who would be acting in the best interests of their own clients, adopting a better practice. The further point I mention, which might be helpful, is that the Environment, Housing and Infrastructure Scrutiny Panel, of which I am a member, is committed to conducting a housing review and this will fall within its remit. I venture to suggest that action there might bring a more immediate result than one would by going out to consultation. I have not yet worked out whether I shall support the proposition itself or maybe abstain, but it is worthy of note and I hope my comments are of some assistance.

10.1.4 Connétable K.C. Lewis of St. Saviour:

I think it is fair to say that the housing market at the moment is slow. Money is tight, everyone is feeling it and lots of houses now are being sold, as has been said, in chains, that people have to sell their own home before they can buy another. You could have the situation where 3 couples turn up at the Royal Courts and if one couple backs out for whatever reason the whole thing falls apart, which is extremely stressful. As has been said, getting married and buying a house I think are the 2 most stressful things in life. I think Members have to decide which one is the more stressful. But I do

support the motives behind this. It is very stressful, it is the most important financial decision that most people will make in their lives and I think it needs our support. But I would agree that 2 years is far, far too long.

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

I do not support Deputy Andrews' proposition and I feel slightly conflicted about that because it would take us to a very significant degree closer to the Scottish system, which I would normally say is almost worth consideration. While it is almost worth consideration it does not address some of the problems that the Deputy is seeking to suggest. In Scotland, when you make an offer you make an offer which may be several pages long with several conditions, terms and conditions of sale. The seller will then do a letter back with their terms and conditions adjusting your offer; that can go on for quite some time. Even in a very simple case you can have a missive, you can have an exchange of missives that form 2 letters, it can form 6, 7 or 8 letters, depending on the nature of the property. They also create a number of legal complexities which I would imagine would arise here in terms of other conditions in the pre-sale agreement that you want to succeed after the purchase. Certainly the Scottish profession spent a very long time mulling that over some time ago. The biggest issue I have with this is it will undoubtedly add to cost of conveyancing. If we are asking property lawyers to start doing an exchange of letters, offers and acceptances, it will become difficult, it will become protracted and it will add significantly to the cost of conveyancing. Contracts will only agree that people recover their lost costs. It is very rare to enforce a sale of your property, very limited situations in which a sale of your property can be forced by the courts. It also will not stop gazumping. I am not sure that is a big issue at the moment because, for example, if the buyers lost costs in a gazumping situation or £5,000 and a new buyer is offering £20,000 or £30,000, the seller is still ahead on the transaction. It does not address the emotional upheaval of losing the home that you want to move into and it certainly does not address any issues around chains. I agree with Deputy Mézec that there is very much more we could do if we are concerned about property transactions in Jersey. There are very many more things we could do. We just have to cast our mind to the fact that I believe our main law on property is still the Loi (1880) Sur La Propriété Foncière. Part of our property issue is that many of our laws are in French. We could certainly be considering some of those aspects before we start adding to complexity in cost for a very limited real value. I do not support the proposition for those reasons.

10.1.6 Deputy M. Tadier:

I am pleased to speak after the Minister for Treasury and Resources but also the Constable of St. Mary in his Scrutiny capacity. I would like to take a slightly different tack on this. I do not think we are here to decide whether or not the proposition is perfect, whether we would have worded it in such a way. I think there is a high level of agreement here that Deputy Andrews has identified a genuine problem, and it is a problem that I have been aware of for a long time, long before I was a homebuyer, so to speak. I had lots of people come to me in my political role to tell me about the problems that Deputy Andrews has been telling us about. It is not the first time we have heard them in the Assembly either. One of those examples that we do not necessarily think about, are there any consequences not just for the homebuyers or the sellers but for those services that are related to that? I have had removal companies say to me how mad the whole system is, not just the potential for gazumping or gazundering but the fact that we only have one day where transactions go through the courts.

[15:00]

What happens if a transaction does not go through for whatever reason? People have often booked delivery companies, removal companies months in advance, especially during the busy transaction periods and of course this then throws that into question. Notwithstanding other services that might be provided to new homeowners as well who are looking to move in and maybe do small jobs, bigger jobs on their new home, I think it is a question which is understood, a problem which is understood.

I suppose I take off my party political hat, and I am not a Member of Government by the way, so I do not have any reason to necessarily support the Ministerial line in this and say that surely at some point we have got to cut Deputy Andrews some slack in this whole issue. I think notwithstanding some of the propositions he might have brought in the past, which I do not think I have been able to support, but I think he does identify an issue here. Let us start, first of all, by this question of 2 years is far too long for a review. I do not think that is what Deputy Andrews is suggesting. He is not saying that it should be a 2-year consultation, he is simply saying that the consultation findings should be presented no later than June 2027. That gives any future Government, if it ends up being the work of a future Government, time to bed in and consider that. But there is absolutely nothing to stop the current Government looking at this issue in any way that they want to. Similarly, and quite rightly, I agree with the comments that have already been made, is that simply looking at pre-sale agreements for land and property transactions as a way of resolving this actual problem is probably not going to be a sufficient solution, if it is workable at all. But I think in going through that process now I think Ministers will be able to determine what the issues are, the scale of the issues and the extent of those issues and the extent to which pre-sale agreements might be used. The Attorney General has told us that there is nothing to stop pre-sale agreements, that there is not a big take up for them at the moment. But it will certainly enable those conversations and the fact-finding to take place. But I think all of those other questions that do need to be looked at, for example, why is it that transactions go to court on a Friday? I do not think the consultation will look at why we call the Friday sitting the Samedi Courts because certainly by my French Samedi means Saturday and not Friday. But why do property and land transactions need to go to court at all? Why does somebody need to turn up to court in a suit and make an oath before God when they are buying a house or a property? Is that 21st century? Does that need to happen? I am not sure if that does need to happen. Does it need to go to the Royal Court? Could there be a different body that it would go to? If I buy a car I do not need to go to court to buy a car and I have never been gazumped or gazundered when I am buying a car either. But I am not saying it is exactly the same thing; of course it is not. I was quite interested to hear about the situation in Scotland because I was reading recently on one mortgage provider who talks about gazumping and gazundering. I must admit that I never heard of gazundering before, I always used to think that a gazunder was another name for a chamber pot, something that goes under the bed. But apparently it is a term that can be used in this context too. Also, gazumping, as I understand it, in Jersey is not simply the case of somebody coming in with a higher offer, it is a case of perhaps the seller saying: "I am not going to sell this to you unless you give me a higher offer." I think it is important to establish exactly what the problems are that are being identified here. I do know this also, this particular mortgage seller does reference Scottish law requiring conveyancing to take place to stop gazumping and so that it is going to be much less common in Scotland than it might be in, say, England and Wales. On this occasion I would like to give Deputy Andrews a chance and say it may well be that Ministers need to come back a lot quicker than 2 years; that is fine if they want to do that. I think Ministers should look more widely at this issue and identify in quite a quick turnaround what the issues are around property transactions. What it is that can be done to resolve them? Indeed, what Government's role, if anything, should be in that and what the market could do, what estate agents can do to try and make the passage smoother, to try and make these practices less common. I think that we need to be building consensus around this issue. I would simply put it back to Ministers, what is the worst that can happen in supporting this? By all means if you want to go over and above in terms of the timescale, making it quicker and what you look at, by all means do that. I also accept the fact that this is something that Scrutiny could do, but certainly I know that from my Scrutiny Panel's perspective we have got a lot of work coming up. I would ask our Ministers to really consider whether their resistance to this is justified and whether they can simply agree to adopt this so that we can all move on and wait for this report to come back in quite a short order.

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

The previous speaker highlighted some of the complexities of the property market and the Council of Ministers are mindful of the stress and financial cost that the failure that a property transaction can cause to the vendor or the purchaser. Fortunately, most transactions, as the proposer has pointed out, proceed without any problems. The benefit of applying pre-sale agreements may be limited. That is not to say it should not be considered because I support the principle of measures that ensure smoother, more cost-effective property sales, especially for young Islanders. That is at the heart of a lot of the work that the Minister for Housing is leading on. While pre-sale agreements can provide certainty to the parties, they come with a level of complexity resulting in additional cost, as well as, potentially, lengthening the time it takes to undertake a transaction. Of course vendors and purchasers can voluntarily enter into pre-sale agreements now which can help mitigate the risk, so the opportunity to make use of them already exists. To ensure successful completion of a transaction we would always urge due diligence is undertaken at each stage of the process by all parties and that estate agents and lawyers provide good professional service and advice and are always looking to improve upon that. It is unclear what the proposed consultation is asking for. While you can say the overall question is: should we make compulsory perhaps some form of agreement? It is unclear to that. While it notes that the lack of data around property types and sales that are supported by a pre-sale agreement, this proposition does not provide any clarity on how a consultation would resolve this with an expectation that such a consultation could inform guidance or legislation. I do think it is important that we get the detail right and consider how we are going to do this before we consider any new layers of regulation or legislation. A consultation such as this, which is unclear in its aims, may send poorly timed and unconsidered signals to the current market where transaction levels are low, while we start to see a recovery from the previous period of unsustainable growth. The proposition does not wish to see pre-sale agreements used in all residential property transactions, as Deputy Andrews explained in his introduction, but considers that this should be where there is a delay on completion. There is a difficulty of determining what would constitute a delayed transaction and this approach would risk creating a 2-tier transaction process in the market with some transactions needing pre-sale agreements and others not. As the Constable of St. Saviour also mentioned, there is often a chain, so there are complexities that pre-sale agreements have in a chain where some of the chain are subject to them and some are not. It is difficult to predict activity such as gazumping and gazundering. To prevent the practices, pre-sale agreements would need to be applied properly on all transactions to avoid that. But I think there is a merit in considering the wider use of pre-sale agreements and in reviewing property transaction processes generally. I think that is an important piece of work for the Government, whether it is this one or the next one. However, the complexities that surround modernising the property transaction process and the review led by the Deputy of St. Mary were published in March 2022. It is quite a hefty document, a lot of work went into it but it does highlight that. I think it would be more prudent to approach this issue in a more comprehensive and planned way, rather than being bound to undertake consultation with unclear objectives that would divert time and resources that are focused right now on helping more Islanders with the cost of renting, the cost of purchasing. The key priority area that we are leading on in this Government, which is making affordable homes more accessible to Islanders. That is where we would like to focus our resources and that is why we are suggesting that we continue to do that, use our resources to continue to improve availability of housing to young people and suggest that the next Government might like to pick up on this work. While I thank the Deputy for bringing this, he picked up on a social media post that I posted 9 years ago. Well done for your perseverance and trawling through 9 years of my social media posts. You almost deserve a vote just for that but on this occasion I am going to ask Members not to support the proposition.

10.1.8 Deputy I. Gardiner of St. Helier North:

Deputy Tadier delivered most of mine but my speech probably will be short. I would like to ask Members to reflect and answer a question and answer in your heart, as Deputy Tadier said, do we have a general agreement that this is the problem that was raised for years and needs to be resolved?

I think the answer is, yes; at least in my mind. Do our young families and not young families, buyers and sellers, lose money because of the failed transactions at the last minute? As the Connétable of St. Saviour said, there are chains and money is tight. Did the young families or first-time buyers or anyone else that we are trying to support to get on the property ladder face losses because the transaction did not go through? Yes. Did they experience stress? Yes. Would it be helpful for them to have in place a pre-sale agreement to ensure that there is a stability and there is a certainty? Yes. Where I find the comments from the Chief Minister and the Minister for Housing challenging, because when the Back-Bencher brought the proposition with clear dates, with very clear what the Back-Bencher would like to see and how it should be delivered, the response from the Executive: “It is too constrained, we cannot do it in this time. We cannot do this. We cannot do that. We see a different way of working.” Deputy Andrews, I think, learned from several lessons and from what happened, and he is saying, if Members would read the proposition, pre-sale agreements for land and property transactions presenting to the States no later than June 2027. He does not say it needs to take 2 years. He is just giving an option not to be told that it is too tight and we cannot deliver within the time; it is over 2 years. The Chief Minister left but I would like to tell the Chief Minister, following the Chief Minister’s speech, would it be an opportunity to show leadership and said we can deliver? There are no instructions to how consultations should progress or what should be included or not included in the consultation.

[15:15]

We know the pre-sale agreement and one of the items that is important to be included, but everything else the Chief Minister mentioned that is important to consider, it is open. The Council of Ministers can include these in the consultation. They can decide to do this consultation now and can decide, based on this consultation, to bring a proposition to the States. It is all in their power. As Deputy Tadier said, I really struggle to see why this proposition that gives an option is dealing with the real outcome that Islanders have raised with us for years, this is important for Islanders, not maybe for everyone, but someone who is thinking about buying their first home. It is important for them. Maybe we will do something that is important for Islanders. I will be supporting Deputy Andrews.

10.1.9 Deputy P.F.C. Ozouf of St. Saviour:

I commend Deputy Andrews for, once again, trying to bring a proposition to meet the absolute legitimate expectation that many people, dare I say it, of Deputy Andrews’ age are feeling, that they cannot get on to the property-owning ladder. They see no hope. We have heard Deputy Andrews on a number of occasions bring forward proposition to this Assembly. While we speak fairly regularly, what I am astonished to hear from him is that, notwithstanding the fact that he lodged this proposition, he has not had a single discussion or invitation by a Minister about his proposition; not one. We talk only in public now, against the cross of the barrier between Ministerial and non-Ministerial Government. I am sorry about that. Deputy Andrews is deserving of respect and support in advancing what he is saying. It is not only the concern of his age group and others. It is the concern of all Islanders about the state of the housing market. Of course, he is absolutely right that in the heady, unbelievable days of the high house prices escalation, gazumping was absolutely a real problem. Now, with the Minister for Housing’s comments that we need to see further corrections. We have already seen a 12 per cent fall, the biggest fall in property prices ever. How low is it going to go? How low does the Minister want it to go? I do not think we know. Government is speaking with odd and mixed messages. I have heard comments in this speech this afternoon: “Our priority is getting people into home ownership.” I sound like the little boy in the crowd where the Emperor has no clothes on. The reality is that if you do not sort out the supply of 3-bedroom houses, which I have said, and unfortunately this is a repeated remark that I say lots of times, because it is true, with the Bridging Island Plan having failed to put in place the proper amount of housing land, whether brownfield, Government-owned or greenfield land, for the amount of 3-bedroom houses that Islanders need, notwithstanding the increase that immigration has fallen, we will have a deficit.

Nobody speaks about the elephant in the room, which is the supply and demand. Deputy Andrews is absolutely right, at the moment you now have the incidents of not gazumping, but gazundering, as prices are on the decline. You can almost understand, if I may say, why it is that you have these imperfections and these extraordinary situations where a property is agreed for a sale and then people back out, either because they cannot because the financial situation is quite as bad as it is; and it is absolutely terrible at the moment, let me be absolutely clear. There is not the resurgence ... I know the Minister for Treasury and Resources ... but there is not the resurgence in property transactions that was said at all. I am going to bring back to the Assembly the debate on a surcharge. I have had the 3 months cooling-off period and we can have the debate about surcharges again. I am still smarting from the fact that the Council of Ministers brought forward a reduction of 2 per cent and it managed to get thrown out. I would have wanted nothing. We have to deal with that. Government creates markets and should not intervene too much, but should let the market work well. That is what housing supply and purchase and sale is, it is the most important asset that people will get. Of course, Deputy Andrews will know of the many families that will feel aggrieved if they have aspired to something all their lives and that dream is taken away because somebody has gazumped them in a rising market. There are hundreds of Islanders that are losing hope. It is one of the reasons why people are leaving Jersey and it pains me. What pains me equally is the lack of communication between Ministers and Back-Benchers about what we are doing for the people that we all represent. There has been no communication with Deputy Andrews, as I understand, at all, not even a telephone call or an email to say: "We think you are making this comment, Deputy; would you like to come in for a discussion?" "Do you not understand this?" Or: "We have this point to make." It is like a "them and us" in this situation. For the public that will hear ... yes, it is really like that. I say that because there is no communication, no teamwork across the Ministerial divide. I lament this and hope that it changes. It is the reason why I have to irritate you, Sir, and ask questions about meetings that do not happen. What I would say is, having had the property and building and things like that as being central to some of my time in this place since 1999, I would say that gazundering and gazumping happens when markets do not work well. I would say to the Deputy and to Ministers that they really need to get a grip and deal with the supply side, because that is the problem. Deputy Mézec spoke, and he is the Minister for Housing ... I will show him, because I have it off confidential.je, that it is true that we are selling more social housing, 3-bedroom houses than we are creating. It is not good enough. Proposed pre-sale agreements could create some certainty. I was struck, having unfortunately been required to be involved in a flat sale in London, to expose the Ministers to the Scottish system. I first of all want to put a compliment out to all our lawyers and conveyancers out there, because they do do something, although they get a bit of a rough ride, and we took away their scale fee when the Competition Law came in ... I thought that was going to deal with alcohol pricing fixing as well, but never mind. The Competition Law did away with the scale fee. That meant that the scale fee that lawyers got to fund what they do not do in the U.K. or many other places, they guarantee title. When they appear before you in the Royal Court, Sir, if you are there, or your Deputy, then they are effectively agreeing to a contract between 2 parties, which the state has nothing to do with. That is very different in the U.K. where the Land Registry guarantees title. Our lawyers are guaranteeing title. If you do not get the right title, you can sue your lawyer. There are a lot of issues in Jersey which are, in some ways, brilliant. Deputy Bailhache, when he was Bailiff, moved the language from the French language to the English contract, because unfortunately a lot of people do not speak French and they were raising their hand on a contract they did not understand. Now it is in English. However, we can go further. I commend the report given the number of years ago by one of the panel. I had not read it for quite a long time. There is clearly an opportunity to do some improvement in the way that the most important purchase in a family or an individual's life happens. There is a lot of, if I may say, tradition associated with coming to the Royal Court, and maybe we need to look favourably on our brilliant certain conveyancing system, because we have tricks from the past of the Norman era, which are so certain, give people such certainty, in terms of a *relief* and *tour d'échelle* and all the other things that you get translated into

the English language. We get title, which is of good quality and is guaranteed by our lawyers. That is really good. We do not want to throw that out. We want to simply, as we always do or we should do in Jersey, improve things. Is passing a contract every Friday really okay? No, it is clearly not. It is a bit silly. You can do flats every day of the week, because it is a share transfer, but you cannot do a property transaction. I agree that the Friday deadline makes transactions happen, particularly when stamp duty changes or otherwise. That is good, but effectively we need to modernise it. I would also say, a cry out to all those conveyancers who are not very busy at the moment because the amount of properties going through the market is not very big, that there are a lot of clever conveyances sitting in law firms with not a lot to do at the moment that could, with a bit of help and a bit of Government support and a bit of leadership, help to modernise our excellent but somewhat antiquated system of contract exchange into a modern digital system. Have the Council of Ministers heard of digital and e-contracts and everything? We can go digital. It is difficult to find out who owns a property in Jersey. You have to go to the Registry and it is difficult. I am in favour of full transparency for the property market where you can go to a website and see who owns what and all the rest of it. It is fundamental. It is important that people understand what the transactions are and who owns stuff and what is going throughout. We have nothing. We are pretty antiquated. I would use this Government-inflicted period of stagnation - because it is stagnation, it is falling and it continues to fall, and there are a lot of Islanders that are worried about this - to use that time, because you cannot build overnight and you need to get building, because we really do. But I would use that time to use constructively those conveyancing firms and those individuals to look at our whole system of buying and selling, including a pre-sale agreement. Clearly there is some refinement, as the Constable of St. Mary said, our system of transactions compared to other places ... I was very struck with the U.K. system, where there is a questionnaire that you exchange. the Law Society. There is a structured arrangement that you have, which just simply does not happen in Jersey. There is a very uncertain situation that where you do not have ... if I am wrong, I see the Minister for External Relations is frowning at me. I do not think you have that system of certainty of questionnaires that you have. There are some improvements to Deputy Andrews's proposition that I would have done if I were Minister. I would have brought Deputy Andrews in and said: "Look, this is how it works. Come and see a conveyancing team. This is what we should do" and come out with a win-win. There are win-wins that are possible, not win-losses. When Back-Benchers are treated like losers in the Council of Ministers' published comments and say: "No, we are not doing it." Does the Council of Ministers really want to treat Back-Benchers in this way? No, I do not think so. There is an opportunity to do something good. I urge Members not to have the clarion call from the Council of Ministers to say no, but to say yes and: "Yes, we can improve it." Deputy said 2 years. It is not mandatory. It is a request to the Council of Ministers to do things - not mandatory - so let us not have that as a reason for doing it. Let us support Deputy Andrews. All Members will be aware that our system of exchange of contracts in Jersey needs some modernisation. It needs some modernisation. Let us do it while the property industry is stagnant and there are a lot of people not doing very much, because we can improve the system and hopefully on that future day, when I know that supply and demand will be excellent and we will have people having aspirations to get into the property ladder, we will have an administrative system which is not simply somewhat of a relic of the past, albeit with absolute brilliance in it. However, it needs to be e-based, digitally done and ... I know people like turning up to your court on a Friday, Sir, but we can create some other celebration for them having got into the homeownership situation. I would support Deputy Andrews and I hope Members understand what I am trying to say.

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

I am standing more in response to the previous speaker, who made certain allegations about the Council of Ministers, suggesting that there is no kind of collaboration between the Ministers and Back-Benchers on the basis of, what he suggests, a single incident. It is unfair to suggest that this is a general thing that goes on. On the other hand, I have been a Back-Bencher and I have felt the same

way when the previous speaker was in the Council of Ministers, so I have some sympathy there. What I find is getting particularly confusing here is that there are some discussions about the value of a free market and also the desire to help the young.

[15:30]

One of the signs of a changing market is this gazumping and gazundering. We have been talking about how to help younger people buy properties and gazundering is such a feature of where a market is falling. One might think it is very annoying for the person who thinks that they have a deal or 2 then have somebody say: "Well, in fact, I realise that I probably could pay less for your property." However, I do think that the bringer of this proposition supported the increase of stamp duty for that reason. In terms of what we are trying to achieve and whether that works, I do not see that that has been identified even in terms of having this consultation. Even if you brought agreements to say will that reduce it. Where is the evidence elsewhere? You have to look there, perhaps more so than within the Island. If you look at the transactions where sale agreements already are being used, how can you analyse whether the sale would have taken place or not if they had not been used. The bottom line here is perhaps ... the general point has been things like value for money, which has been something that has been important to quite a number of States Members in terms of standing. Also, putting this whole thing in context, I have been trained in conveyancing in the U.K. and in Jersey. I have compared the 2 systems. One thing that strikes me that is a feature in Jersey that is a general disincentive to ... be there are all manner of reasons why even if we have an agreement for sale, the transaction still may fall through, in terms of searches and what comes up in any event. We are a small Island and you have to look people in the face. That is not a feature of many jurisdictions in which you have agreements of sale. I thought that I would throw those thoughts into the pot, as Members make their deliberations. I did not feel I could sit here and have suggestions made about the Council of Ministers and their attitude, as it were. I believe that often the Council of Ministers have sought to speak with people bringing propositions. Indeed, with the previous speaker himself, that has been mentioned. That is all I am going to say on the subject.

10.1.11 Deputy P.M. Bailhache of St. Clement:

I have some sympathy for Deputy Andrews, both in his aspirations and indeed for the reasons given by Deputy Ozouf. It seems to me a pity that Ministers did not respond to this proposition by inviting the Deputy to come and discuss what he wanted to achieve. My problem with the proposition is that it seems to me that it is taking us down a blind alley. The reason for that is that the law already allows for the existence of preliminary agreements of sale. Indeed, when I was in practice many years ago, it was the custom for sellers and buyers who had agreed on a transaction to complete a preliminary agreement of sale. It was an agreement which recorded the agreement of the buyer to buy and the seller to sell under penalty. The penalty was usually fixed at about one-third of the value of the property. It was an agreement of sale under penalty, because it is not possible, as the Attorney General explained to us, for there to be specific performance of an agreement to buy land in Jersey. The reason for that is that when people convey land they both appear before you, Sir, in another place and they take an oath. No person, obviously, can be compelled to take an oath. That is the reason why it is not possible to have specific performance of an agreement to buy and to sell property. That is why it was a custom for agreements to record the penalty which would be forfeited by the person who declined to complete the transaction. What is this proposition going to achieve? It does not seem to me that it is possible to compel people to sign a preliminary agreement of sale. One party might want a preliminary agreement, the other party might not. One party might want to have a survey carried out before he commits himself to a purchase. Another party might, for different reasons, not want to commit to selling until certain contingencies were fulfilled. What is this going to achieve? Deputy Ozouf spoke very interestingly about the introduction of digital transactions in land, completely turning our system of conveyancing upside down. However, that is a different matter. That is not what this proposition is all about. This proposition is to ask for a consultation

with interested parties regarding the use of pre-sale agreements. However much one may think that it is desirable to have a preliminary agreement of sale - and, as I say, many years ago it was the practice - it does not seem to me that it is something that can be enforced upon the public. What is the Chief Minister going to do? He is going to carry out a consultation, but to what effect? I do not think, as I say, that this proposition leads us anywhere. It takes us down a blind alley and I am afraid I cannot support it.

Deputy P.F.C. Ozouf:

Could I ask the speaker for a point of clarification?

The Bailiff:

Do you give way for a point of clarification?

Deputy P.F.C. Ozouf:

I am wondering, I do not understand, I am looking ... Deputy Bailhache is a lawyer and knows about all of these matters. The Deputy has brought forward a proposal that is in the wording of a report done by another group of people that said a pre-sale agreement should form part of the transaction process. The Deputy said that you cannot force somebody to court, but you can pay liquidator damages. I do not understand why you cannot have a pre-sale agreement that has liquidator damages. Have I missed something or should I ask for legal advice?

Deputy P.M. Bailhache:

Sorry if I did not make myself clear. You can. That is what a preliminary sale agreement in Jersey does do. It requires the parties to complete the transaction or, if they refuse to do so, to pay damages, to pay a stipulated penalty.

Deputy P.F.C. Ozouf:

Just confused, to say it is not possible to do what Deputy Andrews said because the Deputy has said you can do it but it is not this, it is that, which is penalties and not forcing somebody to court. To vote against it, on the basis that you cannot do it, is not quite right.

The Bailiff:

My understanding of what Deputy Bailhache was saying is that there is no point to doing it because what it will look at is already there. That, I believe, is what he is saying. Is that correct, Deputy? Yes. Very well. Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call upon Deputy Andrews to respond.

10.1.12 Deputy M.B. Andrews:

I must thank all Members who have contributed to this debate. The Chief Minister in his comments regarding my proposition never defined what the consultation would look like himself when he was the one who predicated that we need a law. He never elucidated what components would comprise of within the law. It was disappointing that he did not do that. If he felt that there was further need to elaborate then he should have said so and he should have then defined what he meant by that, but he did not. In terms of a response to Deputy Mézec, it is not a 2-year period, it is within that period that the work should be commenced, whether it takes 3 or 4 months to launch a consultation and come up with the report being finalised then good; the sooner the better. However, as Deputy Farnham said in response to me when I asked him an oral question, he said: "I think this is something that we need to do." Unfortunately, with the quietening down of the housing market it is not such a priority, but it is something the Government or the next Government needs to look at. The words "the Government" is the incumbent Government. Also when we are looking at "the next Government needs to look at". So he is acknowledging that this is an area of complexity. It is an area that has to be addressed. He is saying: "No." Quite simply, what he could have done is he could have said to

me: “Look, can we have a discussion”, as Deputy Ozouf said, “and let us speak about what you are trying to do with your proposition?” It is absolutely essential that we look at the feasibility of making sure that if a transaction is part of the standard transaction process that it is mandatory. The reason being is that we want to ensure that there is greater certainty in transactions. We want to see more transactions go through, instead of transactions falling through. That is also something that is not part of the figures that we see on Statistics Jersey’s website. Between 2014 and 2022, transactions numbered somewhere between 1,250, so about 1,850 transactions per annum. Unfortunately, transactions have dropped below 1,000, that is about 700 transactions for the year 2024, or thereabouts. Of course, there is a real issue for gazundering. However, in the past it has been an issue mainly to do with gazumping and hence the reason why property prices have gone up so much, because there have been so many buyers. As Deputy Ozouf alluded to, it is a supply and demand issue. It is about getting that balance right. Otherwise there will be issues either with gazumping or gazundering. I want to thank Members who have stood up and who have supported me. They can see there is a genuine need to ensure that Islanders’ voices are heard. We do not have any data about gazumping nor do we have any data about gazundering. But we do have data in the U.K. because the U.K. Government, alongside a number of different agencies, has collected data to that effect. But here we have not even started yet. It is about time that we need to look to see how severe of an issue was gazumping during the period when we have lower interest rates, but also about the current market conditions as well. That is what we need to be looking at. I have had one friend who was not gazundered, but he was gazumped and he lost somewhere between £5,000 and £10,000 at the tail end of 2024. Of course, it has impacted him. It has impacted his partner. There are many people who have similar experiences. It is not something that is spoken about. It is not the sort of thing that you are going to go and tell people. It is an inconspicuous issue and it happens probably more often than not. I have made the points clear when I made my speech. It is important, if a consultation is to take place, the Chief Minister has to sit down with his officers. It is about looking at the transaction process from start to finish and looking at how a pre-sale agreement would best fit into that process. We want greater certainty for Islanders. We want Islanders to feel protected. What we do not want to see is this continued level of uncertainty that happens as part of the transaction process. As I have stated in my report, many transactions do not include a pre-sale agreement, so many people are vulnerable. You might end up the night before hearing that your counterparty in the transaction has pulled out and you have incurred all of those fees. That is not a pleasant experience and I do sympathise and I feel very sorry for those people. That is the reason why I want to try and prohibit that from happening as much as possible. It is not to say that you are guaranteed to see the transaction being completed. There are number of circumstances where a transaction may not be completed. As I alluded to, for instance, you might not be able to have the bank lend to you because there are issues with the property. That is the seller’s issue to try and resolve. That happened to my friend, as I say, about 10 years ago. If we are in a position of wanting to do things on behalf of the public, it is a matter of public interest.

[15:45]

What we need to be doing is we need to be voting that “pour” button. I urge Members to support me and to support my proposition. Thank you. I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on P.34 and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The proposition has been defeated.

Pour: 12		Contre: 32		Abstained: 1
Connétable of St. Clement		Connétable of St. Helier		Deputy R.S. Kovacs

Connétable of St. Saviour		Connétable of St. Brelade		
Deputy M. Tadier		Connétable of Trinity		
Deputy L.M.C. Doublet		Connétable of St. Peter		
Deputy I. Gardiner		Connétable of St. John		
Deputy K.L. Moore		Connétable of Grouville		
Deputy P.F.C. Ozouf		Connétable of St. Ouen		
Deputy D.J. Warr		Connétable of St. Mary		
Deputy H.M. Miles		Deputy G.P. Southern		
Deputy J. Renouf		Deputy C.F. Labey		
Deputy H.L. Jeune		Deputy S.G. Luce		
Deputy M.B. Andrews		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		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 M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		

The Deputy Greffier of the States:

Those Members voting pour: the Connétables of St. Clement and St. Saviour and Deputies Doublet, Gardiner, Moore, Ozouf, Warr, Miles, Renouf, Jeune, Andrews and Tadier.

11. French National Identity cards as valid travel documentation for French Citizens (P.36/2025)

The Bailiff:

The next item is French National Identity cards as valid travel documentation for French Citizens (P.36/2025), lodged by Deputy Bailhache. The main respondent is the Minister for Justice and Home Affairs. There is an amendment lodged by Deputy Ozouf. Deputy Bailhache, are you accepting that amendment?

Deputy P.M. Bailhache of St. Clement:

No, Sir. There should be a debate on the amendment, so I am not formally accepting it.

The Bailiff:

Very well. Then that will be dealt with separately. I, therefore, ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of the opinion - to request the Minister for Justice and Home Affairs, subject to the existing safeguards to protect the integrity of the Common Travel Area, to maintain the scheme whereby French citizens can use a valid French national identity card to travel to Jersey.

11.1 Deputy P.M. Bailhache:

I am grateful to the Minister for Justice and Home Affairs for indicating that she supports my proposition. I will, therefore, be brief. The more interesting debate will take place around the amendment lodged by Deputy Ozouf. I will, however, say 2 things. The first one is that every country, and Jersey is no exception, has a right to defend its economic interests. It is perfectly legitimate and, indeed, I would say it is our duty to protect the interests of our visitor economy. If the boot were on another foot and the United Kingdom had to decide whether or not to protect its economic interests it would not hesitate to do so for a nanosecond. The second point is that in international arrangements, fairness counts. Because it is a member of the European Union, Ireland admits French travels on a national identity card. We are geographically much closer to France than to the U.K. and it makes sense for economic reasons for us to do likewise. Both Ireland and Jersey are in the Common Travel Area. Why would we not offer this concession when the position in Ireland is of an order of magnitude more risky to the integrity of the Common Travel Area. The Home Office well understands Jersey's position and also understands that there is a right to maintain the scheme, whereby French citizens can enter Jersey on production of a valid national identity card. It is not a threat to the U.K., because of the considerable administrative protections put in place by officials in the Immigration Department. Indeed, I would say that we have proved beyond doubt that the scheme works. I move the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]**

11.2 French National Identity cards as valid travel documentation for French Citizens (P.36/2025): amendment (P.36/2025)

The Bailiff:

There is an amendment to the proposition by Deputy Ozouf and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2. After the words “to maintain” insert the words “and extend”. After the words “travel to Jersey” insert the words “to short stays of up to 72 hours”.

11.2.1 Deputy P.F.C. Ozouf of St. Saviour:

I get myself into some difficulties; do I not? Deputy Bailhache brings forward a proposition, which I have no understanding why there is any doubt whatsoever that we do not continue with. I see an opportunity, because I was the Minister for External Relations I thought that I was responsible for helping Ministers with their international affairs and during my tenure as Minister for External Relations I held discussions at the senior levels in London and Paris and regions. As Members will know, I was then out of office and I do not know what happened after then. But I know what I did and I know what Jersey’s arrangements, as so eloquently put by Deputy Bailhache, are. The Minister’s predecessor, Deputy Miles, and I worked on this and she obviously then dealt with it when I was (French spoken). It was absolutely the right thing to do. The Minister who sits next to her, the Minister for Sustainable Economic Development, who I know is as equally supportive of the reinforcement of French affairs, French language and all the rest of it, as I and other Members, knows that we have a huge amount to offer to French visitors, knows that there is only 50 per cent of French people who have passports and so would, in an ideal situation, undoubtedly want to have longer stays. It is borne out by the facts that with the numbers of people going, and has been quoted in Deputy Bailhache’s report, when we lost the ability ... and I do not know why we did not use the powers that we do to have because I have looked at the legislation - it is confusing, I agree - that the word “order” is primary legislation for, effectively, the legal instrument that the Minister is being asked to amend by these 2 propositions. It is a legal instrument of a Ministerial Order, which is not made as an order, but it is legal. The Attorney General, if asked, can explain it. I want to deal with the reality of the situation. We saw a welcome explosion. A massive turndown in visitor economy; Members will recall in 2022 we were seeing almost a complete absence of the babble of French on the King Street and Queen Street. We saw a catastrophic fall in the number of day-trippers. We do not only have day-trippers, we have people who want to stay overnight as well. The statistics that are used, that have been presented, are not saying the whole picture. We like day-trippers, but we like, I am sure, people who come and spend money in one of our excellent hotels or restaurants and go and visit, particularly with the timings of our ferries, and I commend the arrangements, although there are always teething problems, we now have brilliant ... we now have the prospect of really good ferry operations in the long term in Jersey and we need to make it as easy as possible, without compromising any international issues, to get French people to Jersey. I put in my report, “Victor Hugo”. It concerns me that Guernsey seems to be seeing a surge in visitors on the back of their Victor Hugo issues. I have been to see the Victor Hugo Paris apartment. I have been to the one in Guernsey. We do not celebrate Victor Hugo nearly enough, I would say. There is a lot we could be doing. We have those 2 wonderful artists that are buried in St. Brelade’s cemetery, Claude Cahun and Marcel Moore. We have masses of Francophile pleasure to have. People without a passport arrive at St. Malo and Granville and say: “Shame, I have not got a passport, so I cannot go to Jersey.” We want their money. The tourism industry and the hospitality industry is in trouble. We have heard the Constable of St. Clement and other people, hospitality has seen a downturn in the U.K. economy, despite the Minister’s and Visit Jersey’s excellent work and “Bergerac” and the rest of it, they are seeing difficult times. Some of that is self-induced because of the recruitment problems and rising

cost of inflation we have, but that is for another day. We need to support our hospitality industry and we need to support the overnight hotels. We have seen enough hotels going out of business. Allowing French visitors with I.D. (identity) cards for 2 days is going to make a difference. I would have thought that anything that generates economic value, as Deputy Bailhache said, is of benefit. It is obvious. I cannot prove it, but you can see from the numbers that French visitors would want, if they could, to stay more than just for a day trip. What is going to happen if Members dare to cross the Ministerial line of the prohibition against doing this? Deputy Bailhache took the words out of my mouth: reciprocity, equality. We hear about international standards all the time. I have spoken about them. We have a C.T.A. standard. We have our own competence in Jersey. We are not the Scottish Government that cannot legislate and do things. We can. We are privileged. We are a peculiar of the Crown. We will not upset the Crown. We will not upset the U.K. in defence or other things. We are going to behave properly. The scheme that the wise Minister for Justice and Home Affairs with her officials last time brought in and the Minister has carried on. I hoped she was going to carry on the scheme. I do not know if she is going to speak or not. Deputy Bailhache has done the right thing by bringing it to this Assembly to agree. Maybe I have done him a favour in helping to get his thing through, even if mine falls; but I hope not. Members need to think, we are being told in the report ... which I got at the last minute. No, I did not have any communication nor was asked to any meetings. I will not offer because I do not get any answers back. That is not a falsehood, it is a truism. I did work on this. I did a lot of work in relation to the Immigration Order and all the rest of it. I was absolutely clear, when I was Minister for External Relations I realised that you could go from Brittany to the Republic of Ireland on one of their numerous ferries. I went to an airport and I asked: "Can you have I.D. cards?" If one was really going to be tough with the Minister, we would say all European I.D. cards, not just French people, and for unlimited stays with no controls. - that would basically maybe cause a bit of an eyebrow being raised in the United Kingdom, in London, in Whitehall - all E.U. citizens unlimited, because that is what happens in Ireland. You cannot go into Northern Ireland. You have to stay within the Republic of Ireland. I am sure it happens, but I am not aware of any security implications between E.U. I.D. cardholders having a trip up to Belfast. I am not aware of anything. I tried to look on the internet and did not find one case; not one.

[16:00]

Is the Minister going to really say and maintain the position that our security is going to be compromised by allowing the form that allows day-trippers to be changed from 24 to 72 hours? Is there going to be masses of extra work and lots of things to do and lots of customs officers, security and goodness knows who are needing to be employed in order to do this? I do not think so. Unless somebody tells me that I have gone completely into another planet. This is about a sensible, pragmatic, less than the Republic of Ireland - who is in the C.T.A. with us - approach to help give some encouragement to our otherwise challenged hospitality sector. In fact, if it is not challenged, I hope they have a great season, but we can give them an even better season. We are nestling off the coast of France and saying no at the border because people do not have a proper I.D. card is ridiculous, when we can say yes because we are part of the C.T.A. We have our rights and privileges, let us use them. I look forward to the explanations of why allowing people 72 hours, counting them in and counting them out, is going to create such a catastrophic problem with our diplomatic relations, which I did not have when I had them. Let us be honest; I did not. I will not talk about the people I spoke to, but I spoke to people at the highest levels in London and Paris and the regions about this. I simply do not understand why Members are being told what they are being told. Is it the Minister not wanting to do it because she is concerned about it? Is it a threat? Why is it? I would like to know before I sum up.

The Bailiff:

Thank you very much. Is the amendment seconded? **[Seconded]** Deputy Tadier, you have a question for the Attorney General?

Deputy M. Tadier of St. Brelade:

I do, thank you, Sir. Probably better that I put it now. I apologise if the Minister is going to touch on this, but there has been a mention of Ireland and the island of Ireland so far. Could the Attorney clarify for the Assembly what the position is of Northern Ireland in terms of the acceptance of E.U. citizens being able to travel to either Ireland, or to Northern Ireland in particular, only on an E.U. I.D. card rather than a passport? I understand it might have changed recently. I would like to see if my understanding is correct.

The Bailiff:

Is that something you need some time on or can assist in any event on?

Mr. M.H. Temple K.C., H.M. Attorney General:

I would need some time, Sir.

The Bailiff:

Some time. Very well. Thank you, Deputy. The Attorney General will give that some thought and will revert in due course.

Deputy M. Tadier:

Thank you.

The Bailiff:

Does any Member wish to speak on the amendment?

11.2.2 Deputy M.R. Le Hegarat of St. Helier North:

Let us sort the thing out in relation to the Republic of Ireland. E.U. nationals travelling to the Republic of Ireland can use an I.D. card because the Republic of Ireland is part of the E.U. Jersey is not part of the E.U. and this creates a fundamental different distinction. Direct comparisons cannot, therefore, be helpfully made. The U.K. Government is committed to the Belfast Good Friday Agreement and, in support of this, ensures there is no hard border between Northern Ireland and the Republic of Ireland. The U.K. does not operate routine immigration controls on journeys within the C.T.A. There are no immigration controls on the Republic of Ireland/Northern Island land border. There are, however, extensive in-country monitoring and intelligence-led checks. There are not equivalent levels of checks on travellers between Jersey and the U.K. Again, direct comparisons cannot be made. E.U. citizens travelling to the Republic of Ireland cannot then travel then onwards to Northern Ireland or anywhere else in the C.T.A. without an E.T.A. (Electronic Travel Authorisation) and therefore require a passport for onward travel. Hopefully this has rectified some of those matters. As I set out in my Comments Paper, I do not support this amendment to the proposition. I do not support it, because expanding the scheme, which has to date only applied to day-trippers, to provide for 72-hour visits would significantly increase the risks involved to a point that would not be tolerable. The Deputy, in his amendment, suggests that the success of the scheme to date provides sufficient basis to decide on expansion of the scheme. However, the success of the scheme to date is largely as a result of its limited nature, the right controls, that this allows us to put in place. Risk: Deputy Ozouf contends that extending the scheme to 72 hours introduces no new risks. This is simply not the case. Any increase to the duration of time increases the risk. This is particularly the case with regard to the risk of onward travel to the U.K. or elsewhere in the Common Travel Area, which would be strictly prohibited for those arriving with an identity card. Such travel could be undertaken deliberately in order to evade immigration controls or simply arise as a result of a misunderstanding of the rules, at which point, our well-meaning French visitors would find themselves in the U.K. illegally. Under the current scheme, this risk is significantly minimised. This also increases the risk of damaging our relationship with the U.K. and other C.T.A. partners. It is

imperative that we are and can demonstrate that we are maintaining the robust controls at the border that are required of all members of the Common Travel Area so that we can continue to benefit from that membership. We know that the U.K. already have concerns about the scheme as it stands, but this can be managed by providing strong assurances about our confidence in the controls in which we have put in place. Were we to extend the scheme, as the Deputy is proposing, I do not believe we would continue to be able to offer those same assurances, thereby increasing the risk to our members of the C.T.A. Complexity: aside from the increased risk, expanding the scheme would also introduce additional complexity. Currently there is one cohort of passengers per day that we manage, with clarity that an I.D. card is only acceptable for those on a day trip. This would change under the Deputy's proposals, so that there would be a greater number of passengers on-Island under the scheme at any one time, with varying dates of departure. It would become significantly more challenging for the immigration service to maintain the required level of oversight in that context. I also wish to highlight that once expanded beyond the remit of the day trip it becomes less justifiable to limit these benefits solely to French nationals. While it may not be feasible to travel to Jersey on a day trip from Germany, Italy, Portugal or Romania, it would be possible to travel for a 72-hour trip. If the Deputy's amendment is adopted, citizens of those E.U. countries might question why they are at a disadvantage to their French neighbours. To date, the French nationals who have not checked in for their return ferry at the end of a day trip have been relocated quickly, owing to them only having been on the Island for a few hours. If the time period allowed for stays up to 72 hours then this would create added complexity to this area and would see a drain on Customs and Immigration resources in trying to maintain an effective control. The additional risks and complexity that would be introduced by expanding the scheme in this way would certainly require additional resource to manage, for example, if they were required to provide an outward-bound immigration control on all flights leaving Jersey. Members will be aware of the constrained position with regard to public finances that we currently face. If the scheme were to be expanded, the Jersey Customs and Immigration Service would not be able to manage within their current budgets and we cannot guarantee any additional resources. As the Minister responsible for that service, I cannot support something which would put the service in that position. I recognise the Deputy feels strongly that this is the right course of action to boost the Island's economy and deepen our links with our French neighbours. I do not have any issue with that and it is the right thing to do. That is why I am supporting 24-hour I.D. card travellers. Do not forget that the travellers who come on the I.D. cards are travelling mostly on the day-trip DFDS ferries. We know and can manage those and where they are coming from. There must be a balance to be found ... and the need for security and integrity of our borders, both for the safety and security of the Island and to uphold our responsibilities as members of the C.T.A. Let us make no bones about this, I am responsible for the safety and welfare of all Islanders. From my perspective, I am not satisfied that introducing this is manageable. I believe balance is achieved by maintaining the scheme as it exists and it remains with day-trippers. Also, I do feel that we have to consider not only our tourist industries but all of our other industries in relation to this. I fully accept that everybody says: "Push it and push it and push it until we get face to the wall and hope that nothing will happen." The Deputy is scowling, but I have had emails from members of the public who do not like the 24-hour I.D. card for French nationals. What I do not want to risk is that we lose the relationship with the U.K. and that jeopardises us being able to offer the 24-hour I.D. card scenario. We at the moment have, as I see, a win-win situation. If we do have any pushback, what happens to those who travel every day for business from our finance industry? I am asking the question and just putting it out there: do we want a hard border with the U.K.? Do we want people to have to have passports? We need to consider this when we make this decision. I am saying, from my perspective, as the Minister currently in charge of this, these are all of the things that I need to consider. I also need to consider the fact that, and I will talk more about this when it comes to the main proposition, we will be having E.T.A. What does E.T.A. do? E.T.A. is something we have to have a passport for in order to travel. That piece of information will indicate lots more information in relation to individuals than an I.D. card currently has. I will leave it at that for the moment.

11.2.3 Connétable K.C. Lewis of St. Saviour:

Several years ago I was a member of the British-Irish Parliamentary Association within the Common Travel Area. I thought it would be fun to see how far I could get with my driving licence. I got all the way to the Republic of Ireland. Coming back, I was stopped at immigration and they took away my driving licence and came back 5 minutes later and said: "Everything is all in order, Sir, I have just never seen one before." It was handed back and I was sent on my way. I am very tempted to support this amendment, as long as it does not damage our relationship with the U.K. I have made several inquiries that apparently you can travel from the Republic of Ireland to Northern Ireland on an E.U. I.D. card. However, travelling across to the U.K. mainland may be a different matter. There is a lot to unpick in this. I do not pretend to have scratched the surface on this. The principle of people coming from France for 72 hours is a good one, but I would like the nod from the U.K. authorities that it will not damage our relationship with the Common Travel Area. Excuse my ignorance but I am curious as to what happens with visiting yachts.

[16:15]

If they can come on I.D. cards or whether they need a full passport if they want to spend a few days here. I will leave it there and wait to listen to Members.

The Bailiff:

Thank you very much, Connétable. Mr. Attorney, I will assume you will put your light on when you feel able to advise the Assembly.

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

I rise really to talk in my previous role as the Minister for Justice and Home Affairs, and the person who indicated the *carte d'identité* scheme, and I have to say I totally support the current Minister for Justice and Home Affairs in her rejection of this amendment. It is a very tough path to navigate; I know how sensitive the situation is with the U.K. I agree that from an economic perspective this is a very attractive proposition. I will not repeat what the Minister has said but certainly it is my understanding - and I did work for Customs and Immigration for a number of years - it is not as easily manageable. The risk would be higher, much harder to enforce, and it would indeed require more enforcement resources. To my view, those resources are better spent on anti-smuggling activities rather than chasing overstayers. The risk also for me is about raising our head above the parapet here; so far above the parapet in respect of the U.K. When we were first considering this scheme in 2023 I went to the U.K. and I had an interesting conversation, shall we say, with the then Minister for Immigration, one Robert Jenrick. I was not asking for permission; I was advising the Minister that this was the course of action that we would be taking to change our immigration rules, but in so doing impressed upon him the very detailed understanding that we had of the risk of doing this, and also to explain in great detail the resources that we had in place in order to maintain the security of the border. Those are conversations that the Minister and her staff will also have had. If the U.K. were to insist upon passport checks at U.K. ports and airports there is a very real risk of disruption to Jersey citizens. Some people do not have a passport. What would we do for hospital visits for elderly people who maybe do not have passports and have to travel to Southampton? Also, not all U.K. airports are equipped with immigration control, which might severely restrict the air routes which we know are already in decline to the United Kingdom. My view of this amendment: we should absolutely not be taking further risks with our security at the border at this particular time. I think the 24-hour concession is adequate and I will not be supporting this amendment.

11.2.5 Deputy M. Tadier:

First of all, can I thank the Minister; I think she answered the point about Ireland so I do not think this is entirely black and white, but ultimately it is a political issue. I think she was right to make the point that when Members talk about the Republic of Ireland that is an E.U. country so I think any

comparison with Jersey is problematic. I do have some sympathy with the point that I think is trying to be made, which is to say that where you have a mixed border, if you like, so in Northern Ireland I think it is still possible for free travel to happen for Irish nationals across the border in the north and south. Let us maybe not get into that though; it is not necessarily the best starting point. I think the starting point for me about this is does Jersey have control over its borders or not? Does it physically have control over its borders? Do we know who is coming in and do we know who is coming out? I think the answer is yes, and I would hope that we have confidence in our Customs and Immigration service. I have certainly seen the great job that they do when I have been travelling, but also politically when we have looked at that area before on the Scrutiny Panel that I served on. So I have full confidence that they are up to the job and that they could cope with a new system, were we to make the political decision today about extending the rights for French nationals to stay a bit longer just travelling on I.D. cards. The Minister has been talking about day trips until now but that is not technically true, is it? The policy is that it is 24 hours, so it means that French visitors can stay overnight already if they travel on an I.D. card. Somebody who arrives into Jersey at 10.00 a.m. on a boat or presumably on a plane ... private flights and scheduled flights can still come into the airport, so a French person who wants to can come from Paris or Strausberg on a plane, or they can take a boat, arrive at 10.00 a.m. in Jersey which means they can stay until 10.00 a.m. the next day. We have already got that possibility of French people without a passport, with an I.D. card, staying overnight in the Island at some of our hotels, Airbnb, with friends, whatever it is, with twinning - because twinning is an important issue that we have not talked about yet and we need to get into that - they can already do that. So overnight travellers are already possible, why not have it for 2 or 3 nights? We have established the fact that French nationals can stay overnight on an I.D. card, why not let them stay a couple of nights, 3 nights? I do not accept this argument that we cannot have confidence in our own immigration service. I have full confidence in them. I think the real argument here is that we do not want to upset big brother; the big brother of course being the U.K. So the question here is do we have the ability to invoke this change of our free will or do we not? I think we have already been told that we do have the power to do that. It is a question of degree now, is it not, because we have already broken ranks with the norm in the U.K.? The U.K., as far as I know, does not let any E.U. countries travel without a passport, even for a day trip. Dover, Calais, whatever the possible routes from Paris through Eurostar; if they want to the U.K. could presumably allow that to happen. They do not do that so we are already different, we have already pushed the envelope. The point is now do we have the autonomy or do we not? I would question what is the point of all these royal charters that we have had? We have just had royal visits last year and every time the monarch comes over there is a reinforcement of the relationship between Jersey and the Crown. In recent debates we have heard about 1204, that magical date, and the renewal of the charters when Jersey, in return for its so-called loyalty, was given these privileges and rights which differ from the U.K. But effectively what we are doing here is the Assembly is saying: "No, we must not upset big brother, we do not really have those rights in reality." I think if we have the right to allow foreign nationals to travel on I.D. cards for up to 72 hours why do we not do it? Just see what happens. I do not accept these threats because we have already had a question today saying that the U.K. has not made any threats, the Minister for Justice and Home Affairs says she does not think that the U.K. would threaten a Crown Dependency. I do not think they would either. I think this is about doing what is good for our economy and good for our Islanders. I have just come back from a trip to Granville, which was work related because it was to do with the twinning arrangements that exist between St. Brelade and Granville, but this was a pétanque-related club. Every year we will either go to Granville or they will come here, and we have a bit of fun but there is an element of competition in that too. The first thing that the captain of their team said to me when I went to them on Friday, he took me aside and said: "Can you tell us what is going on with passports? Is there going to be any progress on the I.D. cards? Half of our club do have passports because some of them need to travel", that is a higher percentage than most French people, "but half of our club do not have passports. They would like to come to Jersey for more than a day, would like to spend a couple of nights in Jersey so that we can

socialise with you, spend a bit of money, visit the Island, we can have a competition and get to know the Island better; but we will not be able to do that if we are not allowed to.” I said: “Look, do not worry, there is a debate coming up and I will definitely make those points because I think Jersey has got the ability, it has certainly got the *vires* and I think the capability to do that.” I think the 24-hour scheme has been a success, we can commend Deputy Miles for that already, and I would prefer to hear a much more positive message coming from all Ministers saying that we are not just going to roll over to this perceived threat, which is probably not even real, from the U.K. We want to have a mature conversation, not as equals but certainly as 2 respected partners that can sit down around a table and say: “Trust us to do this. We will show you we can do it.” The U.K. should have no reason up until now to believe that we have not enforced our borders correctly and that we are any threat to the Common Travel Area. Something the Minister said earlier was that there would be a demand from other E.U. nationals to say: “Well, why are we not allowed to travel to Jersey I.D. cards?” if we extended it to more than 24 hours. But at the moment that demand could already exist, of course. There are people not just from France who are in St. Malo at any given point, there will be people from all over Europe and all over the world who may be visiting Paris and then come to visit the landing beaches in Normandy and then travel over to St. Malo. St. Malo is a really busy port. On a Sunday afternoon if you go to the walled town of St. Malo you will see it milling with life; different to St. Helier, I would suggest. I think we can learn a thing or 2 from that. Germans, Danish, whoever in St. Malo that may well want to come to Jersey, but I think they accept at the moment that it is only for ... and they have come over for just a day trip of course, so that does not apply to them. This idea that we should have the ability as legislators and as an Island to also continue that special relationship that we have with France and the regions of France is really important. We should not just be looking northwards. I am really disappointed and I would like to hear from the Minister for Sustainable Economic Development in all this, because I know that deep down - certainly from what he said in the past - he does not usually like to be dictated to by the U.K. as to what we should be doing. He also acknowledges the fact normally ... is he in the Assembly? I am not there today but I hope he will be there for the vote, and I hope that he speaks about where the balance lies in this because I think we need to be saying to our cousins in France: “You are most welcome here.” I would also say to Deputy Morel, as he has often mentioned it in the past, that we need to be saying strongly to the U.K.: “All this is a result of Brexit. Before Brexit we could welcome French visitors to our Island for as long as we wanted to with just an I.D. card. Brexit was your mess, it is the mess that you created, and we are already having to deal with the mess because we are not immune to that. It has had far-reaching implications for us, but this is one area which we do not have to accept the complete collateral damage for that mess. We are going to make this small step by saying ...” because we did not have a vote in Brexit, we do not have any M.P.s (Members of Parliament) in the U.K. Parliament, nor should we, but what we can say is that we do have our own autonomy, we do have those rights which have been conveyed to this Island over centuries. If only Jersey politicians who are elected to this Assembly had the courage and the foresight to make decisions which we are allowed to make, and say to the U.K. - not as a taunt to them - we are doing this for our own self-interests, then I think the U.K. would respect us more and our own people would respect us more. The business community who stand to benefit from this would respect us more, and our French cousins who want to come to Jersey and spend their money and time with us, they would respect us more. There is a counterargument here. I ask for Members to be courageous. I ask for the Constables in particular to really consider what this can do for their own twinning, and all those threats, the shroud-waving that I believe is being made by some Ministers is completely unfounded, and I ask Members to consider supporting both Deputy Ozouf and Deputy Bailhache in what they are trying to do here.

Deputy M.R. Le Hegarat:

I would like a point of clarification. I think the Deputy may have misled Members, Sir.

The Bailiff:

Deputy Tadier, will you give way for a point of clarification?

Deputy M. Tadier:

If I misled Members I would be keen to hear that.

Deputy M.R. Le Hegarat:

Firstly, overnight trips are not permitted. Also, it is only on the commercial ferries; those are the only elements to which people can travel in on a 24-hour I.D. card.

Deputy M. Tadier:

Can I make that clarification that has been sought?

The Bailiff:

Yes, please.

Deputy M. Tadier:

It is the Minister who talked about a 24-hour I.D. card, so it is either 24 hours or it is not. Presumably if you arrive here at 11.00 p.m. ... if you arrive here on a scheduled boat, because a boat can be delayed so it might get in at 11.00 p.m. you presumably have to stay overnight.

[16:30]

The other question I would then put back as clarification. just in finishing off this point, is we have absolutely no control over delays or cancellations. A boat arriving say at 9.00 a.m. in the morning, whether it is Manche Iles or DFDS, we know from experience that boats do get cancelled, especially when there is only one operator, and if passengers who are here on a day trip cannot get back to France what then happens? I would say that is a question I would like the Minister to address in her summing up.

The Bailiff:

The Minister is not going to be summing up this particular point because it is not her proposition, Deputy. Deputy Ozouf will be summing up.

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

I am pleased to follow Deputy Tadier's excellent speech. Deputy Tadier spoke of the vibrancy that we find if we travel across the water to St. Malo. It is certainly something that I know our Minister for Sustainable Economic Development is keen to see on our streets in St. Helier, and particularly in our restaurants and bars. I have to give an example; during the last sitting I enjoyed lunch with a colleague and we visited a restaurant which is a particular favourite of mine but I found that we were one of only 3 tables in that restaurant. It was a very sad sight to see and be reminded of the economic reality that we face, and those particularly running businesses in the Island are facing at this difficult time. So first and foremost in this argument, I do believe, is an absolute desire to bring some of that vibrancy back to our restaurants and our hotels in the Island by offering them a new market and a return to a market that was much loved and appreciated in the Island. Jersey has always based itself on its ability to be enterprising, to push boundaries, but to use our unique geographic location and our unique relationship with the Crown and our near neighbours, our cousins, particularly the Normans. This is absolutely what we are here to debate. We need to find a way forward. I believe that what is being offered is a balanced way forward. It is something that in this modern age we are absolutely able to offer safety barriers around it. Any person who did try to board a flight or leave the Island and enter another part of the Common Travel Area would have to board that flight using advanced passenger information. The carrier would be aware of exactly who that person was and they share that information with the appropriate services. Already we have one airline that travels to and from this Island and always demands to see photo I.D. of every single passenger. That is already

happening with one airline and it is something that would most likely happen with other airlines. It does not cause any difficulty or delay; it is a simple fact of life of travelling and observing the requirements of safety in the era in which we live. I am told also that at the private airport passengers they are not only asked for their photo I.D. but also they are required to have a photograph taken of them as they depart our Island, so there is an extra piece of security there. Of course without very much expense we can ensure that there are further checks and balances using information technology that is available to us. Of course people checking into hotels hand over their identification when they check in, and it is extremely easy to track and trace people nowadays. If there were found to be any particular additional costs that were required by our services, perhaps they could even apply to the Government's own economic productivity pot, the £20 million that has been provided to assist with I believe this very issue of finding economic growth in a time where there are increased costs, particularly derived by our need to increase wages to those who are working within each of those industries. I find, as someone who perhaps was born of a Welsh mother but born English, yet proud to be Jersey, that we can find a balanced way forward to use our unique position and *vive la difference*.

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

The last 2 speakers have very eloquently said most of the points that I wanted to raise but I want to emphasise what Deputy Tadier said, which is we have already broken ranks, this has already happened. We already are different from others, we already are asking for this exemption of having French nationals coming in on an I.D. card compared to other countries or going into the U.K. themselves. The former Minister for Justice and Home Affairs talked about when she visited the last Government - the Conservative Government's counterpart - to tell the counterpart what Jersey would like to do in breaking ranks and in doing something different. Talking about the importance of it being good for our economy, for our culture - like Deputy Tadier has talked about - our twinning associations. Not just our economy for our restaurants. like Deputy Moore was talking about, but also our hotels. This would then bring much needed support for our hotels because then we would have French nationals being able to spend a night or 2. We are constantly talking about our concerns with hotel beds and with our hotels going out of business and turning into one-bedroom flats, and this would be another way of being able to support our hoteliers and the hospitality industry. The former Minister for Justice and Home Affairs talked about how she presented this to the Conservative Government. It was disappointing to not hear from the current Minister how she is talking with the Labour Government and her current counterpart, and what they are talking about in relation to this proposal, not only the same as it is now but also potentially making it a little bit longer so it helps over a weekend or in the midweek when the hospitality economy may need it more. As we have seen from the Government in the U.K. they have started to renegotiate some elements of the Brexit agreement, so I think if they are allowed to be flexible why are we not allowed to also take that view when we see it for our economy and our concerns for the hospitality industry? The concerns that the Minister talked about and the risks about it being an increased risk of potential French nationals using it to go to the U.K., but is that not currently what could happen? You could have a French national who could come to Jersey and then go straight to the U.K. on the flight. I do not see the difference between it being a 72-hour issue where you suddenly go: "I think I will go to the U.K." versus if you are just in Jersey and use it as a way to carry on to the U.K. It is a deliberate decision by that person, I am assuming, to go to the U.K. and so this could happen whether it is within the current scheme or if it is a few days. My last point, which is something that Deputy Moore raised, is this need to leave Jersey with I.D. This happens already at the airport; I do not think it is just one carrier, I think it is most of them now. Of course those carriers could be asked to say a French I.D. should be checked if they are presented with a French I.D. going to the U.K., and say: "No, it has to be a passport." I can give you an example that just happened to me with DFDS. I handed them my British passport a few days ago going to France, with less than 6 months on it and I was told this was not allowed. So it was not an immigration person who looked at my passport and told me I was not able to travel on it; it was a DFDS employee. Luckily I have another passport and an I.D. card as well if anyone wants

to look at that, so I was able to still travel. But it shows that there are already checks and balances that are not just utilised by immigration officers, but the services that off-Islanders and others who go in and out of Jersey, they also check these I.D.s and they ask questions on them. Why can that not just be expanded so that we can also ultimately help our economy, help the hospitality industry, and help to support our culture carrying on with our links to France?

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

It is always a question of how do you start a speech, so I think I will start by saying there is no doubt in my mind, there is not a question, I wholeheartedly support Deputy Ozouf's amendment to Deputy Bailhache's proposition. But that said, I will not be voting for it. That is not due to some Ministerial whip or anything like this; it is because I prefer to live in the world of reality rather than the world of dreams. I will explain exactly how I have come to this perception, and I would like to take the Assembly through my thinking because I think this is how the Assembly should be approaching it. The Assembly's decision, at the end of the day, is the one that will carry. But I want to explain really where this all comes from. This is not a debate about Jersey's immigration controls. This is not a debate about Jersey's immigration and customs service and whether it can protect the Island and the U.K. Common Travel Area. It is not to debate about whether any States Member thinks that Jersey's immigration services are fit to do that job; there is no question in my mind they are absolutely fit to do the job. They are fit to protect our Island and even, in my view, with a 3-day scheme for the *carte d'identité* they would be able to protect this Island. The question is not what we think about our authorities in Jersey; the question is this entire debate is about what will the U.K. think about Jersey's ability to protect the Common Travel Area. That is the pertinent question because that is the question which matters. It is the U.K.'s perception that led to, I believe, Deputy Miles taking the approach that she took when she was speaking to the Minister in the past, which was one of quiet diplomacy and one of doing something without making a large amount of noise about it. The result was success on our part. We got this - at the time temporary - provision, where the U.K. was overlooking it perhaps, and we have extended that temporary provision now into its third year for this 24-hour system. What we are seeking to do now is ensure that is a permanent system; the 24-hour day trip is a permanent system. The reality of that 24-hour system is it is a day trip because you have to have a return ticket I believe on the same day and certainly if there is fog or bad weather then obviously Immigration will make the appropriate allowances to enable somebody to stay overnight if their boat is not going back that day, but they will keep a tight control of them. But in my opinion, the choice before us is similar to the choice you have in a card game of Pontoon, *vingt-et-un* perhaps in French, which is do you stick or do you twist. My opinion - and I say this as a Deputy, as an Islander, as well as a Minister - is that this is the time to stick and to bank the winnings that we already have. This is not, in my opinion, the time to twist and to gamble those winnings, because the result of twisting and losing will be that we will lose everything, that we will lose the 24 hours and we will never gain the 3 days. That is the possibility. On top of that - as Deputy Le Hegarat I think has said - we could lose access to the Common Travel Area in the process. So I think the consequences of twisting are so significantly high and detrimental to the Island that at this current period in time the right thing to do, in my opinion, is to stick with what we have got, to give it 2 or 3 more years of a successful system that protects Jersey and protects the Common Travel Area, and to make that one day *carte d'identité* situation the norm because, at the moment, as I have said, it is a temporary situation. If that becomes the norm, the rhetoric in the U.K. around immigration perhaps declines a little bit then we will be in a much stronger position in 2 or 3 years' time to push for 3 days, to go ahead with 3 days.

[16:45]

But right now if anyone in this Assembly thinks that the discussion in the U.K. ... I think Deputy Tadier mentioned a mature conversation about immigration. I have yet to see in the last 8 or 9 years since the Brexit referendum a mature conversation in the U.K. about immigration. There is no mature conversation, in my opinion, in the U.K. about immigration. It is entirely sensationalist, it is entirely

emotional; it is very far from rational. That is one of the reasons why I personally am not willing to gamble what we have and what we can bank on the hope of what would be a much better future. Do not get me wrong. the advantages of the 3-day system would be wonderful, would be huge. People in France would be delighted and there would be more tourism, there would be more benefit to the hospitality sector. But that said, if we gamble, if we twist, if we lose the access to the Common Travel Area as a result, the massive hit to tourism from the loss of U.K. tourists would be far greater than a benefit of the number of tourists we would gain from France for the 3-day situation. That is why, while I wholeheartedly support ... I want this Island to push the boundaries because, as I think Deputy Tadier said, the U.K. put us in this situation. We did not choose this situation. But if we are to deal with it properly then there is no point closing our eyes and dreaming of a perfect future - everyone in this Assembly can close their eyes and dream of a perfect future - but the moment you open your eyes you are forced back into what is and will always be an eternally imperfect world. We have to carefully think our way past this. While we still only have a temporary one-day I.D. card situation, jumping now to 3 days I believe could imperil that one day. I see Deputy Ozouf kind of sigh, and I understand. It is not something I want. I want 3 days. I want a week. I want to go back to the way we were before. I want to be able to have free movement in the E.U. These are things that I personally want but no matter how much I dream of those things they are not going to become a reality today. What I am asking the Assembly to do is to realise that what Deputy Ozouf is asking is a gamble. It is at its heart a gamble. If the Assembly is willing to take that gamble, fine, and maybe it will come off. Gambles can. Sometimes you twist on 20 and you get that ace and you are on 21. Sometimes that happens. But in my view, at this moment, I do not think the odds are particularly with us on this one. I think the odds are quite strongly against us and I take the signals from that around the lack of rationality in the U.K. on matters of immigration. The discussion is not rational. The discussion all the way through Brexit completely ignored the economic value of immigration to the U.K. The fact that since Brexit immigration has increased to the U.K. showed that nobody at the time was talking rationally about immigration in the U.K. and that Brexit was never going to be a solution to immigration in the U.K. But that is not for this Assembly. What this Assembly has to do is try to judge whether we think the gamble is worth it. I will reiterate, the gamble is this: we can go with Deputy Ozouf's amendment and we could succeed and we could end up with French visitors here for 3 days of the week on their I.D. cards and we could remain in the Common Travel Area to the U.K. But how likely is that, given the headlines we see about immigration in the U.K.? The fact that you have a Labour leader whose constant concern is immigration and trying to make sure he does not lose any more votes to Reform U.K. because he is seen to be weak on immigration. While he knows rationally that immigration is absolutely vital to the U.K. economy - he knows that - but he is scared to say that because he knows what the tenor of the conversation is in the U.K. So we can go with Deputy Ozouf; it is a gamble. It could pay off. We could end up all winners. But my personal opinion - not particularly as a Minister but as someone who is looking at the situation - is that the potential loss of that one day and then, even further, the potential loss of the access to the Common Travel Area, are probably more likely than us gaining the 3 days. I am not willing to lose that 24 hours. I am not willing to lose the Common Travel Area right now. It is for that reason that I am sticking with what I believe is the reality of the situation rather than the dream of a utopia which we probably cannot achieve right now, but maybe in 2 or 3 years' time we will be able to when the U.K. has calmed down on its concerns about immigration.

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

I do not have too much to add to what the Minister for Sustainable Economic Development was saying. I think we need to be clear about some of the aspirations that are informing supporters or potential supporters of this amendment. Firstly, tourism; I would absolutely love all the restaurants and hotels in Jersey to be absolutely heaving with tourists, and I do not know why we are just thinking of French tourists. It strikes me that we have got another jurisdiction in Guernsey which does not have any of these problems, and we do not aspire to bring more people from Guernsey over to fill

our hotels. Maybe it is a thing about Jersey, that we very much want to emphasise the traditions that we have with France rather than some of the practicalities. If we really want to get people over maybe we should start marketing towards Guernsey more.

Deputy M. Tadier:

Would the Minister give way for a point of clarification?

Deputy M.R. Scott:

Sure.

Deputy M. Tadier:

How would people get over from Guernsey to Jersey given that there are not any boats? **[Laughter]**

Deputy M.R. Scott:

It is not for me to comment on the current ferry arrangements but I do accept that there is a practical difficulty with that at the moment, also indeed that there have been observations on the ferry service to France. But if you do not mind I will not go there. The other thing that I think we are talking about is the relationship with the U.K., so not just the relationship we have with France, and I know many of us are very fond of people in France and France generally. The thing that I thought first when I was thinking about this amendment was an oath, and I know I might be associated with oaths but we all took one. We all took an oath to be faithful and bear allegiance to His Majesty King Charles III and that we will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomever may wish to infringe the same. So when I am reading this I am thinking: "Okay, I am hearing on one hand we have got the right to open our borders to whoever we like, or should. On the other hand that we may lose something for this Island in the form of a Common Travel Area that is really quite important, not just to tourism but also to our finance industry." That is what I have to consider under my oath, and I do not believe that there is much of a contest, to be perfectly honest. I also think that when it comes to just discussing some of the actual risks that go along with having secured the one day - with the help of a lot of hard work of the former Minister and government officers - that there is something we need to think about in our own community even doing this, and it is the lack of mutuality with France. We all have people saying why are the French not doing this for us. So I think one day sounds good to me; I am going to vote to reject this amendment.

11.2.10 Connétable M.A. Labey of Grouville:

This evening at 7.00 p.m. in Grouville Parish Hall I will be chairing the Jersey Normandy Games Association. Two years ago we competed in this competition, the Jumelage Games, as it is called, and I am not at all smug to say that Grouville won it. I will keep that to myself. But most of the members of these twinning associations indeed have passports because they know they are going to be travelling to and from the Island. However, I will ask the associations this evening - there are 8 Parishes taking part on 28th June - how this may affect some of their members. I too am concerned about the loss of hospitality. I was just doing a sum in my head. I believe that in my father's and mother's generation there were about 10 hotels and guesthouses in the Parish in the Royal Bay of Grouville; now there are 2. Yes, I am concerned about that, but we had a very long and protracted conversation around the table at my Scrutiny Panel - the panel that scrutinises the Home Affairs Department - and I came to the conclusion and I too agree with the Minister for Sustainable Economic Development that this is too much at the wrong time. I think this is a gamble that we cannot afford to take and I will not be voting for this amendment.

11.2.11 Deputy P.M. Bailhache:

That was a surprisingly and disappointingly jelly-like speech that the Members have heard from Deputy Morel. I am sorry he is not in the Chamber but I hope he is listening to what I am saying. I

think Deputy Ozouf has made a powerful case for amending my proposition. I drew attention in my report and my opening remarks to the position of Ireland. A Frenchman can lawfully travel to Ireland on his identity card and stay there for weeks, months even, without doing anything wrong. In Ireland he is in the C.T.A., just as if he were in Jersey. Deputy Ozouf's amendment is seeking something which is, comparatively speaking, very modest. He is asking for a concession lasting not for weeks or months but for 72 hours; a weekend. That would obviously be very beneficial for our hoteliers, restaurateurs and shopkeepers. If day trippers can bring in £4.5 million a year, weekenders could presumably bring in at least twice that; £9 million or £10 million. In terms of the length of stay, it is a blink of an eye compared to the position of the hypothetical Frenchman in Ireland. Why can we not benefit our business community, but especially hoteliers, in that way? We talk constantly about supporting our tourism industry. Here is an opportunity to do something about it and act on it. I listened carefully to the Chief Minister - I am sorry he is not here - at a recent conference organised by the Jersey Hospitality Association, and I am sure that he can see the strength of the argument. It is a question of balance, and I can understand the nervousness of the Minister and her officials. If 72 hours, why not a week? If a week, why not a fortnight? But we must take each proposal on its merits. The longer a Frenchman stays in Jersey under this concession the more difficult it is to keep tabs on him; I accept that. But I do not accept that 72 hours is any more difficult to manage than 24 hours, or that it substantially increases or extends the risk. We have - as many Members have said - a highly competent immigration service. The arrangement with the ferry company requires the traveller to have a return ticket. Whether that return is on a Friday or on a Sunday seems to me completely immaterial. It can be monitored in just the same way. If the traveller did not present himself on the Sunday he would be committing an offence and would be liable to arrest. No sensible person wants to get himself into that position.

[17:00]

The likelihood of a French person deliberately using this concession to avoid the U.K.'s immigration framework is so remote that I think it can be dismissed. Why would a person use Jersey in that way? He would, after 72 hours, be identified and be a wanted man. If he used Ireland, he could slip quietly into Northern Ireland and then into England without any alarm being raised, because it is not monitored in the same way as it is in Jersey. Of course there are intelligence-led controls, but that is not the same thing as the practical administrative measures that we take in Jersey. When the Minister writes in her comments paper of more resources being required and the risks of additional checks being put in place for travel to the U.K., she thinks the lady doth protest too much. The truth is that she really does not want any concession at all. She is wearing a police officer's cap and would much prefer everyone to have to use a passport and get an E.T.A., and I understand that reaction. For half my working life I was a law enforcement official. Of course officials prefer that the law is observed and that no concessions are in place at all. It is of course the position of the Home Office. Naturally, they do not want any concessions to be made. But not wanting something is not a justification for taking drastic action to create a hard border between Jersey and the U.K. The likelihood of that happening on the basis of the current scheme, even if extended to 72 hours, seems to me close to zero. I say that as a former Minister for External Relations. It is close to zero because it would be an unreasonable stance by the United Kingdom. I do not believe that the United Kingdom Government would take an unreasonable stance. Furthermore, if they had very serious concerns about it, the Island would be put on notice. So a hard border is not going to happen overnight. I do not believe that the United Kingdom Government would take an unreasonable stance. Particularly, I may say, because of the Irish position. Members should not be frightened by scaremongering talk of repercussions. We have a right to extend our scheme and we should not be frightened of our shadows. If we take a balanced approach, which is what the Minister is inviting us to do, and we look at the other side of the equation and the huge benefits to our tourism industry, the difference between 24 hours and 72 hours is really not worth agonising about. I would add that this is a request to the Minister to extend the existing scheme, which has worked flawlessly for 2 years or more. It is

a request to extend the scheme by 48 hours. I think the Assembly should make that request. If the Minister feels that she needs to wait until the E.T.A. is operational and she can be entirely satisfied then that there are no additional problems, then so far as I am concerned, that is fine. That is her prerogative. That is a matter for the Minister and that is the reality, which I think Deputy Morel should bear in mind. The reality is that the Minister is being asked to consider an extension to the scheme, which many Members believe is reasonable and proper. Deputy Ozouf's amendment makes sense. I wish I had thought of it myself, and I hope that Members will support it.

11.2.12 Deputy J. Renouf of St. Brelade:

It has been a very, very interesting debate, and I would come down on this side. I think we all like to be buccaneering and to stand up to the U.K. and assert our right to take independent actions and show our entrepreneurial spirit and all those other things that have been mentioned. We all do in our hearts. But these are visceral pleasures that must be balanced soberly against the risks. What we have in theory in terms of our powers does not mean it is wise to use them to push to the limits. We have already stretched the system and a bespoke system has been created for us. It does not seem to me that means we should go on pushing the system too far. There are clearly risks in extending, and I think it was unwise for the proposer of the amendment in his report to say that there are no new risks. There will be, for example, a lot more people to keep track of. That is obvious, and it is logistically more difficult for that reason alone. So we have the present and former Ministers for Justice and Home Affairs and the Minister for Sustainable Economic Development all strongly urging us against this amendment, despite the desire they might have to extend these privileges. We have been told very clearly that it will cost more money to administer, it will be more administratively complex, and it will create tensions with the U.K. because, while, yes, we have the power to do things, they also have the absolute power to respond in their own interests. As the Minister for Sustainable Economic Development says, immigration is a hot-button topic in the U.K. Deputy Bailhache thinks the U.K. Government would not take an unreasonable approach, but we have been told very clearly that the U.K. Government are not happy with the idea of this extension, so the question of whether we perceive it to be reasonable or unreasonable does not apply. I think the amendment before us requires us to take a balanced approach, and I think the Minister and the Government have got that balance right.

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

I am not going to say a great deal, and I was not intending to speak, but Deputy Bailhache has used a word which has motivated me to say something, and that word is "scaremongering". The Minister for Justice and Home Affairs, the previous Minister for Justice and Home Affairs, and the Minister for Sustainable Economic Development have all put forward very reasoned, rational arguments as to why we should not adopt Deputy Ozouf's amendment. The last time I am sure you will all recall the word "scaremongering" was used very lavishly was during the Brexit debate, and it was used by those who supported Brexit. It was just scaremongering. All those genuine, valid concerns were scaremongering, project fear, do not have to worry about it. It was just scaremongering. How many of those warnings have come to pass? I think we need to be very, very careful about the decision we make today.

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

I am not really quite sure how to intervene in this debate. We have had gamblers, we have had scaremongers, or non-scaremongers, and we have had a scheme referred to as a 24-hour scheme. Perhaps I will start by correcting the record. The current scheme that was very skilfully introduced by the former Minister for Justice and Home Affairs is a day-tripper scheme. French nationals who wish to avail themselves of the day-tripper scheme under an I.D. card rather than a passport have to have a ticket to arrive on the ferry, only on the ferry, not on aircraft, not on private yachts. If you are coming on a private yacht, you still have to have a passport. So, on a ferry, that ferry company has

to have an M.O.U. with the Minister for Justice and Home Affairs, officials, or maybe directly, I am not sure. They have to have a return ticket on that ferry for the same day. It is not a 24-hour scheme, it is a day-tripper scheme. That of course may or may not change Members' perceptions, because is there so much more risk between a day-tripper scheme and a 72-hour scheme? That really is what this debate has been about, which to some extent is unfortunate, because I think that the previous Minister and the current Minister show that they are using their rights and privileges and the autonomies, that Jersey is rightly proud of, well. Because they did decide that, in managing our borders and remaining within the C.T.A., they could develop a scheme which allowed, unlike elsewhere, the use of national identity cards. They were able to put in place or strengthen the protections and the oversights at the borders to make sure that scheme could not be under threat or challenged, because we were performing our obligations in such a way that meant that we could not be challenged around the membership of the C.T.A. That was at the heart of what the previous Minister did, and it is at the heart of what the current Minister, let us just remind ourselves, is going to do in making this scheme permanent, despite the changes that will be made at the border system with all of the new technology that is coming in. So this really is not a day that we should be arguing with each other and criticising each other. It is a day that we should think, do you know what, Jersey can be proud of how it exercises its power under rights and charters and how it uses its autonomy positively for its economy, but also with the best of governance. So I do not feel perhaps some of the sentiment that some have mentioned during this debate and, to some extent, some of the arguments in favour of a 72 extension have been premised upon the fact that the Republic of Ireland, which is a member of the European Union, and therefore has itself to seek to manage 2 contradictory systems, one system the C.T.A., which requires a passport to enter across the border, and the E.U. system that says that the standard required of evidence to gain an I.D. card is sufficient. It has to manage both of those systems. Let us be honest, the Belfast Agreement meant that both Northern Ireland and the U.K. Government and the Republic of Ireland had to put in place and remove a hard border between Northern Ireland and the Republic of Ireland, and of course that has been further strengthened or weakened or blurred, depending on how you look at it, with the Windsor Framework Agreement. But as the Minister reminded us, E.U. citizens cannot travel to Northern Ireland on their I.D. card. They can travel within the E.U., of which the Republic of Ireland is a member state, on their I.D. card. Of course, as Deputy Bailhache said, there are not, however, the same checks that we have in the Port of St. Helier and in the Port of St. Peter for people entering and leaving their border. Of course there are not, for all the reasons that we know. It is a much more intelligence-led approach, as the Minister reminded us. But it is not legal. Those nationals would find themselves illegally in Northern Ireland and they would have to suffer those consequences.

[17:15]

For my part, and I think many Members feel the same, they see the success of the current system and the work the current Minister is now doing on that. They know that the pressure on borders is ... although the Minister for Sustainable Economic Development said there is no sensible commentary being made around immigration in the U.K. for the last I do not know how many years, we are seeing that sort of commentary right across Europe and in the U.S. (United States) and elsewhere. We know that that is leading countries, it is leading the E.U., to put a new electronic system in place at their border. It is leading the U.K. to put a new system across the C.T.A. We will have to manage all of that and I have no doubt the Minister will manage that well. But, for most Members here, in our heart of hearts, would we like to be able to extend that day-tripper scheme? I think the answer is yes. We heard it really quite powerfully from the Minister for Sustainable Economic Development. Not every Member of course, because some Members, their job is to think solely about the security of our border and that is the job we have asked them to do, that is the job we appoint them to do. Let us just remind ourselves of what the previous Minister did. She did not come along and say this is the scheme, that is it. She said we are going to carefully consider how we can implement the scheme on a pilot basis and then review the data, see what had happened to those individuals that were using

the scheme and carefully be evidence-led with the data of those that were using the scheme. I do not see, and I of course have to support the Minister for Justice and Home Affairs because it is her responsibility to keep the borders safe. But as have I, like the previous Minister, spoken to the U.K. about how well our system is working and how our system should be continued, despite the new border systems being put in place, and how we believe that we protect the C.T.A. and the security of the C.T.A. and how we could extend it. Of course I have. As I have spoken to French counterparts about it, but that is diplomacy. That is not quite the same piece of work that security involves. I, of course, stand absolutely ready to support the Minister in any conversations that she might wish to have going forward, or not, as the case may be. But it seems to me that the current Minister and the previous Minister were very strongly of the view that we should at this point maintain the current system and support Deputy Bailhache's proposal unamended. I would rather we did that but give an indication to Ministers that Members would like us to explore what was possible going forward, because the maintenance of our membership of the C.T.A. is incredibly important and we are back to the risk taking. It is not being afraid of our shadows, it is showing and being able to stand up straight in front of any Minister anywhere and any official anywhere and being able to answer their doubts and their concerns and prove with evidence that we have acted competently. In lots of cases, I believe that what we do in Jersey here is more competent than we see in larger countries. So I think we can stand tall in that regard but do it with evidence and make our case and explain carefully, if in due course that is something that we want to work on for all the reasons that Members have said, then that is the route that we should take and not just simply accept the amendment today. For the reasons that not only the current Minister said, but the former Minister as well.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment, I close the debate and call upon Deputy Ozouf to respond.

11.2.15 Deputy P.F.C. Ozouf:

It is very difficult to speak in this Assembly as a former Minister for External Relations, having done the job of the individual that has just spoken, and his predecessor, and I do not want to ventilate what happens in Councils of Ministers, but there are tensions. There are tensions. The job of the Minister for External Relations - and the Chief Minister has come back in the Assembly - is concurrent with the Chief Minister. That means that the Chief Minister can step in at any time. To suggest that a proposal to carefully allow an extension of our right ... let there be no doubt at all, I think we have established one thing in the debate this afternoon, Jersey has the right to do this. So we understand that. We have the right. We can do it. But we have the responsibility to do it properly. When the Government that I formed part of came into office in June 2022 all I will say is this, I was faced with an enormous amount of pressure to try to find a solution to increase our French visitors; enormous. I had an enormous opposition to doing anything about French I.D. cards. Now something happened, Members know, I was out of office. All I know is what I can say to Members, with the oath of office that we take as Members of the States, that I made sure that everybody that I spoke to at the highest levels - one never talks about diplomacy - at the highest levels in the U.K. and France, including diplomats, were aware of the possibility that Jersey would extend a scheme to allow French I.D. cards. Now that is all I am going to say but I think Members can read between the lines. Now, is it really now the case that somehow history can be rewritten and today, with a Labour Party that is trying to get more benefits with France, and Jersey being this unique place that does things properly and responsibly but does have red lines, cannot do responsibly a scheme for 72-hour visits to the Island with French I.D. cards. I do not understand how it is the case that we suddenly have got to a situation where this Assembly will take, on the word of a Minister, that somehow the U.K. is going to put in place a border control if we do this. I have heard all this shroud-waving before and the U.K. is going to do beneficial ownership. I ask the current Council of Ministers, whose side are they on?

To Deputy Renouf, I am not being a buccaneer or whoever said that I was a buccaneer, that is just sort of gambling away, that is what they do in other overseas territories. We do not do gambling, online gambling here. We are responsible and we treat our laws and privileges with the utmost respect. If any Member, and I have not heard anything, not from the Minister who spoke, the Minister for Sustainable Economic Development has explained to me in words that I can understand, because I can only speak to them in this place, what the risk is of extending, and even Members were confused. There was some understanding that the scheme was overnight. No, no visitor with a French I.D., which by the way is a very secure document, it is a very good document, it is the I.D. scheme that the French National used to identify those people. It has got biometric testing, it is not just a piece of paper with your name on it, it is really clear and the amount of non-compliance of French I.D. cards ... I did lots of research like somebody like me does about non-compliance with French I.D. cards and whether or not it was a valid document. I am not saying it is a French passport, I am saying a French I.D. card that has got biometrics in it and all sorts of checks in it. So, people with a French I.D. can come to Jersey and, when they book on their ferry, because there are not any airlines unfortunately, they have to have the return journey on the ticket. Okay, it is going to change from not the same day, to 2 days. We all use A.I. now, I think that is quite relevant. I am sure Customs and Immigration, who are very good at all sorts of things, and I commend them in the report that I put, that they have not had a single ... there has been no non-conformist, I compliment them. Razor-sharp, our Customs and Immigration. I know they are, they are brilliant. Really it is a political statement to say, because there has been no evidence put before Members to say that it is what it is, that the 72-hour scheme, which undoubtedly there was a lot of opposition within - I will not go into things - but there was a lot of opposition to the scheme being brought in. But that is why you need a Minister for External Relations that is fairly activist and push those things a bit. But when the situation with Ireland was made clear, it kind of changed the debate a bit; that is all I will say. But really it is a scheme that we wanted and I got into trouble by saying I thought it should be done at the time when we had no French visitors. The scheme has been seen as absolutely flawless and brilliant. Counted in and counted out. You have got to have a return ticket and you are counted back in. That has seen a very welcome amount of visitors to Jersey, but only on a day trip. They are not allowed to stay overnight. Now, I say to the Constables who, with all their twin Parishes, have they asked any of their local mayors what they think about this? I just wonder whether or not they have met any of the residents of France who love to come to twinning weekends and come to the Jeux or whatever it is they are doing, or their Pétanque or whatever it is. Do they think they are not law-abiding French people from Avranches or Villedieu-les-Poêles or whatever it is? Of course not. I am not suggesting and I am requesting the Minister to do something, if she wants to do it incrementally, 24 hours first and 48 hours next, that is fine. But I am wanting the Minister to do something that is going to be differentiating for Jersey and make a marked difference for economic value to Jersey. The Minister for Sustainable Economic Development, which the Chief Minister himself discharged for 3 terms or 2 terms, I think if we now live in a world where effectively one Minister is told: "No, you cannot do that because you are going to get a border in, you are going to have passports between Jersey and the U.K." If that is what the Council of Ministers operates at level, if that is the kind of debate that we are dealing with, putting in place a border with the U.K. would be a constitutional violation, it would be a constitutional crisis. We would have to get you involved. Really, would we do anything that would even come near to risking that? Of course not. We are dealing with French people who do not have a passport, who want to come to Jersey for a weekend, who are going to be counted in and counted out with all of the checks and balances that are there. I just ask Members to really think about, have they heard anything in chucking out Deputy Ozouf's proposal that is not buccaneering, that is absolutely sensible, and that used to be in operation for years by the way, and the political situation with Robert Jenrick or the U.K. things. All very well but that is not here. We have to look after Jersey and our oath of office is to Jersey and the Jersey economy. We will benefit our tourism economy, who are in desperate situations at the moment, by basically allowing overnight stays of French people with French I.D. cards, which is a valid document. I am sure that our brilliant Customs

and Immigration and the Minister for Sustainable Economic Development, if they really need to invest in some I.T. (information technology) systems with some A.I. help ... these people are going to have a French I.D. card, they are going to be asked in a hotel for booking.

[17:30]

I can build a system, I was an internal auditor once, so I can build a system if the Minister wants to make it pretty clear about how it can work. Okay, if you have an overnight stay, you have to say where your hotel is. You have to say X, Y and Z. Where there is a will. If we are a cannot do Assembly these days, which basically has shroud-waving of things that are just not the case, that is one thing will lead to another. Voting in favour of a request to ask the Minister nicely after a debate and all of the economy thing. It is not a decision, it is a request to the Minister to see whether she can extend the existing scheme for up to 72 hours. Now, I do not think that a vote in favour of that is a constitutional buccaneering violation that is going to cause a disruption with U.K. Ministers, all the rest of it. I am sorry, but I have met most of the members of the Shadow Cabinet and I wanted to ask the Ministers, but they have not really spoken, who is it that threatened this, if they have? Because I do not believe them. They have not said who it is or whether or not it exists. So we are dealing with falsehoods and I would have preferred a much thoughtful evidence-based approach on what is absolutely for ... Jersey is highly regarded in London, we have red lines like beneficial ownership registers and things like that, and we are responsible and proper. We are not going to put our local people at any sort of risk that is disproportionate to the economic benefit or whatever. You could say that maybe cannabis is more risky to the Minister for Sustainable Economic Development than doing this. It is about risk. If you do not want any risk you say no to everything, we would have no border. Well that is not realistic, we are Jersey, we are not the U.K. I have been the Minister for External Relations, the former Minister for External Relations has spoken. I know that former Justice Ministers believe things that they are told by the U.K. and maybe Mr. Jenrick did not like it, but the fact is we can make this decision. It is a reasonable request and our tourism industry is really a problem. We have heard lots of problems about it, we are seeing hotels falling and I would have thought that Jersey can use its trust and collaboration and respectful position to make something that is modest, can be monitored. I thought we were a can-do welcoming island, not an absolute risk-averse place that just says no to everything. I do not believe that is the case. I said to Deputy Bailhache that I would bring my amendment and I agreed with him that he should not. I asked Deputy Bailhache not to accept my amendment even if he thought it was a good idea because we needed a separate debate because it might help his proposal to get through. I now understand the sense in that because I think there might have been a sense that there might have been official capture whereby the sensible completely no-risk scheme, because it is monitored so well, would have been put in jeopardy. It should not, it must not, and I really urge Members, it is a request, we can do it, it can be monitored and I think we can be better than the shroud-waving of basically having a border control with the U.K. So I urge Members, particularly the Constables, to send a request to the Minister to do something on the basis that it is a very modest extension to something, and I ask Members to consider the risks of the Republic of Ireland versus Jersey with counting them in and out with all the rest of it, and all the controls that we can put in place to do that, which will benefit our hotel industries in every Parish, in every constituency in the Island. I move my amendment.

The Bailiff:

Do you call for the appel? The appel is called for. I invite Members to return to their seats. The vote is on Deputy Ozouf's amendment and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The amendment has been defeated.

Pour: 14		Contre: 32	Abstained: 1
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Connétable of St. Helier		Connétable of St. Lawrence	Deputy R.S. Kovacs
Connétable of St. Clement		Connétable of St. Brelade	
Connétable of St. Saviour		Connétable of Trinity	
Deputy M. Tadier		Connétable of St. Peter	
Deputy L.M.C. Doublet		Connétable of St. Martin	
Deputy I. Gardiner		Connétable of St. John	
Deputy K.L. Moore		Connétable of Grouville	
Deputy P.F.C. Ozouf		Connétable of St. Ouen	
Deputy Sir P.M. Bailhache		Connétable of St. Mary	
Deputy D.J. Warr		Deputy G.P. Southern	
Deputy H.L. Jeune		Deputy C.F. Labey	
Deputy A.F. Curtis		Deputy S.G. Luce	
Deputy B. Ward		Deputy K.F. Morel	
Deputy M.B. Andrews		Deputy M.R. Le Hegarat	
		Deputy S.M. Ahier	
		Deputy R.J. Ward	
		Deputy I.J. Gorst	
		Deputy L.J. Farnham	
		Deputy S.Y. Mézec	
		Deputy T.A. Coles	
		Deputy B.B. de S.V.M. Porée	
		Deputy H.M. Miles	
		Deputy M.R. Scott	
		Deputy J. Renouf	
		Deputy C.D. Curtis	
		Deputy L.V. Feltham	
		Deputy R.E. Binet	
		Deputy M.E. Millar	
		Deputy A. Howell	
		Deputy T.J.A. Binet	

		Deputy M.R. Ferey		
		Deputy L.K.F. Stephenson		

Deputy P.F.C. Ozouf:

I propose the adjournment, Sir.

The Bailiff:

The adjournment is proposed. The Assembly will stand adjourned until 9.30 a.m. tomorrow morning. Could I remind Members that in 10 minutes we reconvene for a C.P.A. A.G.M., and I know no one will want to miss that.

ADJOURNMENT

[17:37]