

2025.02.04

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding corporate manslaughter (OQ.31/2025):

Will the Minister detail why Jersey has not introduced specific legislation to regulate corporate manslaughter, particularly given its adoption in other jurisdictions?

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

Work began on corporate manslaughter in 2023 to develop a domestic offence broadly in line with the U.K. Government Corporate Manslaughter and Corporate Homicide Act 2007, with improvements based on lessons learned from case law. A set of initial instructions was developed in September 2023 but there were still some outstanding questions, including how to address small jurisdiction issues such as where an offending organisation may be a monopoly service provider or the local arm of a larger organisation headquartered in other jurisdictions. Officers then moved to joint working with legal advisers to address those questions. However, since early 2024, resources have been redirected to meet the commitment of this Government to progress all recommendations of the taskforce on violence against women and girls, which has required me to deprioritise other work, including the development of the corporate manslaughter law.

[10:15]

Therefore, it will not be brought to this Assembly within this term.

4.4.1 Deputy H.L. Jeune:

Does the Minister believe that existing legislation in Jersey sufficiently addresses corporate accountability for fatalities?

Deputy M.L. Le Hegarat:

There is actually other legislation and I can never ... it has gone off the top of my head in relation to what it is called but it is common law. However, that is not really quite as sufficient as a corporate manslaughter law would be because it is very - how can I put it - finite in what it would capture.

4.4.2 Deputy J. Renouf of St. Brelade:

The Minister has said that the work has been deprioritised because of work on the violence against women and girls work. Can she say what legislation has been paused; give the Assembly a list of what legislation has been paused in order to prioritise that work and indeed what other work has been given priority? In other words, a list of the priorities and things that have been deprioritised so we can understand what work is actually underway.

The Bailiff:

Firstly, thank you for the contribution to the fighting fund. Secondly, I am afraid that question really takes us outside the parameters of corporate manslaughter unless it is limited to corporate manslaughter.

Deputy J. Renouf:

I thought that if the answer given raised issues that you could follow up with a question on those.

The Bailiff:

It has to be reasonably tied to the original question otherwise it is not a supplementary question for the original question otherwise one could end up potentially down a rabbit hole. I am not suggesting that in this case. Did you wish to link your question to corporate manslaughter?

Deputy J. Renouf:

No, Sir.

4.4.3 Deputy H.L. Jeune:

It is very disappointing to hear from the Minister that she has de-prioritised such important work because in the U.K. when it justified the introduction of corporate manslaughter law it was due to create a framework for prosecuting organisations rather than individuals when serious management failures led to fatalities. Why does the Minister believe this does not qualify in Jersey, especially due to recent events?

Deputy M.L. Le Hegarat:

I think the Deputy has actually misquoted what I said. I did not say that it was not important because it is exceptionally important, and I fully understand what she is saying in relation to corporate manslaughter. But of course, corporate manslaughter is not a magic solution to hold people accountable necessarily for deaths. It is directed at a company, not a person, so it can only result in a fine. If that fine is sufficiently large, it can therefore put a company out of business. But it goes no further than current law to directly penalise the guilty person behind any negligent death. Obviously, there can be things that are made in relation to remunerable work in relation to that company, but it does not actually hold an individual to account in those circumstances.