

2.9 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding Jersey's Sex Offender's legislation:

Further to the U.K. Supreme Court's judgment that up to 1,200 sex offenders may have their names removed from the Sex Offenders Register after 3 years to comply with the European Convention on Human Rights, is the Minister satisfied that Jersey's Sex Offenders' legislation is sufficiently robust and, if not, what action does he propose to take?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I understand that the question relates to the case of *R and Thompson v The Home Secretary*, which was a case on 21st April 2010. The issue there relates to people being subject to notification requirements for an indefinite period. That judgment, of course, occurred after the States passed the Sex Offenders (Jersey) Law and no doubt led to the advice received from the Ministry of Justice. This was acted on in the recently passed amendments to the Sex Offenders Law by giving the Attorney General the right to make an application in order to have people's names removed from notification requirements and it is understood that he has a duty under the Human Rights Law to consider cases actively.

2.9.1 Deputy K.C. Lewis:

I thank the Minister for his reply. Is the Minister also aware that there is a loophole, especially in the U.K. where sex offenders can avoid staying on a Sex Offenders Register by the simple device of changing their name by Deed Poll? Does the Minister agree that this loophole must be closed immediately?

Senator B.I. Le Marquand:

I do not have the Sex Offenders Law in front of me, but it is my understanding that there is a provision in the Jersey Legislation, which requires a person to notify whatever name they are currently going under. So, a change by Deed Pole or indeed an alias that was being used, as my memory goes, would be covered under that.

2.9.2 Deputy M. Tadier:

Would the Minister confirm that nobody will be removed from the list while they still represent a significant risk?

Senator B.I. Le Marquand:

The court, in order to remove somebody from the list, would have to be satisfied that they did not represent a sufficient risk. So there is a proper safeguard.

2.9.3 Deputy K.C. Lewis:

I was just going to expand on the last question. People who commit serious sexual offences, especially against children, should remain on the sex offenders list for life. Does the Minister not agree?

Senator B.I. Le Marquand:

If they continue to represent a sufficient risk. That was the effect of the legislation, which we passed recently. There needs to be a proper process of assessment of the continuing risk and that exists. We have the appropriate systems already in place.

Deputy E.J. Noel:

Just a point of clarification on my last answer. Deputy Higgins mentioned that he thought there was an error in the States Accounts that omitted the grant to the Battle of Flowers Association. I can point out that on page 136 that grant is disclosed in the Accounts.