

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 2nd MARCH 2022

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[9:30]

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

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

1. The Minister for International Development will make a statement re humanitarian support for the Ukraine

The Bailiff:

Before continuing with Public Business as set out in the Order Paper, I have been asked to permit a statement to be made by the Minister for International Development, and I have allowed that to be lodged and to be made as the first item of business.

1.1 Deputy C.F. Labey of Grouville (The Minister for International Development):

I am not sure if this statement has been distributed to Members as yet, if Members would like it in front of them before I deliver.

The Bailiff:

We do not have a paper copy for distribution. It has been emailed to everyone so anyone who can find it on their screen, but we are not in a position to distribute a paper copy having only received it a very short while ago. Do any Members object?

Senator I.J. Gorst:

I do not object; we have the email version. This is a fast-moving situation and I propose that the Minister continues.

The Bailiff:

Unless I receive any observation to the contrary. No. Please do continue, Minister.

The Deputy of Grouville:

Like all Islanders, I have been appalled at the cruelty and violence inflicted on the innocent people of Ukraine by the Russian invasion. Almost a million people have now fled their homes, and at least 660,000 have crossed the borders into Hungary, Poland, Romania, Slovakia and Moldova. The intensifying military assault has resulted in hundreds of civilian deaths, and sadly many more are likely when the Russian attack becomes more brutal in response to Ukrainian resistance. We can also expect even more severe destruction to civilian infrastructure and housing. Public service provision such as water, electricity, heating and health is already severely curtailed, and supply chains are likely to be disrupted for a prolonged period of time. At least another 3 million people are likely to become refugees, and the U.N. (United Nations) estimates that 12 million inside Ukraine will need assistance in the next 3 months. In short, this is an extremely grave humanitarian crisis already, and is likely to deteriorate further. Yesterday (1st March) the U.N. launched 2 emergency appeals, requesting 1.1 billion US dollars to assist the neediest 6 million people inside Ukraine for an initial 3 months, and a further 550 million US dollars to help refugees. As Jersey's Minister for International Development it is my responsibility to ensure that the Island provides effective humanitarian assistance to those who need it most, just as others did for us in 1945. We may be small, but even a few pounds can save a life. And furthermore, we can send a signal to our brothers and sisters in Ukraine that yet another country stands with them. To this end, I am happy to announce that as of late last night the Jersey Overseas Aid commissioners have agreed to make initial grants worth £360,000 to be split equally among 3 organisations: the Red Cross, U.N.H.C.R. (United Nations High Commissioner for Refugees), which is the U.N.'s refugee agency, and O.C.H.A. (United Nations Office for the Co-ordination of Humanitarian Affairs). Between them they will provide essential services to the hundreds of thousands who have already sought shelter in neighbouring countries and

the millions still facing terrible hardship in Ukraine. Let me share some more details with you. U.N.H.C.R.: £120,000. U.N.H.C.R. estimates that up to 4 million refugees may flee Ukraine. U.N.H.C.R. co-ordinates the implementation of the inter-agency Regional Refugee Response Plan, one of the 2 plans launched yesterday, to support governments in their response to a refugee influx through the provision of core relief items. These include shelter, emergency relief items, cash assistance, mental health and psychosocial support, and helping people with specific needs, such as unaccompanied children. Red Cross: £120,000. Both the International Federation of Red Cross and Red Crescent Societies - I.F.R.C. - and International Committee of the Red Cross - I.C.R.C. - have launched emergency appeals for their operations in Ukraine and neighbouring countries. I.C.R.C.'s response is targeting the support of health facilities, the provision of medical equipment and food, as well as reuniting separated families. The I.F.R.C. will focus on assisting an initial 2 million people in need with a special focus on vulnerable people, including unaccompanied minors, single women with children, elderly, and people with disabilities. Funds will increase the capacity of Red Cross teams in Ukraine and neighbouring countries. O.C.H.A.: £120,000. The Ukraine Humanitarian Fund - U.H.F. - was established in February 2019 to help meet the most critical needs of the conflict-affected population in eastern Ukraine. This is one of the worst-affected areas in the current conflict, and has now suffered 8 years of war. Like other Country Based Pooled Funds - C.B.P.F.s - the U.H.F. allows donors to pool their contributions to enable humanitarian partners, such as local relief agencies, to access funds rapidly and deliver timely and co-ordinated assistance. It will now be greatly scaled up, with others joining us to support it. I am also delighted that the Bailiff has established a dedicated Ukraine Appeal, which will enable individuals and businesses to donate funds for Ukraine. The Government of Jersey is currently considering whether to add additional funds to this appeal on a matched funding basis. However much is raised, Jersey Overseas Aid will ensure this money reaches the right agencies and the right people. **[Approbation]**

The Bailiff:

Thank you very much, Minister. There now follows a period of 15 minutes for questions to this Minister. Does anyone have any questions?

1.1.1 Deputy S.G. Luce of St. Martin:

I thank the Minister most wholeheartedly for her statement. I was interested to hear this morning on the radio the Minister for Home Affairs talking about the best way to get assistance to the people who need it most, and I would just like to ask the Minister: can she confirm that sending money to agencies that have direct access to these areas is the best way to do it? I know we all want to do every bit that we can to help but, as the Minister for Home Affairs pointed out this morning, transportation of various goods across multiple European countries by truck may not be the easiest way.

[9:45]

Can the Minister confirm that cash to agencies that do this work day in and day out is the best way to get funds to those in most need?

The Deputy of Grouville:

I thank the Deputy for his question. In our experience, that is usually the case, to offer cash assistance even if it enables the recipients to purchase goods in the community. They may be refugees in neighbouring countries so it also helps those neighbouring countries if the cash is spent in their economy. But, yes, in our experience it has been the most effective way of delivering aid, although the efforts of the community in sending clothing and other such items as is happening now - I certainly know in my own Parish Hall people are donating whatever they can, a list of things - those efforts are extremely useful to help the refugees on the ground. But to answer his question: yes, that is our experience.

1.1.2 Deputy K.C. Lewis of St. Saviour:

I congratulate the Minister on her prompt action with her team. I believe this is the correct action to take. I would congratulate everyone that is collecting, all the Parish Halls are collecting ...

The Bailiff:

Deputy, I am afraid I called upon you but I was not focused on the fact that of course you are a Minister and, under the normal protocols, Ministers do not ask questions of other Ministers because they can always find out the answer by a private conversation. Therefore I cannot allow you to continue. It has rightly been brought to my attention and I apologise for calling upon you.

1.1.3 Senator S.Y. Mézec:

Can I ask the Minister if she has had any conversations with her counterparts in the other Channel Islands just in case there is an opportunity to co-ordinate with Guernsey and Alderney, who I understand as well are looking to provide assistance, to make sure that as a Channel Island community we can maximise our efforts and impact?

The Deputy of Grouville:

At this moment in time, no. I know Jersey has a far greater resource for sending funding. Guernsey's is somewhat limited but as yet, no. But that I am sure will take place in these coming days.

1.1.4 Senator S.Y. Mézec:

Can I thank the Minister for her answer? Could I encourage her to have those conversations and I ask that, having myself received a communication from a member of the States of Alderney who is keen, obviously understanding that proportionately it is likely that Jersey would play the biggest part there, but is interested in making sure that there is maximum impact? Would she agree that it be worth having those conversations with her counterparts? Not just in Guernsey but in Alderney as well.

The Deputy of Grouville:

Absolutely.

1.1.5 Connétable A. Jehan of St. John:

Notwithstanding the challenges of getting logistics across to the affected area, would the Minister be able to offer financial assistance to the community that has done such a great job in such a short period of time in collecting so many goods? I visited my Parish Hall last night. The Parish Hall is half full and we are expecting more today. They need 13.6 metre trailers, they are going to need some financial help but also help in connecting them with the agencies that can distribute it.

The Deputy of Grouville:

It is not usually our experience to logistically get clothing and stuff to affected areas. I know Jersey Overseas Aid are going to be involved with the Bailiff's fund in identifying where to send assistance and which agencies are best on the ground to deliver. But, using our experience, we are there to help and we would most certainly look into it because, as the Constable rightly says, we have the experience on the ground and can tap into the agencies who are there already.

1.1.6 The Connétable of St. John:

Would that offer of help include financial assistance?

The Deputy of Grouville:

I cannot speak for my other 5 Commissioners and it would be something that we would consider. We will consider everything to deliver aid as best and effectively as we possibly can. I mean my experience in the past in getting goods to somewhere has been extremely costly, especially the taxes

applied here and the logistics and it can end up a very, very costly exercise. Using that experience we will certainly bring that to the table but, like I say, promising cash assistance to enable that to happen, because my aid money has to be spent overseas, I would have to get advice on that.

1.1.7 Connétable D.W. Mezbourian of St. Lawrence:

Will the Minister advise the Assembly how much she has available in funds for distribution and whether these are the only funds that are likely to be put towards this humanitarian crisis or will she be in a position to consider further aid in future as necessary?

The Deputy of Grouville:

Out of my pot that I am allocated at the start of the year, we set aside £3 million for emergency humanitarian aid. We have spent some of that because we feel that spending it at the beginning of the year to help starving children in Yemen, it is no good waiting until December if we can help them in January. So a certain amount of those monies has already been spent. But as I said in my statement, this is an initial response to get monies and aid to the affected people and areas, and we could most certainly look at it again because we still have some monies in the emergency humanitarian pot. It is when we come to the end of the year that we sometimes ... if there have not been enough emergencies we sometimes switch the pots. We will be looking at it closely and we will cross that bridge when we come to it. But this is an initial response and no doubt this is an everchanging situation and we will respond accordingly.

The Bailiff:

Does any other Member have a question for the Minister? If no other Member has a question for the Minister then that ends the questions for this Minister following that statement. We now return to Public Business.

Deputy R.J. Ward of St. Helier:

May I raise a quick point? I am not entirely sure when. It regards yesterday, I ...

The Bailiff:

Is it a point of order? Is it something on which you require a ruling from the Chair?

Deputy R.J. Ward:

Yes, Sir. It is regards Standing Order 65 part (4)(b), question without notice from yesterday. An answer was circulated to Members, which I am very grateful for, from the Assistant Minister for S.E.B. (States Employment Board), but I believe that there is ... the point made in the question regards leave being unpaid was not covered in the email and it is a very distinct point.

The Bailiff:

Effectively you are asking whether or not the answer circulated adequately addresses the question and you are asking for my ruling in that regard.

Deputy R.J. Ward:

Yes, Sir.

The Bailiff:

That is in connection with which question number?

Deputy R.J. Ward:

If I am absolutely honest with you, I cannot remember. It was a question asked during follow-up, I believe.

The Bailiff:

We need to have some note of exactly what the question was, exactly what the answer was, so that I can form that view otherwise I am simply not able to ...

Deputy R.J. Ward:

There was an email to Members.

The Bailiff:

I think, Deputy, as I cannot deal with it now, and I inevitably will not look at it until luncheon adjournment. If you could provide that information up to the luncheon adjournment, then I will try and deal with it at that point.

Deputy R.J. Ward:

All right, thank you very much.

The Bailiff:

Yes, Connétable, do you have a point of order or anything other ...

Connétable R.A. Buchanan of St. Ouen:

No, I just wish to respond to the point of order that ...

The Bailiff:

No, that is perfectly all right. That is not necessary, thank you very much indeed. If you wish to deal in the margins of the Assembly with the Deputy, that might be a sensible way of dealing with it but there is no room for dealing with it within the business of the Assembly.

PUBLIC BUSINESS - resumption

2. Draft Ecclesiastical Legislation (Consequential Amendments) (Jersey) Law 202-(P.10/2022)

The Bailiff:

We come to the next item of Public Business, which is the Draft Ecclesiastical Legislation (Consequential Amendments) (Jersey) Law, P.10, lodged by the Chief Minister. The main respondent will be the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Ecclesiastical Legislation (Consequential Amendments) (Jersey) Law 202-. A law to amend Jersey legislation consequential on the attachment of Jersey to the Church of England Diocese of Salisbury instead of the Diocese of Winchester.

2.1 The Connétable of St. Ouen (Assistant Chief Minister - rapporteur):

If I could start by thanking Members for their support yesterday, and I am sure I speak for the Dean as well, which is much appreciated. This law, if passed, would make amendments to Jersey legislation consequential on the attachment of Jersey to the Diocese of Salisbury instead of Winchester. In some cases, this has involved a direct substitution of Salisbury for Winchester, although others the change has been effected differently as contained in the law. If passed, the Chief Minister would make an order to bring into force this law once it is clear that the Order of Her Majesty's Council attaching Jersey to the Diocese of Salisbury has come into force, which it will do upon being registered in the Royal Court. I move the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the principles?

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

If I may refer to the first part with regard to the acquisition of property by a rectorate, I understand that that will be dealt with by the Dean and not the Bishop of Winchester, or in fact as it will be Salisbury now. I just wondered what the motivation behind that was.

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 Connétable to respond.

2.1.2 The Connétable of St. Ouen:

I thank the Constable for his question. I am not particularly cited on the answer other than to say that if property in Jersey needs to be dealt with it is perhaps easier if it is dealt with by the Dean who is resident in Ireland than by the church in the U.K. (United Kingdom). Other than that, I really do not have an answer to that question. So with that, I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted: 37 votes pour; one vote contre; one abstention.

POUR: 37		CONTRE: 1		ABSTAIN: 1
Senator I.J. Gorst		Senator K.L. Moore		Deputy J.H. Perchard (S)
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				

The Greffier of the States:

The contre vote was: Senator Moore and the abstention was Deputy Perchard.

The Bailiff:

Senator, does your panel wish to call this in?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to deal with the Articles in Second Reading?

[10:00]

2.2 The Connétable of St. Ouen:

There are about 5 of them. Whereas I am happy to go through them, I would hope that the Assembly will wish to take them *en bloc*.

The Bailiff:

So you propose them *en bloc* and you will answer questions on them if need be?

The Connétable of St. Ouen:

Indeed, thank you.

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Articles or any of them? If no Member wishes to speak, then I close the debate. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Articles have been adopted on Second Reading: 38 votes pour; 3 abstentions; no votes contre.

POUR: 38		CONTRE: 0		ABSTAIN: 3
Senator I.J. Gorst				Senator K.L. Moore
Senator L.J. Farnham				Deputy L.M.C. Doublet (S)
Senator S.C. Ferguson				Deputy J.H. Perchard (S)
Senator T.A. Vallois				

Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Bailiff:

Do you propose in Third Reading?

The Connétable of St. Ouen:

Yes, Sir.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate, and invite

Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading: 38 votes pour; no votes contre; 2 abstentions.

POUR: 37	CONTRE: 0	ABSTAIN: 2
Senator I.J. Gorst		Senator K.L. Moore
Senator L.J. Farnham		Deputy L.M.C. Doublet (S)
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

The Greffier of the States:

Senator Moore and Deputy Doublet.

3. Amendment (No. 54) to Standing Orders - Amendment to the Code of Conduct for elected Members and related matters (P.1/2022) - as amended (P.1/2022 Amd.)

The Bailiff:

The next item is Amendment (No. 54) to Standing Orders - Amendment to the Code of Conduct for elected Members and related matters, P.1, lodged by the Privileges and Procedures Committee and the main respondent will be the chair of the Corporate Services Scrutiny Panel. There is one amendment also lodged by P.P.C. (Privileges and Procedures Committee). You presumably wish to take it as amended?

Deputy C.S. Alves of St. Helier:

Yes, please, if the Assembly is in agreement.

The Bailiff:

Are Members content to deal with it as amended? Very well, we will take it as amended. I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to Standing Orders of the States of Jersey with immediate effect, those amendments set out in the amendment paper.

3.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

The committee is bringing forward these proposed changes to Standing Orders following a review of the Code of Conduct for Elected Members and associated processes. This review followed a number of recommendations made by the C. and A.G. (Comptroller and Auditor General) in her report *Anti-Corruption Arrangements* published in January 2021. The review has also considered similar arrangements in other jurisdictions, as well as C.P.A. (Commonwealth Parliamentary Association) best practice. I am pleased to be able to present this proposition as amended. The amendments are all in response to feedback from Members, particularly following the States Members' briefing on 26th January. I am grateful for the engagement from Members as this has enabled us to present a better overall package of changes. I will run through the amendments as set out in the proposition, including the amendments. Dealing first with the Code of Conduct for Elected Members. Paragraph 24 replaces the current set of principles of conduct with up-to-date principles of conduct in public life. The committee considers that this will be a considerable improvement in terms of the clarity of the code. Paragraph 25, which arises from a C. and A.G. recommendation, makes an explicit link between gifts and hospitality and corruption and the perception of corruption. This includes the giving and offer of gifts and hospitality as well as their acceptance, the receipt or offer of gifts and hospitality to close family members. In this context, gifts and hospitality must be connected to the membership of the States and does not relate to a Member receiving gifts in their private lives unconnected to membership of the States. Paragraphs 20 to 22 also deal with a C. and A.G. recommendation on gifts and hospitality. The key change is the reduction in the threshold above which gifts or hospitality must be registered from 10 per cent of salary to £40 or £100 if more than one gift under £40 is given, received or offered within a 12-month period. This will bring the rules for States Members into line with those which already exist for Ministers and Assistant Ministers. Amendment 8 makes clear that these rules do not apply to the Connétables in respect of parochial duties from which the Connétable does not personally benefit. Paragraphs 26 and 27 are minor tidy-ups. Turning to the registration of interests, paragraph 1, as amended, extends the registration of interests to cover interests held by certain family members. It is important to note that the existing rules already cover shareholdings, land ownership, gifts and hospitality for spouses, civil partners

and cohabitantes. This is in recognition of the fact that Members may be influenced or might be thought to be influenced by interests held by family members. There was some concern from Members that the definition was imprecise and unreasonable in requiring published disclosures about family members who were entirely independent of the Member. The committee has therefore amended its original suggestion to narrow the definition to encompass dependent children and other family members who are part of the Member's household as well as spouses, civil partners and cohabitantes. Amendment 5 which affects paragraph 13 also deals with this point. Importantly, there is a new paragraph in Standing Order 153 which says: "In registering an interest held by a relevant person, a Member is not required to name the relevant person or to specify the nature of the relationship between the relevant person and the Member." When a Member is required to register an interest held by a family member, they do not need to specify who the interest relates to, to protect the privacy of the relative. There are a number of changes to the rules relating to the registration of interests arising from the C. and A.G.'s recommendation 7, which suggested that declaration requirements for States Members should include disclosure of the value of remuneration from employment or self-employment and the value of land holdings or rental income. The committee had originally proposed to require the amount of remuneration from employment, self-employment or land ownership to be registered if that remuneration was above various thresholds. After consulting with Members, the committee has amended P.1 of 2022 to reinstate the current provision in Standing Order 152 that elected Members are not required to provide information regarding the monetary value of any interest, although they can choose to do so. Instead, Members who earn more than 25 per cent, 50 per cent or 75 per cent of their total annual income from external employment, self-employment or land would be required to declare that fact. This would show which areas of earnings were of most significance to Members without requiring every aspect of those earnings to be made public. This would be particularly significant for Members who have business interests for which registering amounts of earnings could compromise commercial confidentiality. The next change relates to the C. and A.G.'s recommendation to introduce an annual review process for the registration of interests. Paragraph 13 proposes that the Greffier will now formally invite Members to review their registered interests each year and will be required to notify the Commissioner for Standards of non-compliance with registration requirements in the absence of a reasonable excuse and of potential irregularities in a Member's return. In relation to declaration of interests, the committee proposes to replace the notoriously complex Standing Order 106 with simpler text. Two key changes in this regard are to require the Bailiff to provide a guide to Members and the public as to which interests should be declared. A draft guidance note was circulated to Members in January. The other key change is the extension of these declaration requirements to committees and panels. After consulting with Members, the committee has further amended the Standing Order to permit a Member with a direct financial interest to contribute to a debate in which they have that interest but not to vote. The reason behind this is that in such cases Members with the interest are often the most expert or most directly affected by the proposition and it is unreasonable for the Assembly to deny their right to speak. The next change in paragraphs 2 to 4 relates to suspension of Members from the Assembly. The committee proposes to create a new form of suspension which is suspension as a neutral act where P.P.C. alone considers that a Member should be suspended but not as a sanction. A Member suspended under this new form of suspension would be remunerated and would have access to the States building but would not be able to discharge functions as a Minister in the Assembly, as a member of a committee or panel or in any other capacity held by virtue of being a States Member. They would also be unable to lodge a proposition, present a report or comments or table a question. After consulting with Members, the committee has proposed an amendment concerning the proposition lodged by P.P.C. calling for a Member to be suspended as a neutral act which would now be held in camera due to the likely sensitive nature of the proposition. As well as establishing the different treatment of Members suspended as a sanction and as a neutral act, the committee also proposes to end the graduated approach to the suspension of Members as a sanction. This would enable a Member to be suspended without pay for a first offence during an Assembly term and for

longer than the current maximum period for a first suspension of a mere 7 days. Twenty-eight days is proposed as the maximum permissible period of suspension. Although these provisions have been rarely used, in the event of a serious breach of the code, the committee considered that the public would be astonished to find that P.P.C. cannot propose the suspension of a first-time offender for more than 7 days and that the Member would continue on full pay. To be suspended without full pay, a Member must be suspended on 3 separate occasions during an Assembly term, which is very unlikely to occur. Finally, the committee proposes to delete references in Standing Order to propositions to expel Members of the States. It is questionable whether the States has the power to expel a Member, given that Members swear their oath of office in front of the Royal Court. Although these references to expulsion exist, the committee note that Standing Orders do not provide any procedural requirement for an expulsion proposition such as a certain number of signatures. The committee's view is that Members are elected by the people and should be expelled by the people if they so wish. I am happy to answer any questions Members may have at the end of the debate. I will accommodate requests for separate votes on separate paragraphs but bearing in mind that some of the paragraphs are linked. Thank you, I make the proposition.

The Bailiff:

Is the proposition seconded. **[Seconded]** Does any Member wish to speak on the ... Senator Moore.

3.1.1 Senator K.L. Moore:

Just briefly, I wish to thank the Privileges and Procedures Committee and the Greffe for the interactions they have had with the Corporate Services Panel on this matter. They have thoroughly briefed us and answered our questions.

[10:15]

We were particularly pleased to see the amendment that the chair brought here which makes a fundamental difference and meets some concerns that we had which was about the necessity in the original version to declare income and earnings derived from other sources which we felt was a step too far. Otherwise, we of course understand the importance of bringing these changes forward, particularly in terms of the optics, but also making sure and ensuring that Privileges and Procedures can conduct this oversight role as the public would hope they would if the eventuality arose that there were some irregularities in Members' interests.

3.1.2 The Connétable of St. Lawrence:

I would just like to thank P.P.C. for recognising the role of the Constable in dealing with municipality matters and therefore adding paragraph 4 to section 5, which allows us to not receive hospitality on an ad hoc basis but it does recognise that we are very often undertaking parochial duties. On occasion that does mean that potentially we will go out and have a meal, say, with our Roads Committee, when we thank them for the work that they do for us in Parishes, so glad to see that included in this.

3.1.3 Deputy M.R. Higgins of St. Helier:

I just want to ask the Chair some questions regarding suspension of Members. Now we are being told that Members can be suspended without pay in various circumstances and what I would like to ask is: what comparison is done to workers in the public sector? If workers in the public sector are suspended as a neutral act, they are, I believe, paid and they are paid until the matter is resolved. One of the concerns that we have had for quite some time is how, for example, as we have seen recently with Health and Social Services, we have had people suspended for up to 3 years being paid. So, I would like to know, are States Members being held to a different standard to that held by the workers in the public sector?

3.1.4 Deputy G.P. Southern of St. Helier:

I did not expect to be so quick. Before I vote for circumstances in which we suspend Members, I would like some explanation of the difference between suspension as a neutral act and as a sanction. I would like to know under what circumstances would either of those kick in.

3.1.5 The Deputy of St. Martin:

There is much good in this but I have to say to Members that I am uncomfortable about a couple of things. Sadly, in my experiences thus far of being a States Member, I find it really difficult sometimes when my children, who are grown up and completely independent financially of me, come to me, berating me because of the hurdles and hoops they have been asked to jump through by banks because they find themselves politically exposed because of my choice to become a Deputy for my Parish. I cannot say I am comfortable about the extension to what is now referred to as a “relevant person”. It may well be in the U.K. and larger jurisdictions that the ability not to have to name relevant people is helpful but in Jersey, we are a very small place where we all know each other, it will not take much working out if you declare something on behalf of a relevant person who that relevant person is, so I cannot say I am comfortable about that. The other thing I would like some clarification on is the proposer, when she mentioned the percentages of 25, 50 and 75, used the word “earnings” but in the proposition the word “income” is used. I would very much like some clarification as to whether she thinks earnings and income are the same thing.

3.1.6 Deputy G.C. Guida of St. Lawrence:

This will be at the same time an explanation and a question. When we discussed this in P.P.C., the paragraph that I will read: “If an elected Member’s total income from any interest declared under this paragraph exceeds 25 per cent, 50 per cent or 75 per cent of their total annual income in the previous 12 months, he or she must register which of these thresholds have been surpassed.” So when we discussed this, the intent was clearer and the idea was that we would want to know which industry a Member was dependent on. So basically if 25 per cent of your income comes from hospitality, then you can be seen to have a dependence for that industry. If 75 per cent of your income comes from a different industry, say, development, building, then it may be found to be extremely significant to you. P.P.C. wisely, I think, decided that it was very important for Members to declare that and show their dependence to some industries. Unfortunately, I think the paragraph is unclear here by mentioning “interest”. An interest can be a number of sources all from the same industry, so to give a completely random example, somebody with an interest in 10 different bars may have less than 25 per cent income from each of them but still be extremely linked to that particular business. So, it is at the same time to explain the thinking that went into that paragraph and to have the confirmation of the chair that this is the way it has to be understood.

3.1.7 Deputy R.E. Huelin of St. Peter:

I think the Deputy of St. Martin raised an interesting point on paragraphs 15 and 16. It would really help to have some sort of tabulated real-life examples about where the thresholds lie. I am not asking for it necessarily now but can it come out as sort of guidelines very soon afterwards because Deputy Guida introduced a lot of complexities for some people who may have income from different sources? Do they accrue together to be a 50 per cent or a 75 per cent? Where are the overlaps in that? I think it would be really helpful just to have that absolute clarity, so when we submit, we submit accurately and not have the risk of anything going slightly wrong. The other thing in declarations of interest, there is that lovely word “small”. Small can be interpreted differently by very many people and I would ask the chair maybe to give us an indication of what small really means. We constantly have the debate - I never thought I would mention this - the number of landlords in the Assembly but then we have had other debates which the benefits determine on a small number. I think there is quite a wide spread there and I would like to understand exactly what

that is, if I may. But otherwise I thank the chair of P.P.C. for coming back with something that is really - how should I say this? - considerably better than the first part.

3.1.8 Deputy M. Tadier of St. Brelade:

I have got some questions that I need answering; the chair will be aware of one that I have raised with her directly. I am aware that this is not the pure form of the proposition that she or P.P.C. would have necessarily wanted or initially lodged but that she has had to put amendments in for pragmatic reasons. One of the questions related to the percentage of income. It seems to me that that does not tell the full story because of course there are Members in the Assembly who rely and survive solely on their States Members' income. There are others who may have some small additional incomes such as, I do not know, playing in a band or they may have some pension income which might be more substantial, they might have investment income. Then there are other people at the other end who are multi-millionaires who have lots and lots of properties and who ... I think we will leave it at that. So, having percentages does not tell you the full story because if somebody gains 50 per cent of their income from property income, et cetera, it does not tell you what the overall income is. So I am wondering whether actual figures would have been better but I know that there were concerns about commercial interests that are shared by, hopefully, a small minority of the Assembly. The other concerns I have are to do with suspensions. I believe that in the past we have seen suspensions from the Assembly used as a political weapon against a previous Member who is no longer in the Assembly. Even if that were not the case, we have to be very mindful of making sure that there is no mechanism for an Assembly that might be led astray. We know that the Assembly has been led astray in the past. We know that the Committee of Inquiry told us that a former Minister lied to the Assembly, that he lied in an Assembly sitting which was in camera, which was perhaps even worse because there is no accountability, and that the said Minister then lied to the Committee of Inquiry. That is all a matter of public record. What concerns me therefore is that we are being told that a Member can be suspended, possibly have their pay docked or removed completely, albeit on the third suspension; there is a general principle that one is innocent until proven guilty and that needs to be fundamental. There is a difference between someone being removed from office because they have committed an offence which is no longer compatible with the role that they hold for something that simply has not been proven which is being investigated. I am also very uncomfortable that any debates should take place in camera because the public forum which we have here should always be the people, that it is open to scrutiny and accountability from the public. If we start having debates ... and of course these things are always theoretical and hypothetical until they happen. If we have that kind of scenario where the decisions that are being made behind closed doors - and they could be ostensibly for very good reasons, to protect sensitive information - we leave ourselves open to the finger being pointed at us that decisions are being made and there is a kangaroo court that is taking place. So I would like clarification from the chair on those particular issues before deciding whether I can ... I think I can support the principles but it is ultimately some of the fine detail to do with those points.

3.1.9 The Connétable of St. Ouen:

I rise to speak in response to a point that the Deputy of St. Martin raised. Before I do, I would just like to congratulate the chair of P.P.C. and the committee on listening to Members' concerns and making adjustments to the regulations which, in my own view - while it will not affect me because I will not be in the next Assembly - make them substantially more acceptable. I would just like to pick up on the point about politically-exposed persons. With the greatest respect to P.P.C., that is not within their gift. It is a decision that is made by our anti-money laundering legislation and as such, financial institutions in the Island are required to enforce that legislation and demand certain additional requirements from politically-exposed persons and their connected families. With the best will in the world, P.P.C. has no control over that. I am sure they would like to have those removed but, unfortunately, I cannot see that any of the major financial institutions are going to listen to us.

Sadly, as Members, we will have to go through this and at times - I agree with the Deputy of St. Martin - it can be painful. But, as we have seen with recent events, these regulations are entirely necessary and banking institutions and financial institutions need to understand exactly who they are doing business with and that includes us, unfortunately. So, I hope that has addressed that point of the Assembly and I will leave it there.

The Bailiff:

Before I call on Deputy Ward who is next to speak, I will just mention that if any Members are going to ask for particular parts of the proposition to be taken separately, if they could indicate a little bit in advance so that the Greffier can attempt to work out what the effect of being taken separately has on other parts of the proposition.

[10:30]

This is obviously a single vote; there is no vote on the principles because it is an amendment to Standing Orders. So it will just be a single vote on whether it is accepted or not but the chair, of course, has indicated she will take certain parts separately if requested.

3.1.10 Deputy R.J. Ward:

A few things. First of all, I would like to thank the Constable of St. Ouen for raising a point that I was unclear about. I was pretty sure that the politically-exposed person was due to other reasons and, thank you, that has cleared that up so I do not have to raise that one. There are just a couple of things, and I ask the chair of P.P.C. to forgive me if this is somewhere in this document or in a linked document, but it is just that the notion of a dependent child, is that dependent in terms of the age of that child as in terms of social security dependence? Because I believe it is 25. Or is it whether they have their own income, pay their own tax, for example, and the definition of that for this because it needs to be clear. Also, in the same way, the member of a household. Is that somebody who inhabits the household for a particular time? As someone who has children who are moving away, and perhaps one day they might both move away and be independent in that way, then it does change what you are declaring. I would not want to make a mistake because I simply have not got the definition clear. I understand why, on another note, the percentage was changed to some extent but I do somewhat share Deputy Tadier's concern that the figures are not there because we need to get some idea of quantity. I think that is important in transparency in terms of where we are; however, I understand why that has to happen. It is a step forward. There is a point in this, and I have been scrolling through it, and of course I have now lost the part that I was going to talk about. It refers to the Greffier, I believe, having to get States Members yearly to address their declarations. Now I would welcome that but what I would like to know and would welcome is a formal notification of that and a formal meeting to go through that yearly so that we are absolutely clear as to what we are doing. What tends to happen, for example, Data Protection has sent an email, and that has been very helpful, to say: "Your data protection is up to date or not." That is really, really helpful because time flies by before you are knowing it and there is a lot going on, we do not have personal secretaries to help us out, and I think that is an issue. Until there is that direct support for Members for these things, we have to be very careful and it has to be recognised that there may be mistakes made early on. So I welcome this and I would like to see it go forward but there were just a couple of questions which hopefully are easy to answer.

3.1.11 Deputy J.A. Martin of St. Helier:

Hopefully I think I know the answer but I just want it completely clear in my mind before I vote on the amendment 1 where it says members of the household who are part of the household. So the scenario I would give is you move in, because of circumstances, an elderly parent who is receiving care from you, because that is how they live. I want the Deputy to tell me this would not prevent the member wanting to move in with their family or the family wanting them to move in because of the

information that might be asked of the sitting States Member that would have to go on this form. I think that is what it is saying, and I am still concerned about that, but I will wait until the Deputy obviously sums up before I make my decision. But if it is that, I do think it could be a step too far because you are doing one thing for one reason but then, as the Deputy of St. Martin says, we live in a goldfish bowl in Jersey, you know who the parent or the step-parent is who is moving in, et cetera, et cetera. It blurs the lines of who has what and could you be influenced? I would say all of us would not, and should not, be influenced but I do not think this is clear enough, so I will wait to hear the Deputy's summing up.

3.1.12 Senator S.Y. Mézec:

I had been looking forward to this debate but it has turned out to be quite clinical in the approach that Members have taken in terms of the questions they have asked, less so on the principle behind what we are doing, which I suppose is probably a good thing, and hopefully it is a sign of broad agreement on the principle that the direction that P.P.C. is trying to take this Assembly is absolutely the right one. For that reason, I am absolutely delighted to vote for every single part of it. I would probably have been even happier to have voted for it unamended but I totally understand why the amendments have been made and they still help take the Assembly in that right direction. Ultimately, this is about providing greater transparency and accountability for the elected representatives of the Island which is something that I think the public would value and something which I think many of them may be mortified if there were attempts to scale back some of what is proposed. So, I wanted to add my words of congratulations to P.P.C. for getting some of this done. When I served on P.P.C. in the previous electoral term, I have raised some concerns about the transparency of the declarations of interests that States Members have to fill in that did not require us to be clearer about what certain business interests were so that the public could proactively investigate that rather than what I think is quite an unsatisfactory system where many of these interests, the details of them only get recorded in Hansard as and when a debate comes up, which is much harder for the public to go back and research and see who had declared what and what that meant. So this new system meets much better democratic standards and I will be very pleased to vote for all parts of it to take us in that direction.

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.

3.1.13 Deputy C.S. Alves:

I would like to thank all Members for their contributions and their queries. I am going to try and address these in the order that they came up because that is how I have written my notes. I would just like to start off by thanking Senator Moore and the Constable of St. Lawrence for their comments, and also the Constable of St. Ouen for explaining the politically-exposed person status. So Deputy Higgins highlighted whether we were being held to a different standard to our own employees. So, our employees are much the same to this proposal. So Members would be suspended on full pay but obviously this would be subject to an Assembly's decision, so it could change depending on the severity of the suspension which follows on to Deputy Southern's question around sanctions. It is stated in the report, and it does say that a neutral act would be, for example, if a Member is being investigated for a criminal offence or facing trial, whereas a sanction would be when the Member is found to have contravened the Code of Conduct and there has been an investigation by the Commissioner for Standards. Deputy of St. Martin, I understand his concerns. We have changed what is meant by relevant people so that it is defined as dependent children and relevant people in a household plus spouses, et cetera, but I can understand that obviously living on a small Island there is only so much you can do, I guess. The Deputy of St. Martin also raised the concern about the wording "earnings" and "income". It is income from employment, self-employment or land. Deputy Guida, I would like to thank him for assisting as well. Just to clarify, it would be 25 per cent from

employment, not from individual industries unless all the sources of income were from the same industry. So, in his case, you would have to declare, for example, more than 25 per cent from self-employment as a bar owner; it would be specifying the income from each bar, if that make sense. The Deputy of St. Peter, happy to provide further guidance; however, it is in the Bailiff's guidance and it is ultimately up to the Bailiff to determine what is meant by "small". Deputy Tadier covered quite a lot. Pension income does not need to be registered nor does investment income. He was correct regarding the suspension must follow on from a commissioner's report, all safeguards in the commissioner's law and Standing Orders and we have put a 28-day cap on the length of suspension. I think he makes a fair point regarding the in-camera debate but the amendment has been adopted now. Deputy Ward, "dependent" means that the child depends on the parent to live, so it is not necessarily tied to an age, it is around about whether that child is fully dependent on that parent to live or not financially and everything. With regards to a member of the household, this means somebody who lives with you. It does not mean somebody who is living with you for a couple of weeks, for example, but if someone lives with you for, say, 6 months it is probably worth regarding them as a relevant person. Also, just to address Deputy Martin's point as well, if you move in with an elderly parent, they do then become part of your household. So people would expect possibly that a Member might be influenced by the land, et cetera, that that elderly parent might earn if they live with you. But obviously this is about interests that you know and if you do not know what shares your elderly parent owns, then you cannot declare them. It is only significant shareholdings, land and gifts received in relation to being a States Member, it is not about income, pensions, dividend income, et cetera. Obviously if you have a house with a granny annexe, for example, and the elderly person lives independently but you pop in and help out, that is not your household, it is a next-door property you may well own. So I hope that has clarified everybody's questions. Obviously, P.P.C. are more than happy to provide more guidance. The Greffier are also very happy to have formal meetings with any Member who would like to go through these things in order to make sure that their declarations are fully transparent and they have not fallen foul of any issues. Please do feel free to ask and approach P.P.C. or the Greffier. With that, I maintain the proposition and call for the appel.

The Bailiff:

Now, Deputy Tadier asked if you will give way for a point of clarification, Chair?

Deputy C.S. Alves:

Yes.

Deputy M. Tadier:

It was on the point of the in-camera sessions for debate and suspension. The chair said that had already been amended; what does she mean by that when she is saying that is already what we do rather than what this amendment is seeking to change?

Deputy C.S. Alves:

Yes, so the original proposition did not include that option for in camera but the amendment that we have put in, and obviously this has been read as amended, now incorporates that in-camera option.

Deputy M. Tadier:

Can I seek clarification on that because that is exactly the point I was making, which I do not think the chair addressed, because I have trouble with an in-camera debate for probably most things but certainly for suspensions. Can she justify why it has been put in here?

Deputy C.S. Alves:

So it was put in following feedback from Members at the briefing that we had in January. I believe it was possibly ... I am not sure, I cannot remember who it was, but it was around the possible

sensitivity of the situation that could be discussed in this proposition. I think we have to be sensitive to Members in that way.

The Bailiff:

Will you give way to a further point of clarification from Deputy Higgins, Chair?

Deputy C.S. Alves:

Yes.

[10:45]

Deputy M.R. Higgins:

The chair did give an answer, I just wanted to ask her to repeat it because I want to be absolutely certain about what she is saying. Is she saying that with suspension, and, for example, any other aspect of that, are we being treated exactly the same way as the public sector or are there any differences either beneficial to us or to our detriment compared to the others? Are we being treated on the same basis?

Deputy C.S. Alves:

Well, Members are not employees and essentially it comes down to obviously what happens within that debate. So, we could follow, for example, the same way that our employees are treated in that scenario; however, the outcome of a debate might be something else. So we have to be adaptable but also we are not employees.

The Bailiff:

Do you have a point of clarification, Deputy Pamplin?

Deputy K.G. Pamplin of St. Saviour:

No, I ask to raise the défaut on Deputy Morel before the vote.

The Bailiff:

Yes, will all Members agree? Yes, the défaut is raised. Well, we now come to the vote. Chair, are you content that the issues raised in the chat be taken separately, specifically the ... **[Aside]** You cannot see the chat? Well, I shall tell you then.

Deputy C.S. Alves:

Yes, I cannot see the chat but as long as it is doable, that is absolutely fine.

The Bailiff:

Well, what we would propose then is that we take paragraphs 4 and 14 of the amended proposition together. Before I proceed with this, the Connétable of St. Mary wishes to join online but at the moment of course he is on défaut, so would anyone propose the raising of the défaut on the Constable?

Senator I.J. Gorst:

Yes.

The Bailiff:

Very well, Members agree. Yes, because until we do that we cannot permit him to join the meeting. Well, what we will be doing then is we will be voting on paragraphs 1, 2 and 3 firstly, then 4 and 14 together, then the remaining paragraphs 5 through to the end with the exception of 14, which will already have been voted on. Four and 14 are taken together because they have to stand together and they deal also with the in-camera question as well as the suspension of Members question which have

been asked to be taken separately. Very well, the first vote then is on paragraphs 1, 2 and 3 of the amended proposition. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Paragraphs 1, 2 and 3 have been adopted: 40 votes pour; no votes contre and one abstention.

POUR: 41		CONTRE: 0		ABSTAIN: 1
Senator I.J. Gorst				Deputy of St. Martin
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Greffier of the States:

The abstention was Deputy Martin.

The Deputy of St. Martin:

I think that should be the Deputy of St. Martin was the abstention.

The Greffier of the States:

I am sorry, it probably was the Deputy of St. Martin. I am doing too many things at once.

The Bailiff:

We come now to paragraphs 4 and 14 to be taken together. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Paragraphs 4 and 14 have been adopted: 40 votes pour; 4 votes contre; no abstention.

POUR: 40		CONTRE: 4		ABSTAIN: 0
Senator I.J. Gorst		Connétable of Grouville		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy J.H. Young (B)		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

We come on to the remainder of the paragraphs and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The remaining paragraphs have been adopted: 41 votes pour; no votes contre; 2 abstentions.

POUR: 41	CONTRE: 0	ABSTAIN: 2
Senator I.J. Gorst		Deputy M. Tadier (B)
Senator T.A. Vallois		Deputy of St. Martin
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Greffier of the States:

The 2 were the Deputy of St. Martin and Deputy Tadier.

4. Draft Public Holidays and Bank Holidays (Amendment No. 4) Jersey Act 202- (P.5/2022)

The Bailiff:

The next item of Public Business was to have been the Draft Criminal Procedure (Consequential Amendments) but that has been deferred by the Minister, so we now come on to Draft Public Holidays and Bank Holidays (Amendment No. 4) Jersey Act, P.5. The main respondent is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Public Holidays and Bank Holidays (Amendment No. 4) Jersey Act 202-. The States make this Act under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951.

4.1 Senator L.J. Farnham (Deputy Chief Minister - rapporteur):

It is a privilege for me to bring this proposition before the Assembly today. I know that all Members will join me in recognising Her Majesty’s historic milestone of 70 years on the throne, something never before reached by a British monarch. Over her 7 decades of dedicated public service, the Queen has been a true inspiration to Islanders and the wider Commonwealth family. During her reign, the Queen has overseen 13 Lieutenant Governors, 9 Bailiffs, and it says 4 Chief Ministers, but of course Presidents of P. and R. (Policy and Resources) Committees who preceded the Chief Ministers as well. We have been fortunate to welcome Her Majesty to Jersey on 6 separate occasions: first, as Princess in 1949; more recently in 2005 to celebrate 60 years since our Island’s liberation. This Act proposes to create a special one-off Bank Holiday weekend from 2nd to 5th June to commemorate her Platinum Jubilee. This is of course in keeping with the arrangement planned both in the United Kingdom and in our sister island of Guernsey. Members will be aware that the Bailiff’s Chambers have led on arranging an impressive schedule of events to commemorate Her Majesty’s Jubilee throughout this year, including celebrations over the proposed bank holiday weekend. This

Act serves to facilitate the festivities planned for this summer and I hope Members will join me in paying tribute to you and your staff, Sir, for the work that has been done. Excuse me, I have been running up and down the stairs.

The Bailiff:

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

4.1.1 The Connétable of St. Brelade:

While not standing to be unsupportive of the proposition, could the Assistant Chief Minister please elaborate whether the £1.38 million cost per day incorporates the overtime necessary to the people, such as nursing staff and care staff have to be paid to cover the time, overtime rates and so on? Is there an estimated cost to the private sector of such a bank holiday, once again, particularly in the light of care homes and so on who will have to pay overtime rates?

4.1.2 Deputy M. Tadier:

I think I can answer the question of the Constable of St. Brelade because in 2019 the Council of Ministers did issue a comments paper when another States Member was asking for a one-off bank holiday, exactly what we are doing here today. They put comments into that proposal, which Members supported, so the Members supported the additional bank holiday but the Council of Ministers did not support the additional bank holiday, which was for the Corn Riots last year, which I know that many thousands of Islanders enjoyed and I know that the St. Helier Parish sponsored very heavily. It was a great event, which I think saw a coming together of various organisations to make it a great day. I know that that is also what will happen for this very special occasion that Senator Farnham is not only supporting but is directly sponsoring in his department. It is quite right that we do remember this momentous occasion. But it is strange, is it not, that the maths and the arguments can be different, depending on what the reason is for the bank holiday. To answer the Constable of St. Brelade's question more directly I will read from those comments of the Council of Ministers. They say: "Returning to the subject of the bank holiday, it is important not to underestimate the impact of an extra day off on Jersey's wider economic health. Businesses would still have to pay wages and salaries but would lose one day's worth of revenue, even if the business remains open staff would be entitled to a compulsory day off at another time if they work on a bank holiday. In terms of Government and non-Ministerial departments, the cost of paying staff, who would otherwise have worked, is estimated to be £1.38 million." Remember these are figures from 2019: "This is not an additional cost to Government, however, it does reflect the cost of a day's lost work. That work would either have to be covered by overtime payments, not done or added to the employee's workload for when they return to work. A detailed analysis by the Government has produced the following; estimated cost of unworked salary payments £1.374 million; estimated cost of additional shift payment rates £115,000; estimated total cost of a bank holiday to the Government of Jersey, it is £1.5 million." They do go on to say that: "It is difficult to reach a definitive figure for overall impact, potentially incurred across the community for a bank holiday." They talk about night shifts, they say that: "The Jersey Chamber of Commerce is particularly concerned about the effect on small businesses and those experiencing difficulties, it is estimated that each day could cost the economy up to £10 million in lost wages and productivity. Based on average G.V.A. (gross value added) per working day, minus property rental, it is also estimated by the Government's economists that in the worst-case scenario a bank holiday could cost £18 million."

[11:00]

But that is okay because that is only when it is a Corn Riots bank holiday, when it celebrates a particular event that they do not want to celebrate. But when it is an event which is a monarchy's bank holiday, you do not get all those projections. That is okay, we can support this today in the full knowledge that everything is going to be great and dandy.

4.1.3 The Connétable of St. Lawrence:

I am not sure, having listened to what Deputy Tadier had to say, whether he will be supporting this when we come to the vote. But I am certain that it will be approved by the Assembly today. However, that, I think, puts us in a somewhat invidious position because all of the celebrations have already been arranged and organised and not least, Sir, by your Chambers. My question to the Deputy Chief Minister is, as the U.K. and Guernsey approved this bank holiday weekend or this extra bank holiday some months ago, why has it taken us so long or why has it taken the Council of Ministers so long to bring this to the States for approval?

4.1.4 Senator S.Y. Mézec:

Briefly and to develop on some of the points that were raised by Deputy Tadier. I am obviously absolutely 100 per cent in support of this and I am also certain that the Assembly will adopt it; it is the right thing to do. But it was noticeable the difference in the tone in the financial manpower implications compared to previous attempts to establish either one-off bank holidays in Jersey or other arrangements. I know that because it was one of the first propositions that I brought to the Assembly when I was first elected, was to try to get some provision in place, so that when Liberation Day falls on a weekend, that there is a compensatory bank holiday provided at another time. I have had the argument put to me we could not possibly do that because of the cost to the economy that there would be. I was pleased when the Corn Riots bank holiday was approved, despite official Council of Ministers' objections and I am pleased that this proposition comes through with a slightly different tone in the report to it. I guess I kind of wanted to exploit this opportunity in the debate on it to say that perhaps as an Island we ought to have a little bit of a think about how we arrange bank holidays here because it is the case that compared to lots of other jurisdictions we do not have as many bank holidays or public holidays. They are an important and useful way of bringing people together if they are being held for a particular reason. There is no doubt that this particular occasion I am sure will be wonderful and will bring people out to enjoy themselves and spend time with other people. The Corn Riots was a great bank holiday and the events that were held across the Island, the walk from Trinity Church to town, the event in the Royal Square, all of that was fantastic and I think it would be a good idea for us to have a think about how we can do some more of that and that this proposition has provided a nice shift in tone that would enable us to have that debate. If I were being slightly cheeky I might suggest that 16th July St. Helier Day would be a good opportunity for that. If some Members object then perhaps we could make it just for St. Helier residents instead. I am of course just being flippant there, but I of course support the proposition.

4.1.5 Deputy J.M. Maçon of St. Saviour:

I have to chuckle but I fully support Senator Mézec's suggestion of 16th July being a bank holiday and that has nothing to do with the fact that it is also my birthday.

The Bailiff:

Thank you very much indeed, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, then I close the debate and call upon the Deputy Chief Minister to respond.

4.1.6 Senator L.J. Farnham:

My breath now is fully restored. The Constable of St. Brelade's question I think was partially answered by Deputy Tadier. I cannot provide a drill-down into the costs and the figures, if that is what the Connétable was asking for, but we do know there is a cost to business of holding a bank holiday. We tend to only bring proposals for such on special occasions, such as the 70th anniversary of Her Majesty the Queen, that will form a proposition because increasing the number of bank holidays we have on an annual basis if they are occurring poses more serious questions on the cost to business, but I am sure the Assembly will fully support one-off bank holidays for special occasions,

although I think declaring one for Deputy Maçon’s birthday might just be stretching the envelope a little bit but I am sure we can discuss that behind the scenes. On the positive side, on occasions like this where we celebrate a joyous occasion, the cost for some businesses are clearly offset by the trading advantages of many businesses in the Island, while some will close and incur additional costs many will see benefits from businesses as Islanders and visitors enjoy themselves and get out into the community and of course spend money to celebrate the wonderful achievement of Her Majesty. I am sorry, I cannot answer as to why this proposition was not lodged earlier. We do not ever wish to pre-empt the decision of the Assembly. It would have been of course more sensible to get this approved before agreeing the schedule of events but on this occasion it has not happened. If the States were not to approve this today, then we will simply have to revisit the schedule and adjust it accordingly. But I very much hope it will not come to that, so I hope Members will forgive us for that oversight and with that I make the proposition.

The Bailiff:

Thank you very much, Senator. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Notwithstanding the fact that someone in the chat has voted “pout”, I will take that as a pour vote and the proposition has been adopted.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

5. Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202- (P.6/2022)

The Bailiff:

The next item of Public Business is the Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law, P.6, lodged by the Minister for Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202-. A law to amend further the Marriage and Civil Status (Jersey) Law 2001 and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

5.1 Deputy G.C. Guida (The Minister for Home Affairs):

I will apologise again to the Assembly for presenting a very, very long law and just as long a speech but at least this one is quite interesting. The 2 draft laws, P.6 and P.7, being brought before the Assembly should be treated as siblings, as they both contain a number of independent provisions that operate for both marriage and civil partnerships. An example is a new provision for an extended scheme for authorisation for civil celebrants, which has been expanded to include civil partnerships but is found in the proposed amendments of Marriage and Civil Status (Jersey) Law 2001. In February 2018 this Assembly debated and voted in favour of the Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018, that provided for a number of amendments and improvements to the 2001 law, including allowing same sex couples to get married in Jersey, allowing for the solemnisation of marriage in the open air, including in public spaces, streamlining the processes associated with giving notice to marry and the registration of marriage, introducing additional safeguarding requirements to better protect against sham or forced marriage and making necessary provisions in relation to marriage in emergency or special circumstances. The Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 did not, however, make any further amendments to reflect the requirements of the United Nations Convention on the Rights of the Child,

the Convention on the Elimination of All Forms of Discrimination Against Women or the Independent Jersey Care Inquiry results. Amendments to the 2001 law and the Civil Partnership (Jersey) Law 2012 to further the compliance with U.N.C.R.C. (United Nations Convention on the Rights of the Child, C.E.D.A.W. (Convention on the Elimination of All Forms of Discrimination Against Women) and I.J.C.I. (Independent Jersey Care Inquiry) are made by this draft law and the Civil Partnership (Amendment) (Jersey) Law 202-. The Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law is broad in this effect; I will only touch on the main topics contained within the draft law. The first item that this law will address is age of marriage. The U.K.'s ratification of the U.N.C.R.C. was extended to Jersey in 2014. As part of the State Party to the U.N.C.R.C., this Island is subject to the monitoring and reporting processes of the U.N. Committee on the Rights of the Child. We have an obligation to continue to pursue measures to realise children's rights and implement the Convention. In June 2016 the U.N. Committee on the Rights of the Child recommended in their fifth periodic review of the U.K., including Jersey's, compliance with the Convention, that the State Party raise the minimum age of marriage to 18 years across all devolved administrations, Overseas Territories and Crown Dependencies. The committee had expressed concerns about systems which potentially allow for the marriage of girls and boys aged 16 or 17 years old. The U.K.'s ratification of C.E.D.A.W. was extended to Jersey in February 2021 and, as such, this Island has an obligation to continue to pursue measures to further realise the rights of women and girls. C.E.D.A.W.'s Committee general comment 21 explicitly states that: "The committee considers that the minimum age for marriage should be 18 years for both men and women." A public consultation also asked if Jersey's laws should be amended to raise the minimum age of marriage and civil partnership to 18 years old; 77 per cent of respondents agreed, 13 per cent disagreed and 10 per cent said they had no preference. I propose, as part of the effects of this draft law, to raise the minimum age of marriage to 18 years of age. I also propose to introduce similar amendments as part of the Civil Partnership (Amendment) Law 202-, hopefully, to raise the minimum age of civil partnership to 18. As part of raising the minimum age of marriage and civil partnership to 18, provisions will also be introduced so a marriage solemnised anywhere in the world after the date of it coming into force of the law is void if at the time of its solemnisation at least one of the parties to the marriage is domiciled in Jersey and at least one of the parties to the marriage is under the age of 18. It is important to note that if a couple who are not domiciled in Jersey and marry under the age of 18, in a jurisdiction that still lawfully permits it and then move to Jersey, their marriage will be recognised.

[11:15]

The second item is about open-air locations. In February 2018 this Assembly debated and voted in favour of allowing the solemnisation of marriage in the open air, including in public spaces. Open-air weddings have proven to be popular but bring practical challenges in the case of inclement weather. The draft law proposes to introduce amendments that will permit a couple to also choose an alternative non-open-air approved location at which their marriage could be solemnised, in addition to an open-air location. The amended law will require the application forms and published notice for marriage to contain both locations. A couple must choose which approved location of the 2 they wish to have their marriage solemnised at prior to the issuing of the marriage schedule. The third item is the registration of names and the provision to prohibit confusing, embarrassing or offensive names. The legislative provisions that provide for the naming of a child can be found in the 2001 law. The law provides that where a birth has occurred it is the duty of an informant to inform the Superintendent Registrar of the particulars of the birth within 21 days of the birth. The law currently explicitly permits the birth of a child to be registered without that child being given a name. The Article also permits a child's name to be altered up to a year after birth, such as for a baptism. The law does not currently require that a child be given a name within that year and, more importantly, there is no mechanism in the current law to require a nameless child to be given a name at all. As a result, the law is currently in direct conflict with Articles 7 and 8 of the U.N.C.R.C.

Article 7 of the U.N.C.R.C. requires that: “A child has a right from birth to a name” and Article 8 of the U.N.C.R.C. requires: “State Parties to undertake to respect the right of a child to preserve his or her identity, including nationality, name and family relations, as recognised by law.” The draft law will set new provisions that would shorten the statutory period where a child can be registered without a name from one year to 3 months, however, the ability to alter a child’s name for up to a year would remain. If a child remains nameless after 3 months the Superintendent Registrar would be required to notify a person with parental responsibility, that they have a further month to provide a name for the child. If the child remained nameless the Minister for Home Affairs shall choose a full name for the child. Legislative provisions to limit names that can be given to a child because they are confusing, offensive or embarrassing are very common in other jurisdictions around the world. The draft law would insert provisions that prohibit confusing, embarrassing and offensive names and permits the relevant registrar to register the birth without a name or refuse to alter a name where that name might reasonably be expected to cause a mistake or confusion or embarrassment to the child, is sought for an improper purpose or is for any other reason objectionable. The draft law would require the Superintendent Registrar to be made aware of the decision and if a decision was taken by a Parish registrar the Superintendent Registrar must confirm the decision. The draft law provides the right of appeal for an applicant. Appeals would be made to the Minister who, having regard to the interest of the child and the public interest, determines the appeal. The new provisions will certify Articles 3, 7 and 8 of the U.N.C.R.C., therefore improving the Island’s compliance with the treaty and, more importantly, it improves the outcomes of any children who are subjected to that. Next is the transfer of relevant registration duties. A number of the proposed provisions within this draft law are concerned with the transfer of relevant registration duties. These have been developed in consultation with the Comité des Connétables. I would like to offer my thanks to the Comité des Connétables and the chair of the Comité des Connétables for their engagement, support and scrutiny of these proposals to create a series of provisions that are acceptable to all parties. Article 42 of the current law provides for the Superintendent Registrar to act in the capacity of a Parish registrar on a temporary basis, where there is no Parish registrar appointed to that Parish. The statutory responsibility and liability still remains with the Parish registrar and the Constable of the Parish. This draft law will enable a Connétable to choose to transfer registration duties of their Parish to the Superintendent Registrar or transfer registration duties back to the Parish should they wish. These transfers will be subject to a statutory notice period that has already been agreed and that notice period will be set in an order. These provisions provide a choice to a Constable but prevent registrations being switched between a Parish and the Superintendent Registrar frequently. Currently the Superintendent Registrar is acting in capacity of a Parish registrar for 10 out of the 12 Parishes. It has been commented so far that these arrangements have been working well for the Parishes involved. The next item is the abolition of a wife’s domicile of dependence. Currently the customary law of Jersey provides for married women to have a domicile of choice in death but not in life. Amendments made to the Probate Law in 1998 provided for a wife to have a domicile independent to that of her husband when matters of moveable estates have been considered. However, this is not possible while she is currently alive. The domicile of dependence for married women exists just as there is a domicile dependence for children. This means that no matter what a woman’s connection to Jersey is, no matter how intent she is to make a home in Jersey and to remain here permanently, if she is married to a man with a domicile elsewhere, she is unable to have a domicile of choice in Jersey. Equally, if a woman married to a Jerseyman seeks a domicile of choice abroad, unless her husband also changes his domicile, she is stuck with the same domicile as her husband. She can only lose her dependent domicile by divorcing him. Our customary law also falls directly foul of Article 15(4) of the Convention on the Elimination of Discrimination Against Women, which provides: “States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence in domicile.” Jersey law does not currently permit this. The draft law proposes to introduce provisions that would abolish the customary law, so that a married woman could return her domicile of origin if it is different to

her husband's or seek a domicile of choice in the same way as an unmarried woman. Finally, there are administrative amendments which the draft law makes, most of which are purely administrative or are amendments intended to clarify the original intention of the law. I present this to the Assembly.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

5.1.1 The Connétable of St. Lawrence:

I rise again today to thank another Member of the Assembly, this time the Minister for Home Affairs for his co-operation in the matter of the Parish registrars. He just gave a detailed explanation of how the system will work and the Constables are extremely aware of how central government, when it undertakes reviews of laws in particular, can perhaps inadvertently remove some of the traditions and customs that are vital to the Parish system. Certainly we, as Constables, intended to ensure that the role of Parish registrar would not be lost by being passed over on a permanent basis to the Superintendent Registrar, notwithstanding, as the Minister has said, that at the start of the pandemic we did all place registration duties with the Superintendent Registrar at that time. What these amendments allow or this law allows is for a Parish to give the registration duties or the registrar duties to the Superintendent Registrar to manage for a time that can be indefinite but that when the Constable is able to find a suitable person to act as Parish registrar, the duties can be resumed by the Parish with a period of notice and that notice period has been agreed between the Comité and the Minister for Home Affairs. So I thank him for the collaborative working, which is of course the way that the Constables always work.

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

As is mentioned in the Minister's report, P.65/2015 was the original proposition lodged by myself whereby States Members instructed the Minister at the time to bring forward the legislation to allow legal humanist weddings but also open-air marriages to take place. At the time of that debate, I suggested that we should include a provision for couples to identify an alternative venue in case of inclement weather. So I am delighted to see that this has been brought forward in the legislation today because I know from couples who have recently married or who are planning to marry, that the lack of this has sometimes put people off opting for their ideal outdoor wedding for fear that their day would be ruined if there was, say, a thunderstorm with no option to seek shelter. I will take this opportunity to call again for further measures that are required to allow couples to fully access the benefits of this law and, despite the original law being passed 5 years ago, we still do not have a selection of outdoor locations on publicly-owned land which is pre-registered so that couples can access them with ease and at minimal cost. So while it is wonderful that outdoor weddings are an option in theory and are going to be more accessible with this legislation today, couples are telling me that the process of registering, say, an area of local woodland that is particularly special to them, is still very difficult to navigate and costly. A recent response to a question lodged by myself stated that the planned work to register a selection of sites across the Island has been delayed by COVID, which of course I understand. That work would have been put to one side but I would urge the Minister to see that this is now being progressed. It has also occurred to me that, as well as land owned by the Government or the States of Jersey, I would wager that there are, in addition, many beautiful outdoor locations which may be on Parish-owned land, and this is something that perhaps the Constables might consider doing in order to give full effect to this part of the law. So I support that part of the law and I also am grateful to see the parts that address children's rights and married women's domicile and I thank the Minister for bringing forward the legislation today.

5.1.3 Deputy D. Johnson of St. Mary:

My question is a very specific one and I apologise if the information is already there. I am one of those who had the luxury of 2 ceremonies on the occasion of my wedding. The first was in a catholic

church, a private ceremony at St. Aubin, and the more public one was a blessing at Trinity Church later in the day. The legal solemnisation took place at the catholic church and, as the catholic priest was not a registrar, or certainly was not then, the registrar of the Parish was present to authenticate that. My concern is simply that if certain facilities or responsibilities are being removed or being voluntarily removed by the parochial registrars to the Superintendent Registrar, whether it will be possible in the future for someone who wishes to get married in a church other than a Church of England church to have the capacity to require, if not the registrar of that Parish because there will not be one, the Superintendent Registrar or perhaps a delegate to attend that wedding so that they will not be inconvenienced or deprived of a wedding in the church of their choice. Perhaps the Minister would clarify that in his summing-up.

[11:30]

5.1.4 The Deputy of St. Peter:

This may be a little pernickety but having 2 options, i.e. within 48 hours, you have to determine in which location you wish to have your marriage solemnised either outdoor or an alternative indoor one, I am not being over-trivial but I have lived in Jersey quite a long time and our 48-hour weather forecasts are not exactly that accurate. So I am just wondering what the rationale is and why we cannot wait until almost the morning to make that final decision - I know the practicalities of guests is to be brought into consideration - but the actual decision of where you wish to solemnise your wedding. It is a bit pernickety but thank you.

5.1.5 The Connétable of St. Brelade:

Following on from my colleague from St. Peter, there is an issue with exactly the point he makes in that if a hotel on a beach site position wishes to arrange a wedding on a beach they cannot, at the last minute, move it inside. This is an issue in the light of, as my friend mentioned, the weather in the Island. Could I ask the Minister for Home Affairs to address that matter in his summing-up?

The Bailiff:

Thank you very much, Connétable. 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.

5.1.6 Deputy G.C. Guida:

I would like to thank the Connétable for the excellent work that we have done together. It was very collaborative and we came to a very simple arrangement which satisfies both parties. To Deputy Doublet, while I thank her for having brought this forward, because I think it is really, really useful for Jersey, I think that of course COVID has just slowed down the registration of public places and, with that, this will accelerate soon enough. I will certainly make sure that it happens. There are quite a number of locations in Jersey that would be really suitable. To the Deputy of St. Mary, the Superintendent Registrar will attend in church and I understand that they would have had to do so even when we had the Parish registrars so nothing has changed in that respect. To Deputy Huelin and the Constable of St. Brelade, this is an extraordinary question; the reason why you have to warn in advance of where your marriage will take place. This comes down to the most ancient roots of the performance of the marriage which has to be witnessed by your community. So, right now, we sign documents and there is an official registration but basically the marriage itself must be announced to the community who can then be a witness to it and that is why, as much in church or in any other location, the public announcement must be made in advance. So if it is going to be in an open space, there might be weather considerations which means you might need a backup location very quickly, but we still want to warn the community of where this is going to take place within 48 hours so that they can attend because, traditionally, it is the community that witnesses the marriage. With this, I maintain the proposition please.

The Bailiff:

I invite Members to return to their seats. The vote is on the principles for this law and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted: 43 votes pour, no votes contre and no abstentions.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		

Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy Ward, does your panel wish to call the matter in?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

5.2 Deputy G.C. Guida:

Sir, *en bloc* please. The 2 of those together are 153 amendments and I am pretty sure the Assembly does not want me to read them all but I would like to take advantage of this to thank Scrutiny for their excellent report on those 2 pieces of legislation.

The Bailiff:

So you are wishing to effectively propose all of the amendments *en bloc* and anyone that wishes to ask any questions of you can do so.

Deputy G.C. Guida:

Absolutely, yes, please, Sir.

The Bailiff:

Is it seconded? [**Seconded**]

5.2.1 Deputy K.F. Morel of St. Lawrence:

My questions are about the naming. Names have always been of interest to me and I am particularly interested in the Minister's power to name children and also the prohibition against confusing names. I am really interested in understanding how the Minister's process is going to be in this, and I appreciate it is going to be a rare occasion or I should hope it is going to be a rare occasion. If the Minister is in a position where he has to choose a name for a child, could he enlighten us as to how he will do that? Will he take cultural considerations into account? Will he have a list? Will the list be 2 names; John and Jane? Something as bland ... there is nothing wrong with the names "John" and "Jane" but they are extremely regular names, let us say, or will he take other factors into account because obviously from a cultural perspective, this could have quite an impact on a child. Similarly, I am confused about the elements of confusing names because is this Superintendent Registrar going to be in a position where, because the Superintendent Registrar does not understand a name because perhaps it comes from another culture and another language, that they would be able to refuse such a name purely because they do not understand it even though it may be a perfectly regular name in another culture? I do not know my position with the *en bloc* situation because I would have asked for these particular Articles, Article 50 and the other 2, to be voted on separately because ...

The Bailiff:

You are entitled to do that.

Deputy K.F. Morel:

Am I, Sir?

The Bailiff:

For legislation, any Members can ask for Articles to be taken separately.

Deputy K.F. Morel:

I will keep that under consideration, thank you, dependent on the Minister's answers of Article 50 and the ones following that with regard to registration of names. So, yes, I would really like the Minister's answer to that because I think the Minister is going to be in a very, very difficult position here. While I appreciate it is a human right to have a name, in the worst of all situations if parents are refusing to give a name, how do we ensure a name is given? That power falls to the Minister. I understand that logic but I need reassurance about the processes as to how the Minister will do this. Will there be a civil service list of approved names, for instance, that you will chose from? Will the Minister visit the child to try to understand some of the individuality of the child because this will take place after 6, 7 or 8 months old? There will be a great deal of individuality about that child at that age so, yes, I really would like answers to this from the Minister.

5.2.2 The Connétable of St. Brelade:

Pursing the point I made in the principles, I would ask the Minister in Article 13 if he can just expand a bit on his comments he made with regard to the 14-day notice period. It seems to me in Article 13, there can be an alternative site prescribed in the document. What I would like to understand is whether, shall we say, in a property next to a beach, the principle or the primary location can be the beach and the fallback the adjacent hotel if possible because it seems to me that it may be the case. Could he expand on that?

The Bailiff:

Does any other Member wish to speak on any of the draft Articles in Second Reading? If no other Member wishes to speak, then I close the debate and call upon the Minister to respond.

5.2.3 Deputy G.C. Guida:

The question of Deputy Morel's is also fascinating and it is one that has elicited lots of discussion. When anything is given to the Minister, of course we are not really talking about the person but their whole team so, in that circumstance, first of all, there would be guidance issued by the Superintendent Registrar but also that would be probably a collegial decision based on the carers for the child, if there are carers, and based on all possible circumstances. I cannot imagine any Minister in that position doing what we used to do in France, i.e. grab the calendar and say: "Born on that day. That is the Saint and that is the name that you are getting." That is over so there will be sensibility and of course there is always a route for appeal and a way for the parents to rename the child if they want to, so it is quite open but we have no other choice but to write down an ultimate responsibility in the law. In terms of switching from location to location, yes, we have had problems and some of the locations, quite typically, are beaches in front of hotels but not only is there the tradition that means that people must be aware of where a wedding is taking place, there is also the defence of sham marriages where we want to be able to supervise a marriage and make sure that it is really properly happening, so that is why the 48 hours is in the law. Having said that, I would like to propose all the Articles up to 49 to the Assembly.

The Bailiff:

Up to 39?

Deputy G.C. Guida:

Forty-nine. I think Deputy Morel wants to separate 50 and 51.

The Bailiff:

Is that still your wish, Deputy?

Deputy K.F. Morel:

Sir, no, I am happy to go *en bloc*.

Deputy G.C. Guida:

I would like to have them *en bloc*, Sir, please.

The Bailiff:

Then you will just deal with all of them together then. The vote is on the Articles in Second Reading. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Articles are adopted in Second Reading: 46 votes pour, no votes contre and no abstentions.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Do you deal with the Articles in Third Reading, Minister?

5.3 Deputy G.C. Guida:

Yes, please, Sir.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]**

Deputy G.C. Guida:

Just a very quick thanks to all the officers that have participated in this work that has taken 4 years and 153 amendments.

The Bailiff:

Yes, so they are seconded for Third Reading. Does any Member wish to speak in Third Reading?

[11:45]

5.3.1 Deputy M. Tadier:

You will stop me if you think my comments are inappropriate but I did not think it was appropriate to speak earlier because the comments are more of a philosophical nature. I think that a lot of the changes here are sensible and it is constantly necessary to review our laws but I do have some comments about what we are left with in the sense of the ...

The Bailiff:

Well, Deputy, you did invite me to interrupt you if I thought it was going to be inappropriate. **[Laughter]** Although I do not accept that invitation readily, can I just remind you of the Standing Order which says that the limits of the debate in Third Reading are the adoption or non-adoption of the law as passed in Second Reading. In other words, there is no room for a further discursive exercise of philosophical musing if that is the direction you were going in. Your argument should be should the law be adopted or not adopted?

Deputy M. Tadier:

Thank you, Sir. In that case, I will curtail the vast majority of what I was going to say and look at whether or not we could adopt this in the Third Reading. **[Approbation]** I would simply say that I can adopt it on the basis that I think, overall, it is going in the right direction but I do have serious concerns about the balance of rights and responsibilities when it comes to who is able to perform marriages. I would simply say that, from what is in the law, I still have concerns which means that I cannot adopt this wholeheartedly because I think, for me, ultimately marriage is something that the States confers upon a couple. When we delegate responsibility for marriage on to other authorised parties who are then allowed to discriminate about who can and cannot get married and we put in clauses to protect them because they have certain belief systems, that is problematic for me. So I am supporting this in the Third Reading with that caveat in place.

5.3.2 The Connétable of St. Brelade:

I would just take this opportunity to thank the Parish registrar still in place for the sedulity of their duties in a changing world and they have had to adapt to the proposed changes which we are seeing today and I think them for their efforts and time.

The Bailiff:

Indeed. Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate and call upon the Minister to respond.

5.3.3 Deputy G.C. Guida:

I think I understand Deputy Tadier's philosophical issues. Marriage is something that is conferred by the States registration. However, if individuals want to go through the church of their choice or any other system, they are welcome to do so. So I think that now, as we go on expanding with this clause, we are making this more open, more available and less discriminatory so I think we are really moving forward with this and, with this, I would like to recommend the law in Third Reading to the Assembly.

The Bailiff:

I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading: 45 votes pour, no votes contre and no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

6. Draft Civil Partnership (Amendment) (Jersey) Law 202- (P.7/2022)

The Bailiff:

We come on next to the Draft Civil Partnership (Amendment) (Jersey) Law 202- lodged by the same Minister and, again, the main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Civil Partnership (Amendment) (Jersey) Law 202-. A law to amend the Civil Partnership (Jersey) Law 2012 to provide for opposite sex civil partnerships and to amend the formalities and registration requirements for civil partnerships and to make consequential amendments to other enactments. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

6.1 Deputy G.C. Guida (The Minister for Home Affairs):

It will sound like I am repeating myself a lot but, basically, what we have done is to match marriage and civil partnership as much as we could so that they are now almost completely similar. This draft law before you will make a number of significant improvements to the civil partnership process in Jersey. None of these amendments will change the legal rights and responsibilities of persons already in a civil partnership. If these proposals are adopted, opposite sex civil partnerships will be introduced, the minimum age of a civil partnership will be raised to 18 and the entry process for a civil partnership will be changed so it is safer and much more robust. This draft law will make amendments to extend civil partnerships to all. It enables, in addition to same sex couples, all other couples to form civil partnerships. There are 3 key drivers for making this change. The first is a public desire for civil partnerships to be available to all. Two separate public consultations have been undertaken 4 years apart. Both asked the public if they agreed that civil partnerships should be available to all. In 2014, 72 per cent of respondents agreed that civil partnerships should be available to all and, in 2018, 78 per cent agreed. The 2018 consultation also asked if Jersey should start providing for civil partnerships and 68 per cent of all respondents did agree. It was made clear in the consultation responses that civil partnerships offer an alternative to marriage that is free from the traditions and perceived patriarchy of marriage. Although extending civil partnerships to all was discussed at the time of the 2018 reforms to the Marriage Law, it was accepted that the Civil Partnership Law should remain unaltered until there was a further court-related ruling. That court ruling was made in June 2018 when the Supreme Court ruled that the Civil Partnerships Act of England and Wales was discriminatory in that only same sex couples can contract a civil partnership excluding opposite sex couples. England and Wales subsequently introduced regulations that enable civil partnerships to be extended to all in 2019. The Supreme Court's ruling, although based on the Civil Partnership Act, could easily be compared to Jersey's Civil Partnership Law where the same discrimination still exists. We have also experienced opposite sex civil partners who have formed civil partnerships in England or Wales moving to Jersey although it currently does not recognise civil partnerships and, as such, the non-recognition of those persons in civil partnerships causes them significant uncertainty. The draft law also provides for couples to convert their existing marriage to a civil partnership should both parties wish to do so. This is similar to provisions that were introduced as part of the Same Sex Marriage Law amendments in 2018. The aim of conversion is allowing the couple to convert their union to one that was previously denied to them. In line with amendments made by the Marriage and Civil Status (Amendment No. 5) (Jersey) Law, the draft law will also raise the minimum age of entry into civil partnerships to 18 years of age. This is to ensure that the minimum entry age for both unions remain the same. It makes no sense for them to be different. The obligations that this Island has to the U.N.C.R.C. and C.E.D.A.W. apply equally to civil partnerships as they do marriage. The comments made by the U.N.C.R.C. and C.E.D.A.W. are therefore equally valid and it is right that we also raise our minimum age of civil partnership. In February 2018, a commitment was made during the debate then Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law that over the following months the Government would bring forward proposed changes to the civil partnerships legislation so that processes for applying for and registering civil partnerships became the same as the processes for marriage. Amendments made by this draft law will make it easier for people to apply for a civil partnership and, most importantly, we will have a law that provides better safeguards against sham and forced civil partnerships. Today, in Jersey, it is possible for a person to apply for a civil partnership and organise a civil partnership ceremony without the knowledge or consent of their partner. A partner may know nothing about the intended civil partnership until the very point at which they are standing in front of the civil partnership celebrant and are asked to make legally-binding vows. A surprise civil partnership ceremony could be a highly-corrosive situation. For example, a woman or a man forced into civil partnership because they feel unable to say no in front of family or friends at the civil partnership ceremony they knew nothing about. Such civil partnerships will not be allowed to take place under the amended law, which introduces a range of

safeguards against sham and forced civil partnerships. It will essentially update the civil partnership process to mirror that of marriage. Like the current Marriage Law, both parties to a civil partnership will have to give notice. They will both have to sign the declaration stating that they are free to form the civil partnership. Both will need to present themselves to a Superintendent Registrar and complete the signature verifier form. The civil partnership celebrants can then confirm that the 2 people standing in front of them are the same 2 people that have been given permission to form a civil partnership by a Superintendent Registrar. This is a significant improvement because, at the moment, it is simply not known if the couple presenting themselves at the civil partnership ceremony are the same 2 people whose passports or visas or supporting identity documents were inspected by the Superintendent Registrar. Under the amended law, any non-resident who wishes to form a civil partnership in Jersey will need to provide a certificate of no impediment to civil partnerships or its equivalent. No one will be able to give notice to form a civil partnership in Jersey unless a Superintendent Registrar is satisfied that they are free to enter into a civil partnership. This is the same as the current marriage process. Once notice is given, it must be in the public domain, which will include publication online for at least 25 clear days before the date of civil partnership, providing greater opportunities to identify potential sham civil partnerships. The amended law makes it easier for couples to give notice to form a civil partnership and to have the civil partnership registered. Couples can apply and give notice online and are only required to visit the office of the Superintendent Registrar once before the civil partnership ceremony. This amended law also makes amendments to provisions for civil partnerships in emergency or special circumstances and brings them into line for the current emergency or special circumstances provisions for marriage. Currently, emergency or special circumstances in civil partnerships are not possible. Such emergencies are when there is a risk of death, where a person is housebound, or where a person may need urgent medical treatment. Under the amended law, civil partnerships will be carried out by civil celebrants. These are individuals who are authorised by the Superintendent Registrar after taking an oath before the Royal Courts or by the Superintendent Registrar. All of the amendments to the process to form a civil partnership mirror the process already in place for entering a marriage. This is to reflect that in Jersey the 2 unions are legally the same with the same rights and responsibilities. It therefore no longer makes any sense to have a civil partnership that lacks the robust process and safeguards that are present in a marriage process. A new fee structure is also proposed as part of this draft law. The fees for a civil partnership will mirror all those of marriage to reflect the identical work that will be required to administer civil partnerships. With this I present the law to the Assembly.

[12:00]

The Bailiff:

Thank you very much, Minister. Are the principles seconded? [**Seconded**]

6.1.1 Deputy M. Tadier:

This is probably the time to be slightly more philosophical when we are debating the principles. This is a reflection about where we have come and how we got to this point. For some it will seem to have taken a very long time, for others they will look back and say what a lot of change has happened in such a short space of time. Both of those points are true. I remember a younger then Deputy Mézec being in this Assembly and he wasted no time, following his by-election, following up on one of his key pledges around same sex marriage. There was a debate back then, it must have been in 2013/2014 - he will know better than me - about equal marriage. What we had at the time, so many spurious arguments coming from some Members of the Assembly and some sections of society, which said: "We could not possibly let same sex couples get married." All sorts of objections. Sure enough, there were destructive amendments that were put into the proposition of then Deputy Mézec at the time and it did not succeed in the form that it should have. This led to Jersey's first ever true gay pride happening, which was an act of process, not the act of celebration that it quite rightly has become today. Those were the roots of Jersey Pride. It was not a corporate sponsorship event; it was

an uprising of the community, not just those who would be directly affected themselves, not those who might have wanted to seek a same sex partnership, indeed a same sex full marriage, not what was offered to them in the first instance. It was the sympathisers and supporters who saw the inherent injustice. What has happened now is a great example of mission creep and unintended consequence. Because of course, like I said, full marriage was never offered to these people; it was civil partnerships in the first instance back in the day. I remember the very strange Scrutiny hearing where I was on the Scrutiny side and Senator Ozouf was on the Government side, explaining how civil partnerships were not the same as marriage. It was a public hearing, and I remember distinctly asking: "Well, why do we not just allow same sex couples to get married? What we have here is not the same." He was also saying: "Civil partnerships are not marriage; we have to be very clear about this." I do not want to use the term incorrectly, but there was something Kafkaesque about it, or certainly something quite absurd in the sense that we did not seem to know what we were doing there. I think we were arguing on the same side but not knowing and fully understanding what the other was saying. I was saying that was the whole point, it is not marriage, is it? Why are we not offering marriage to these people? Of course what we had, we created this vehicle, if you like, which stops short of full equality because we could not bring ourselves, or the majority at the time could not bring themselves, to allow same sex couples to get married, even though the overwhelming support of the public, whenever surveys had been done, and certainly anecdotally in Jersey, the argument was still the same that the support was there. So what we have now is we have inherited this vehicle called civil partnerships, which used to only be reserved for same sex couples. It was created, not as what is being proposed now, because that was the only alternative for same sex couples to enter into a similar union to other people. It was not created because there were a few people in society, and I can sympathise to a certain extent, who had this philosophical issue that marriage is some kind of patriarchal construct. So when it was dreamt up it was not to give an alternative to marriage that some people might think it is patriarchal. Incidentally, as a little footnote, it is entirely possible to enter into marriage and not find it a patriarchal construct. Because that is obviously all related to a unique individual, so I do not accept that premise. But now it is being sold to us that we better do this, first of all because people want it; we have asked them what we should do with civil partnerships. Secondly, because there is a patriarchal issue with same sex marriage. But I am afraid that does not really stack up. Because first of all that is not why we were sold it. The logical thing to do, despite what the public might say when they are asked a certain question, and of course if you ask the question: "Should we extend civil partnerships to everyone?" they are going to say: "Yes, they should be open to everyone." But really we should not have ever been in the position of creating civil partnerships because we should have simply allowed marriage to be accessed by everybody in the community, irrespective of their sexuality or who their loved one was. This is not what we have done. So we have this kind of irony whereby I would say we now have 3 types of marriage: we have religious marriage, which can only be performed between a man and a woman; we have civil marriage, state marriage if you like, which can be entered into by anybody, whether they are male or female or same sex or non same sex; and then we have the civil partnership, which is going to be another alternative. So we have created much more bureaucracy. Although I am on the left of Jersey politics, I am at the centre of politics in the global sense of it I think more and more. But in Jersey I am probably on the left. We are often accused of introducing red tape, et cetera, and wanting unnecessary legislation. For the record, I am more of a libertarian and I have a problem with any legislation that cannot be justified. What I have seen here is how we accidentally created this new vehicle and we are perpetuating it, whereas this vehicle certainly should be taken off the road. We should be saying that for those people who have civil partnerships that is great, they can keep it. If you want to convert it to marriage you can also do that. But we are not going to be entering anybody else into new civil partnerships from now on because they have served their purpose and now we have certainly a much more equal system. Anyone can get married, you do not need civil partnerships anymore. But to hear people who philosophically would have been opposing same sex marriage back in the day now arguing that marriage is a patriarchal construct and to allow for a few people who

think that it is a patriarchal construct, we are going to not just continue but extend this vehicle is, I think, quite bizarre. I am addressing as to whether or not it is sufficient grounds to vote against all of this or this part, because there is a good argument for it. But where does it stop? What if somebody has a problem with marriage because it is patriarchal, but they also have a problem with civil partnerships because that smacks too much of the state and it has a certain strangeness about it that they do not like, and they want a different kind of union. It could be like the French system, the *P.A.C.S. (pacte civil de solidarité)* system whereby it is much more liberal, if that still exists; it has been a few years since I studied French sociology. So in fact certainly at the time I could see benefit if you decide to enter into a union. It would not be like marriage but it could be prioritised for social and tax purposes so that their living arrangements could be recognised by the state. Are we going to have further forms of union that are recognised simply because some people in our society think that there is a certain problem with what already exists? So I wanted to flag that up that when the ultra-conservatives were resisting extending marriage rights for the wider community, what they have done is ended up potentially, in their minds, undermining marriage because they have created a very fractured way of people entering into something, which has been described as very similar and very much the same as marriage, to the point where they are interchangeable, and you can say: "I want to convert my civil partnership to marriage" or: "I want to convert my marriage to civil partnership." You can only do that once, you cannot keep doing it, quite sensibly. But they are completely interchangeable and the point is we should have just said marriage is equal for everybody. At this point, logically, I would say let us just get rid of civil partnership and let them fizzle out, not the individual relationships - may they long continue to be strong - but we do not need to be getting involved in this extra red tape as a Government. Think of all the manpower and all the headaches that Deputy Guida and the officers have had with this unnecessary law, just because back in the day the ultra-conservatives could not be bothered to do things properly. So I will leave those comments there. I do have specific concerns about the transgender questions that will be asked, and that was more so in the Marriage Law. But the 2 very much go hand in hand. I would still put on record that we do not have full equality, and this is the point I was trying to make earlier, whether it is civil partnerships or marriage. I believe that it is ultimately the state that confers the right of marriage and of the ability to perform marriages on people, whether we like that or not. There will be people of course who argue the church was doing it long before the state used to do it. But of course back then the church was the state. Even before the church, these things were done perhaps on a much smaller scale ceremonially, even sometimes just with the agreement of the 2 individuals. I do have concerns that when we give institutions other than the state the right to perform legal marriage that we should be putting on them an obligation to perform marriages or civil partnerships in an equal way, in the same way that we would expect of the state to do it. So I will leave those comments there because I do want to try to keep them relevant to what we are debating. I would be interested to see and hear what the comments are from the Minister. I know he is a very thoughtful individual. Also, whether there is going to be any resistance from the traditionalists in the Assembly and whether they see this as somehow undermining traditional marriage. Perhaps it does not undermine it this close to an election.

6.1.2 Deputy L.M.C. Doublet:

The Minister mentioned consultations that have been done on our marriage laws and I recall in 2014 when I was first elected, and those who were part of the previous Assembly will recall this, that there were calls from the public at the time to extend civil partnerships to all couples. I do think it is disappointing that we decided to wait and see what the U.K. did because it was clear in 2014 that this was the right thing to do. It was clear to me then and it is clear to me now. As the States Assembly, we should be deciding what is right for Jersey and in future if we do think it is the right thing to do we should bring that forward ourselves and not wait for them U.K. But I am pleased that we have eventually got here today and it is a really important step for equality. Previous speakers have spoken about the decision to extend marriage to same sex couples, and I absolutely applaud the work that

was done by Senator Mézec. I remember attending that first Pride Parade and speaking at that parade in my capacity as a union representative when I was a teacher. It was an absolutely wonderful moment of Islanders coming together, the L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender, queer, and others) community and allies coming together and showing how important something really was. So I thank the Senator and his colleagues for organising that. At that time, it was becoming clear to us, and again Deputy Tadier has referenced this, that although the technical details of the Marriage Law and Civil Partnership Law may have been the same or similar, and they are not the same because we know they are not the same because, for example, the tax issue that we have with married women not owning their own tax affairs whereas in civil partnerships it is partner A and partner B. So there are differences. But nevertheless the reasoning given for extending marriage to same sex couples was not a technical one or a legal one, it was a cultural one. Again, Deputy Tadier has referenced this, it is the cultural significance behind being able to say: “This is my wife. This is my husband” and the meaning and the weight that those terms have for people and people wanting to be a part of that institution, which is so important to us.

[12:15]

But in the same way there are many mixed-sex couples who, because of their interpretation of the meaning behind the institution of marriage, as Deputy Tadier has referenced, and its historical connotations of women being given away or wives obeying husbands, and again Deputy Tadier said that is certainly not a part of most marriages today. But nevertheless there are many couples, young couples especially, who do feel strongly about this and do not want to be a part of it. But they still want to have some legal protection and recognition of their union. I do think it is unfortunate that Deputy Tadier is tempted to dismiss these beliefs because dismissing those deeply-held beliefs, I do not think we should do that. We should acknowledge those beliefs and respect them, because they are deeply held by many people. People who hold those beliefs, who do not want to opt in to marriage, are currently not able to access certain rights and privileges. So I would urge the Deputy to show that he acknowledges that and to vote for this legislation in recognition of that. Because there is a misconception, and the Minister may have touched on this, that there is something called a common law husband and wife arrangement. Many people in Jersey who are unmarried and cohabiting believe that after a certain number of years or if you own a house together, et cetera, that you are a common law husband and wife. This is a myth. I know this has been raised by members of the legal profession campaigning for mixed sex civil partnerships. It is a myth. So couples who are currently cohabiting for any number of years do not have access to those rights and privileges afforded by the state to those who are married. I would urge couples who are currently cohabiters, who do not want to opt-in to marriage, I would urge them to take advantage of this excellent new piece of legislation, which I hope we are going to approve today, and to opt in to a civil partnership instead. Members will note that I have used the term mixed sex couples, which differs from the terminology used in the law in front of us today. It is fair to say that the Children, Education and Home Affairs Scrutiny Panel, of which I am vice-chair, we did consider this and we considered amending this because we deem the term opposite sex to be problematic for reasons which I will outline. But we did not want to hold up this legislation because it is an extremely important piece of legislation. But it is fair to say that the panel feels that this should be looked at in the future. The reason for our concern being we are more aware now in 2022 that neither sex nor gender are binary. By using the term “opposite sex” we are reinforcing those binary misconceptions and erasing the identity of inter-sex and non-binary Islanders. I want to apologise to those individuals for that and again reiterate that it should be addressed as soon as possible. But that flaw notwithstanding, on the whole this is an excellent piece of legislation, which I personally have been waiting years to see it come to fruition and I am very grateful that the Minister has brought it forward today. It will be extremely popular with Islanders and I hope that we can support this today.

6.1.3 Deputy J.H. Young of St. Brelade:

I am prompted by Deputy Tadier, I was quite taken aback by Deputy Tadier's comments. His comments are often very philosophical and deep and have contained some real gems of wisdom. But on this occasion I fear he has not got the point. There are numerous practical reasons why people in society that do not want to engage in a marriage need and should have the right to be able to join their affairs together in a way, which does not deprive them of all those so many things in law, which they probably think - many of them, as Deputy Doublet said - they enjoy. They do not. The track record of people suffering for that and not having such a facility, it has been seriously remiss that we delayed doing this. Of course France has had this for years and I remember when the previous legislation came in, when we brought in the civil partnership legislation, I was really disappointed that we did not allow couples - and I personally use the phrase of "different sex" - but I do understand the point that Deputy Doublet is making. But for me the ability of couples to be able to have that alternative is an absolutely fundamental point. I will just give a couple of practical points, and I invite Deputy Tadier to think about this. For example, many people in these days, in later life, they may want to engage in new relationships, having lost a loved one after very long marriages and become widowed or a widower, and brought up families and children. But obviously in those later years they do want to have partnerships with another person. I can see in those circumstances I think it is highly likely that they may wish to opt for a civil partnership, which gives them all of the legal rights that they would enjoy in marriage. There are also the issues of managing the relationships with families, with children, and whole extended families in that situation. Where, as an option, it has been very poor that this has not been provided for. I was very pleased to hear this is coming forward. It is a shame that it took court action in the U.K. to both change it in the U.K. and, having worked for a law firm myself, I absolutely know the numerous issues that arise where people's affairs are practically intertwined but they do not have the legal status. Things like pensions, I want all the Assembly with all the catastrophic situations that arise with people's circumstances, so I am absolutely behind this and very pleased that it was brought forward. That is what I wanted to put on the record.

The Bailiff:

Thank you very much, Deputy. 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.

6.1.4 Deputy G.C. Guida:

I will respond to Deputy Tadier, Deputy Doublet and Deputy Young's comments together, because they all raised the same issues. Very quickly, the problem with religious marriage stems from Article 9 of the E.C.H.R. (European Convention on Human Rights), which balances the rights of people with the rights of religious organisations. It is, in a purely intellectual sense, easier to understand if you start from the point that there are between 6,000 and 7,000 recognised religions in the world. So our narrow view of what constitutes a marriage within one religion is an extremely small subset of that and of course the law and the human rights must deal with that. In terms of narrowing the scope and just calling everything a marriage, I would personally be tempted to expand it. It is good that we have a marriage that now is open to all. It is very good that we have civil partnership that is open to all and, as an aside, we removed words from the original Civil Partnership Law so that now it becomes a union between 2 persons and that is it. There is absolutely no definition of what those persons are going to be. That is exactly how it should be and how we should keep it. So this really offers quite a few tools to people. I would love to see a system like the French *P.A.C.S.* installed in Jersey. We do need an association of persons that is not a marriage, that is not a civil partnership, that is much simpler but still gives them some legal rights. Indeed some people who have lived together for ever might think that upon the death of one the other can stay in the house, which might not be the case. The children of one might inherit and the person that lived there their whole life might have absolutely no rights to the place they live in. So people must be careful about

those rights and it would make sense to have a third system that is a little bit lighter, that does not bring all the duties of the marriage, and indeed that could even be a route for people of the same family, for example 2 siblings who have decided to live together for the next 20 years. So that is for another day. I am sorry but that is about it. I hope I have covered everything. I apologise if I have left questions unanswered and I propose the law in First Reading.

The Bailiff:

I invite Members to return to their seats and ask the Greffier to open the voting. The vote is on the adoption of the principles to the legislation. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The principles have been adopted: 40 votes pour, one vote contre, no abstentions.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Deputy Greffier of the States:

Deputy Tadier voted contre.

The Bailiff:

Deputy Ward, does your panel wish to call the matter in?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to deal with the Articles in Third Reading, Minister?

6.2 Deputy G.C. Guida:

En bloc please.

The Bailiff:

Very well. Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on any of the Articles in Second Reading?

6.2.1 Deputy R.J. Ward:

I may have put this at the wrong point of the debate. I wanted to do 2 things: one is I wanted to at some point - and this may be it - to thank the officers in Scrutiny for the work they have done on these reports because we have had so many briefings and to understand the complexities and the subtleties of this is not easy. I think they put together, with the panel, an excellent comments paper that has covered this and we have got a real key understanding. So I would like to say to Deputy Doublet regards her explanation to the panel, she explained it very, very well and I would like to thank her for that. That was mainly what I wanted to say. It may not be at the right place but I think that recognition needs to be made at times because there are some huge pieces of legislation that come through and they need to filter down to a useable form, and I hope the Assembly has recognised that as well.

The Bailiff:

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.

6.2.2 Deputy G.C. Guida:

Yes, I would like to thank all the officers that were involved in writing these laws and again praise the work of the Scrutiny Panel, although now I understand better why this excellent report was produced considering that some of their members were intimately linked to the genesis of all these laws. So, yes, just to thank them all and propose the Articles *en bloc* please.

[12:30]

The Bailiff:

I invite Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The Articles have been adopted in Second Reading: 41 votes pour, one vote contre, no abstentions.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy J.H. Perchard (S)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			

Do you propose the Articles in Third Reading, Minister?

Deputy G.C. Guida:

Yes, please.

The Bailiff:

Are they seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading I close the debate and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The law has been adopted in Third Reading: 41 votes pour, one vote contre and no abstentions.

POUR: 41	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Deputy M. Tadier (B)	
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

I am conscious of the fact that we are a little before the normal adjournment time but would Members wish to adjourn at this point before we start the next item of Public Business?

LUNCHEON ADJOURNMENT PROPOSED

Senator I.J. Gorst:

I am happy to propose that. Just before I do, Members will be aware that I said that there may be legislative changes required for the sanctions that we move forward. There is indeed one and, subject to your approval, Sir, it will be issued to Members this afternoon. I will be seeking to take that regulatory amendment during the course of this States sitting, probably as the final item.

The Bailiff:

The Assembly then stands adjourned until 2.15 p.m.

[12:33]

LUNCHEON ADJOURNMENT

[14:16]

7. Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202- (P.9/2022)

The Bailiff:

The next item of Public Business is the Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law P.9. The main respondent is the Chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202-. A law to amend further the Children (Jersey) Law 2002. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

7.1 Deputy S.M. Wickenden of St. Helier (The Minister for Children and Education):

The Children (Jersey) Law 2002 contains provisions to allow the Minister for Children and Education to look after children where there is a need under certain defined circumstances. In a small number of cases this will mean an off-Island placement is required. One of the safeguards built into this law is a requirement under paragraph 4 of schedule 2 for the Royal Court to approve any such off-Island placement. This amendment is being sought in response to a recent case in which the Royal Court recommended that the Minister reviews paragraph 4(2)(c)(ii) of schedule 2 of the Children Law in order to clarify what was meant by the term “suitable person”. The current lack of clarity means there is a potential discrepancy between the conditions put on an application in respect of a child who is able to consent and a child who is unable to consent to an off-Island placement. The court’s view is that this serves no practical purpose and the term “suitable person” was also unhelpful in deciding on placements when the best placement may in fact be residential. The amendment seeks to implement the court’s recommendation and remove the term “suitable person” from the schedule. This would remove the anomaly but leave the requirement for the court to approve these placements and arrangements for children are unaffected. For the avoidance of doubt, the proposed amendment does not seek to change the role of the court in approving an off-Island placement, and the amendment is not about lowering the bar to off-Island placements. In fact, since 2019 the overall trend for children placed in an off-Island placement has steadily reduced. The current wording of the schedule has created uncertainty and it runs the risk of delaying decision-making on placements which evidence shows is likely to be harmful in terms of the experience and outcomes. In substituting a revised paragraph (2)(c) for the existing provision the amendment will resolve this technical issue in this respect. I propose this proposition to the Assembly in First Reading.

The Bailiff:

Thank you very much, Deputy. Is it seconded in First Reading? [**Seconded**] Does any Member wish to speak to the principles?

7.1.1 Deputy R.J. Ward:

I feel I should speak from the panel because we did raise the issues that may have arisen regards the lowering of the bar for off-Island placements. We were concerned and went through the process of talking about the suitable person phrase and it went down the ... how can I explain them? I think once you get into a discussion you end in what one might call a number of rabbit holes; and I can confirm that we explored all of those and came back to a point where we are clear that we are pretty certain this does not lower the bar, it does not change the process and may be more appropriate. We hope that is the case. But I think the panel would also say - I am sure as would the Minister and would this Assembly - we want to see the continued trend of less off-Island placements continue until there is a point where we would hope they are not necessary at all because the best place for children is, first of all, with their family and, second, in their community. So just those brief comments before we move forward.

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.

7.1.2 Deputy S.M. Wickenden:

Can I thank the Deputy and his panel, as always, for their hard work, the time they put in, their strong challenge at every aspect of the laws that they scrutinise for me? It is very much appreciated. I would like to thank the Scrutiny Panel; they always do a sterling job. With that can I ask for the vote and the appel?

The Bailiff:

I invite Members to return to their seats and I ask the Greffier to open the voting. The vote is on the principles of P.9. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The principles have been adopted: 37 votes pour, no votes contre, no abstentions.

POUR: 37	CONTRE: 0	ABSTAIN: 0
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Ouen		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy K.G. Pamplin (S)		

Does your panel wish to call the matter in, Deputy?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

7.2 Deputy S.M. Wickenden:

Can I just deal with them *en bloc*, please, Sir?

The Bailiff:

Yes. Are the Articles seconded for Second Reading? **[Seconded]** Does any Member wish to speak on any of the Articles in Second Reading? If no Member wishes to speak, then I close the debate and ask the Greffier to open the voting. If Members have had the opportunity to cast their votes then I ask the Greffier to close the voting. The Articles are adopted in Second Reading: 37 votes pour, no votes contre, no abstentions.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				

Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

Do you propose the matter in Third Reading, Minister?

Deputy S.M. Wickenden:

Yes, please, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in Third Reading: 38 votes pour, no votes contre, no abstentions.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

8. Trade Marks, Registered Designs and Patents (Application Forms) (Jersey) Regulations 202- (P.11/2022)

The Bailiff:

The next item of Public Business is the Draft Trade Marks, Registered Designs and Patents (Application Forms) (Jersey) Regulations 202-, P.11/2022, lodged by the Minister for External Relations and Financial Services. The main respondent will be the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Trade Marks, Registered Designs and Patents (Application Forms) (Jersey) Regulations 202-. The States make these regulations under Article 31A of the Trade Marks (Jersey) Law 2000, Article 20A of the Registered Designs (Jersey) Law 1957 and Article 24A of the Patents (Jersey) Law 1957.

8.1 The Connétable of St. Ouen (Assistant Minister for External Relations and Financial Services - rapporteur):

Members will be aware that External Relations and Financial Services has responsibility for 3 laws in Jersey making provision about intellectual property rights that arise as a result of registration. These are the Trade Marks (Jersey) Law 2000, the Registered Designs (Jersey) Law 1957 and the Patents (Jersey) Law 1957. These laws essentially provide for reregistration in Jersey of intellectual property first registered in the United Kingdom. The person who is the proprietor of the right in the U.K. is the person who can apply for registration in Jersey. The Judicial Greffier is the registrar to whom an application must be made, with a Register of Rights maintained at the Judicial Greffe. Under the Trade Mark Law it falls to the Minister to describe by order the manner in which an application for registration in Jersey must be made.

The Bailiff:

If anyone who is not within the Assembly could please check that their microphone is switched off because we are receiving unwanted interference. Please do carry on.

The Connétable of St. Ouen:

The Trade Marks (Jersey) Order outlines how applications for registrations must be made. The order also contains the relevant application forms that should be used. The process under the Registered Designs Law and Patents Law is different as the responsibility to prescribe the manner in which an application must be made currently rests with the Superior Number of the Royal Court. The Registered Design Rules 1958 and the Patent Rules 1982 prescribe the manner of application and contains the relevant application forms. As a result of the current legal framework, any time an amendment is needed in one or more of the application forms, including the Trade Marks Order, however minor, there is an administrative procedure of making order changes that needs to be completed. Similarly, if application forms included in either set of Rules of Court need to be updated, the procedure set out in the Royal Court (Jersey) Law 1948 must be followed. I believe that they are disproportionately cumbersome procedures for making such often minor and non-substantive administrative changes. Therefore, to enhance the flexibility under the current relevant legal provisions, my Minister is bringing the Draft Trade Marks, Registered Designs and Patents Application Forms (Jersey) Regulations to the States. The draft regulations would amend the current legal provisions that deal with the manner of application for registration in Jersey and each of the 3 intellectual property laws. More specifically, the draft regulations are intended to allow the Judicial Greffier to specify the manner of application by publishing a notice or form on a website. That would replace the current requirement for static paper-based forms to be prescribed by Ministerial Order or by Rules of Court, thereby enhancing the flexibility under the 3 laws. If these regulations are approved, the process to amend trademarks, patent rules and registered design rules will be set in train by the responsible office, in particular with a view to removing the current outdated forms. Once this process is finalised any future changes with regard to the manner of application will be for the Judicial Greffier to decide on and publish without the need to bring further legislative changes.

[14:30]

For the avoidance of doubt, if these regulations are passed it will make no changes to the substantive legal provisions in any of the 3 laws that regulate applications for regulation in Jersey. The information documents that applicants must provide remain unchanged and the Judicial Greffier will need to ensure that those requirements are reflected appropriately in any forms that may be published. In short, it means that people can apply online rather than having to fill out detailed paper forms. As such, I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate. I invite Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 37 votes pour, no votes contre, no abstentions.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				

Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

Deputy of St. Mary, does your panel wish to call this matter in?

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir. We are content with that. Thank you.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Connétable?

8.2 The Connétable of St. Ouen:

There are 3 sets of regulations but they are all designed to achieve the same end and I would ask that Members take these *en bloc*. Naturally I am happy to answer questions as they arise.

The Bailiff:

Are they seconded in Second Reading? [**Seconded**] Does any Member wish to speak on any of the Articles in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate and I ask the Greffier to open the voting. 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: 38 votes pour, no votes contre, no abstentions.

POUR: 38	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

Do you deal with the matter in Third Reading?

8.3 The Connétable of St. Ouen:

Yes, please, and before we proceed to the Third Reading if I could just thank the Deputy of St. Mary and his panel for their input, which was invaluable as always.

The Bailiff:

Indeed. Is the law seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been passed in Third Reading: 39 votes pour, no votes contre and no abstentions.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				

Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy J.H. Perchard (S)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			

Before moving to the next item of Public Business, I would just like to notify Members that a proposition brought by Deputy Perchard has been lodged and she will in due course be seeking permission of the Assembly to have it taken during the course of this sitting. Members will hopefully have seen it but if not it will be circulated shortly. It relates, of course, to the Ukraine and questions of immigration and of that nature. Deputy Perchard, I suggest that we review at the end of the day whether the Assembly will be wanting to make a decision as to discussing the matter tomorrow or if we reach it at the end of the day then you will have to make your proposition at that point.

Deputy J.H. Perchard of St. Saviour:

Thank you, Sir.

9. States-owned bodies - accreditation as Living Wage employers (P.14/2022)

The Bailiff:

The next item is States-owned bodies - accreditation as Living Wage employers, (P.14/2022), lodged by Senator Mézec. The main respondent will be the Minister for Treasury and Resources. I ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources, in her capacity as shareholder representative, to inform those incorporated bodies of which the States of Jersey is sole shareholder or majority shareholder of the Assembly's intention that they should seek accreditation as living wage employers by the end of 2022. and to take such measures as are necessary to urge and assist these bodies to achieve this.

9.1 Senator. S.Y. Mézec:

I am hoping that this can be a relatively short debate on the basis that this asks the Assembly to endorse a position that has already been endorsed by the Assembly in the beginning of January 2022 in that we would like all of the Government-owned companies to become accredited living wage employers and sign up to everything that goes along with that. But this time round we are setting a deadline because it is the case that we asked for this to happen way back in 2018 and there are some companies that have not yet gone through that process. Some have and it is very pleasing to see that. J.T. (Jersey Telecom), the States of Jersey Development Company, Jersey Electricity, certainly I know they have. I know that Andium and the Ports of Jersey were looking to seek accreditation. In adopting this proposition we give a very clear signal to all of the government-owned companies that becoming living wage employers is something we would like them to do and would like not just their employees but the employees of those who they contract with to benefit from this as well and hope that the behaviour of ensuring that you pay your workers enough to live on permeates throughout the rest of the economy in the absence of this Assembly choosing to set the minimum wage at the living wage rate, which is obviously what I would prefer. There is not a huge amount more to say on it other than that, so this is a very short opening speech. I hope that it will not be a contentious item and that we can send that message to those government-owned companies that by the end of this year, having agreed to have done it 4 years ago, has been quite enough time. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]

9.1.1 Deputy S.J. Pinel of St. Clement:

I wish to say from the outset that I will be supporting this proposition. However, I do have to address some of the points the Senator has asserted in the report accompanying his proposition. The Senator references Deputy Southern's original proposition, which requested the Minister for Treasury and Resources to: "urge those incorporated bodies of which the States is sole shareholder to seek accreditation as living wage employers." Members should be assured that these 5 wholly-owned entities were so urged. The proposition before us now extends this to include the majority-owned entities and to not only urge but to assist these entities to obtain living wage accreditation. It could be inferred from this proposition and reference to my response to Oral Question 2/2022 that I only confirmed that J.T. and the States of Jersey Development Company were already accredited and Andium and Ports of Jersey were working towards accreditation in 2022. There is only one other wholly-owned body, Jersey Post, and the original question did not reference majority-owned States companies. However, in my response I did confirm that all wholly-owned States entities pay their staff at least the living wage and many of them above it. I hope Members will allow me to make the position clear. Of the 7 States-owned entities, 3 are already accredited, including Jersey Electricity, and 3 are working towards it this year. The overall tenor of the report is that it is a simple process to be accredited but I am afraid that the Senator underestimates the process, which brings me back to Jersey Post. They, I understand, have met with the Senator and have sought to explain that the accreditation process is by no means straightforward. This is particularly relevant when you have overseas subsidiaries, notwithstanding the fact that all Jersey-based employees are paid above the living wage. Jersey Post are, however, committed to working towards accreditation. Again, let me assure Members that our States-owned entities are leading by example in this area. There is, therefore, no need for me to urge and assist them to seek the accreditation since it has already either happened or will happen this year. Naturally I will be monitoring the progress of the remaining 4 entities towards accreditation during the year. While I will be supporting this proposition, well-intentioned though it may be, it will not necessarily be making the modest improvement the Senator wishes since Jersey-based employees of these entities are already paid above the living wage.

9.1.2 Deputy G.P. Southern:

It is a straightforward case of rule 3 in my society, which is always put a date on a proposition. This has been here since 2018 as the date by which we are asking people to move and change their behaviours and it has not worked so far, so it is absolutely essential that we do accept this proposition because it has got a date on it. It is not an unreasonable date, given that we have already had 4 years in which to attempt to convert all of our positions to living wage. Another year basically, is what we are asking, and we want all of our States-owned subsidiaries to be paying the living wage. It is not unreasonable but requires that date to hang on in there in order that hopefully we should succeed in meeting that particular date.

9.1.3 The Connétable of St. Brelade:

As with all these things, I am always interested in understanding the consequences, and if wages go up there is a consequent raise in charges. I just wonder if the Senator could let us have his thoughts on whether there would be an anticipated raise in charges by States departments as a result of adopting this proposition.

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 Senator to respond.

9.1.4 Senator S.Y. Mézec:

I thank those that have spoken and pleased that it seems to be a relatively short debate. A couple of comments in response to some of what has been said. The Minister for Treasury and Resources has pointed out that the Jersey-based employees of the Government-owned companies are already paid the living wage. That is true and it was true at the point that the Minister answered the original question. My understanding is that it was not the case until relatively shortly before I asked that question because it provoked some of these companies to check their payrolls just to make sure, and some of them had to make minor adjustments which means just by asking the question some people out there got pay rises to the living wage. I am quite pleased with that, to be perfectly honest.

[14:45]

It is the case that now they are all paid the living wage, but remember accreditation as a living wage employer is not just about the here and now and it is not just about the employees who you directly employ. If you become accredited you are expected to maintain that status as a living wage employer, as long as you maintain that accreditation. So that means that when the living wage rate is uprated then those workers who are paid below what it is uprated to must have their pay uprated as well. That is a good thing because it provides those workers with certainty that they will get pay increases as the living wage increases. It is good that they know they do not have to negotiate and fight for that, and that is good for the businesses to know that they will not have to negotiate on that point as well, it simply becomes automatic. The other thing that it requires is when those businesses contract with other businesses, that those who work for them on that basis have to be paid living wage rates while they are working for them as well. That can have a positive impact on things like cleaners, for example, when they are working onsite to make sure that they are going to be paid that. So the purpose of this proposition is not to ensure that upon its adoption that large swathes of people working for the Government-owned companies immediately get pay rises because of course that will not happen; it is about the living wage permeating throughout the rest of society and through the economy as well so that it becomes a point that when you are having to contract with another business that business knows that it is not going to get the job if they do not pay their workers living wage rates as well. So that is a good thing and it assists those people in those low pay jobs as well. The Constable of St. Brelade asked about the consequences in raising charges and, in the short term, there is no need for that at all because that accreditation process I think is straightforward. The Minister said the accreditation process is not simple. I think the wording should change there; it is not necessarily the process that is not simple, it is the implications upon your accreditation that can be less simple if it turns out you do have lots of contracts out there with employers that do not pay the living wage. I know that Caritas are perfectly happy to sit with those businesses and go through that, so it is more a long-term benefit that would be obtained through there and we would get plenty of notice in how the Government Plans would have to account for that in terms of the financial returns that those companies provide back to the States. So in the short term, certainly, it has absolutely no implications for raising charges. There is little more to be said. It sounds like this is going to happen and by the end of the year hopefully these companies will have become accredited living wage employers. Let us tick that off the list and next on the list is to get the minimum wage up to living wage rates. We have tried on several occasions to push in that direction and have not got to where we should have been by this point. Ultimately this proposition is to try and catch something positive before the electoral term is up, but for the government companies and the people who I have spoken to in those companies who are worried about their competitiveness, I would like to offer a word of assurance to them that we will do everything we can to make it politically impossible for the next Government to not seek to apply these standards to those who they are competing against as well, so there is a level playing field and they will not have to worry about that as much. I ask for the appeal.

The Bailiff:

I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted: 43 votes pour, no votes contre, no abstentions.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

10. Draft Public Elections (Donations to Political Parties - Threshold Amount) (Jersey) Regulations 202- (P.15/2022)

The next item of Public Business is the Draft Public Elections (Donations to Political Parties - Threshold Amount) (Jersey) Regulations, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Public Elections (Donations to Political Parties - Threshold Amount) (Jersey) Regulations 202-. The States make these Regulations under Article 13A of the Public Elections (Expenditure and Donations) (Jersey) Law 2014.

10.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

Members may recall that Articles 13A to 13D were inserted into the Public Elections (Expenditure and Donations) Law 2014, which established a regime for political parties to report donations. The provision requires the treasurer of a political party to deliver a written declaration to the Jersey Electoral Authority of a reportable donation within 4 weeks of receiving it. A donation is reportable if its amount or value exceeds a certain threshold amount, or if the total amount or value of that donation and any others made by the same donor within the preceding 3 months exceed the threshold amount. When this new regime was inserted into the law it was stipulated that the threshold amount would be specified in regulations. Before lodging these regulations the committee looked at threshold levels elsewhere. In the U.K., for example, the Political Parties (Elections and Referendums) Act of 2000, which governs donations to M.P.s (Members of Parliament) and political parties, any contribution of more than £500 must be declared. A donation under £500 is not regarded as reportable and political parties are not required to keep records of the names and addresses of people making such payments. It is an offence to attempt to evade the controls on donations, for instance by donating more than £500 via multiple small payments. In local elections in Wales and Scotland the limit is far lower with ordinations of £50 or more declarable. The committee passed on its research to the Jersey Electoral Authority and asked it to consider this matter. The J.E.A. (Jersey Electoral Authority) determined that the threshold should be set at £500 for political parties in Jersey. A donation under £500 will not be regarded as reportable and political parties will not be required to keep records of the names and addresses of people making such payments. However, it will be an offence to attempt to evade the controls of donations for instance by donating more than £500 via multiple small payments. Thank you. I move the proposition.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

10.1.1 The Connétable of St. Brelade:

I would ask the rapporteur just to clarify for me whether multiple donations of say £500 can be accommodated. It seems to me that if that is the case parties could accumulate significant amounts in terms of donations. I can understand if it is one but it could be 10 or more, however many, and that is not clear to me.

10.1.2 Deputy J.H. Young:

I noticed in the report that the limit for individual Members who are standing in the election for declaring donations is £120 to £145, whereas political parties it is £500, and of course there is the opportunity for multiple donations. I wonder if the chair of P.P.C. could just explain their thinking of the differential there please.

10.1.3 Senator S.W. Pallett:

I just wanted to say that as the leader of Progress Party we are fully supportive of these changes. We have our own rules and constitution which makes it quite clear that we have to follow tight guidelines in regards to any donations that we receive, and I am extremely comfortable that as a party we will meet all the responsibilities of this legislation. The good thing of being a party is that we have got a number of Members who will hold us to account if we do not abide by the strong rules that we put in place under our constitution. So anybody that is listening that are fearful of parties and what they may or may not get up to in terms of raising money and raising donations, please do not be fearful. I am sure all the parties that will be involved in this election will play by the rules, play by the guidelines, and be respectful of each other. So I fully support this new legislation and I thank P.P.C. for bringing it as well.

10.1.4 Deputy R.J. Ward:

I may be on the opposite sides of a coin later on but I would like to agree with Senator Pallett and say that is exactly the attitude. I think that is a very good point made about one thing about a party as you form and as you develop and your membership grows, you have a level of criticism as to what you are doing, to be quite frank, and it can be a double-edged sword in many ways, but it also can keep you in check if you get your organisation right, and I think that is the case. I would also say that I urge all newly formed parties, and indeed independents, to really do look closely at the rules and abide by them so that the election is fair and well-conducted. I think recognising party politics in this way and donations is a step forward that we desperately need, and it also puts checks and balances in the way because without that there would be real problems I think into the future. At a time where we talk about democracy around the world and the importance of it, and we see attacks on democracy, it is really important that we all play our part in maintaining our own and this is one of the important things that do that.

10.1.5 The Deputy of St. Peter:

Within the Jersey Alliance we were not prepared for this, to speak, but I think I will take upon myself as the former chairman just to say we totally support this and concur with everything that has been said by our fellow colleagues in the Chamber as we move forward potentially with party politics.

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 chair to respond.

10.1.6 Deputy C.S. Alves:

Thank you to everybody who contributed. With regards to the Constable of St. Brelade's query, it is an offence to evade the controls on donations by donating more than £500 via multiple small payments, and that if it is done over the course of ... if the total amount or value of a donation made by the same donor within 3 months also exceeds that £500 threshold it also has to be declared. So I hope that has made that clear. With regards to the point raised about the independent threshold; so it was raised from £120 to £145 in line with R.P.I. (retail price index). We tracked back R.P.I. to the last time it was raised and raised it by that percentage, but this was considered too low for party donations, which is why the £500 was chosen. We did consider adopting the level used elsewhere, which was 15 times the personal rate, but this would have resulted in parties only needing to declare

a donation of £2,000 roughly or more, which we thought was quite a high amount. Given the limits in the U.K. for national parties, that is why we ended up suggesting capping the donation at £500, which is roughly 3 times the independent limit. Obviously going forward the Jersey Election Authority will be the ones that will be overseeing this and making recommendations after this election, and I am sure they will probably be gauging feedback from Members as well, so if Members do have any feedback on this - either before or after the elections - then they are free to get in contact with the J.E.A. who will then obviously make recommendations to the new P.P.C. and take those forward. I maintain the proposition.

[15:00]

The Bailiff:

I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The principles have been adopted: 42 votes pour, one vote contre, no abstentions.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Greffier of the States:

The Constable of St. Brelade voted contre.

The Bailiff:

Does the Corporate Services Scrutiny Panel wish to call the matter in?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, Sir, thank you.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Chair?

10.2 Deputy C.S. Alves:

En bloc please, Sir.

The Bailiff:

Is it seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The Articles have been adopted in Second Reading: 40 votes pour, one vote contre, no abstentions.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				

Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Do you propose the matter in Third Reading?

Deputy C.S. Alves:

Yes, please, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading then I close the debate and I ask the Greffier to open the voting. 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: 41 votes pour, one vote contre, no abstentions.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Brelade		

Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Before moving on to the final item listed in the Order Paper could I just ask the Minister for External Relations and Financial Services. Minister, I had approved earlier on the lodging of Regulations

Shipping in connection with sanctions. Is this something you are going to ask the Assembly to take on at this meeting as well?

Senator I.J. Gorst:

Indeed it is, Sir, if I may. I am grateful to the Greffe who have now circulated it to Members in the normal way. I need to seek the ...

The Bailiff:

I will not ask you to do it now because Deputy Perchard is prior in time, but I just wanted to know what was coming up for the guidance of the Assembly.

Senator I.J. Gorst:

Yes, indeed, if I may, whether that be this afternoon or tomorrow.

The Bailiff:

We will move on with the debate on Deputy Doublet's proposition now and then we will see where that leaves us with timing. The final item listed ...

Senator I.J. Gorst:

Sorry, Sir, I am just thinking about the timing of the regulation. Of course it is right for Deputy Doublet to go now. It would be ideal if it could be agreed today because then it comes into effect tomorrow, giving as little time gap between the sanction and the order, which I signed yesterday which brought into effect the overarching sanctions. This is a regulatory change that requires a change to instruct the registrar, in effect, so it would be better if it could be taken after Deputy Doublet's proposal if we get that done this afternoon.

The Bailiff:

If Deputy Perchard does not wish to object to that then I see no reason why we cannot do that.

Deputy J.H. Perchard:

Sir, I think I would. I was waiting for the appropriate time to then propose that my proposition was debated but my understanding was I was going to wait until after Deputy Doublet's proposition to seek the approval of the Assembly. But if we are going to discuss it now I would prefer to do it in order of the arrival of the late propositions.

The Bailiff:

In which case I think the right thing to do is we will deal with Deputy Doublet's proposition, we will see where we are placed at the end of that debate, if there is time left to deal with the other matters then we will, but I think we must deal with that proposition first. But it is likely at the end of it there will at least be the opportunity to determine whether the proposition is taken today or not.

Deputy J.H. Perchard:

Thank you, Sir.

11. Legal Parent Status and Parental Responsibility for Same Sex Parents (P.26/2022)

The Bailiff:

The last item listed then is Legal Parent Status and Parental Responsibility for Same Sex Parents, P.26, lodged by Deputy Doublet. The main respondent will be the Minister for Children and Education. I ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Children and Education to prioritise work on legislation to remove the discrimination in our law with regards to legal parent status and parental responsibility for same sex parents, so that a draft law on the matter can be lodged in time for debate before the election.

11.1 Deputy L.M.C. Doublet:

Our current laws actively discriminate against same sex couples. Given some of the discussions I have had with Members in recent days, I think many were surprised to discover that same sex couples do not have the same rights in respect of legal parent status and parental responsibility for their children, as do heterosexual or mixed sex couples. The report accompanying my proposition quotes some real life examples from couples here in Jersey and I know that we have also had many of these couples and their families contacting us via email to tell their stories and to urge us to take action on this. Imagine watching your wife going through a difficult birth to bring your child into the world and knowing that if anything happened to the baby you would not have the right to make decisions about your own child's medical care. Imagine working overtime and saving money for years to fund I.V.F. (in vitro fertilisation) treatment and then when registering the birth of your child with your wife you are told that your name will not be on the birth certificate. I could go on and I think the level of surprise that Members have shown on this particular detail, that even when couples go through the processes that our law requires to obtain parental responsibility there is still no avenue within our laws that allow some couples to have both names on the birth certificate. There are parents here in Jersey who have children in primary school and older who have joint parental responsibility but one of the parents is still not allowed to be on their own child's birth certificate. When a same sex couple decides to have a child it is never a decision taken lightly. Often processes such as I.V.F. or surrogacy are required and couples frequently invest many thousands of pounds, tens of thousands of pounds, and years of their lives trying to conceive a much-wanted child. And then, once the child is born, to be told that more processes are required, court fees, again sometimes into the thousands, and as the chair of Liberate pointed out in an email to Members, it can still be several months before parental responsibility is achieved through the court, so the child and family are in limbo for that time. Families report feeling humiliated, disempowered and exhausted by all of this. Political commitments have been made to rectify this awful situation as far back as 2016 the previous Government committed to changing the law. The work was not completed. The current Government committed to changing the law and are now telling us the work will not be completed in time. That is 2 entire political terms that will have come and gone if we do not address this today. We have absolutely no guarantee that the next Government will be minded to get this work done quickly or at all. It is not just the affected families calling for this change; in 2019 the Jersey Law Commission commissioned an independent report authored by Marisa Allman, a barrister for England and Wales, and this report clearly identified the anomalies in our legislation and how to remove the discrimination in the current law. The background work was all there. The summary of this report stated that Jersey now has discrimination legislation, that the law itself discriminates against many parents. I am grateful that the previous Minister, Deputy Maçon, kept this work as a priority and I could see him doing this. The current Minister also has maintained this because he did sign the law drafting instructions that he was presented with, I think, fairly soon after he took up his role. Until very recently, a matter of a few weeks, I and the group of parents involved were receiving the message that the work was still progressing at pace and there was no question of it being delayed beyond the current political term. However, here we are, weeks from the final sitting of the term, and we are suddenly told that the work is not ready. This is a shock and not what families were expecting. I do thank the Minister for his comments paper. It was presented in good time and I do appreciate that. I wish to respond to a criticism within the document and to draw the Minister's attention to the fact that although the Scrutiny Panel have of course worked hard on this and scrutinised it as they would any other legislation within their remit, this issue is something I have been campaigning on for some time, prior to my membership of the current panel and the excellent leadership of Deputy Ward. It

is also an issue that has seen campaigning from members of the public. Representatives of a group of same sex who were receiving updates from officers informed me they were suddenly not getting responses to their emails. After further efforts on their part to make contact they were given an update which I then had sight of and it was this update and the disbelief and dismay of the Affected families that prompted me to respond as quickly as I could with a proposition. I am grateful for the support of Senator Farnham, who, acting as Deputy Chief Minister in response to a question about this legislation on 8th February this year, confirmed that it is important, this issue is important, and it must remain a priority for this Government. To be clear, I want to mention the policy officer who was tasked with this work because I believe he has been diligent and focused and, again, I am grateful to him for his efforts. He was previously excellent at keeping me updated. He has taken time to explain and discuss the law with me and was open to consulting with the same sex parents and their families. I do not believe any fault lies with him at all. It is my view that this is a resourcing issue and it has sufficient political importance being placed on this work; it could surely have been completed in the nearly 6 years since Senator Gorst made his commitment as the Chief Minister at the time. I find it hard to believe that a law which a few weeks ago was on track for completion before the end of this political term now suddenly cannot possibly be completed in the remaining time. The Minister in his comments cites issues that have supposedly arisen recently, including problems related to the U.K. Human Fertilisation and Embryology Act. However, these issues, as I understand it, are not new and were being discussed years ago, as I and others recall. The comments go on to describe review processes that will take many weeks. While I do respect these processes, I do not know about other Members, but I am tired of hearing this argument that these processes are getting in the way of progress on things that this Assembly deems to be important. The States of Jersey, it is like this big machine, is it not, that we have created? With all its gears and cogs we created it to put into effect the will of this Assembly, not the other way around.

[15:15]

We have seen how quickly legislation can be prepared and can pass through all of the necessary checks with COVID legislation and indeed legislation that I think was lodged a few days before this sitting and indeed being lodged today that will be debated today; it can be done. It can be done if this Assembly believes it to be a priority and this Assembly instructs the Government for it to be done. I believe that this legislation is not ready because it has been deprioritised. Again, the Minister's comments describe how it had to compete with other children's law and family law work and so I find this a horrible concept. Why are we not putting all legislation relating to children as our utmost priority, as we have committed to do in putting children first? Why has this particular piece of work been pushed to the bottom of the pile? I cannot help wondering if it is because it affects a group of people who are so used to being marginalised and labelled as other, who are so used to having their basic human rights denied that we assume they will simply pipe down and wait. The lack of equality between same sex and mixed sex couples is shameful. Members will see from the influx of support over the last couple of days that it is very clear what the public want us to do and we are here to represent the public and I want to thank everybody who has got in touch. One email we received reads as follows: "As a great grandfather I find it highly embarrassing, to say the least, in 2022 to explain to friends and acquaintances that my granddaughter-in-law is not committed to have her name on her son's birth certificate." We have a few weeks left before the last sitting of the Assembly. We do have the capability, with your approval, Sir, to debate urgent legislation in the next 3 months that we have left. I am calling on this Assembly to instruct the Minister that this issue is a priority and that the draft law should be lodged for debate before the election. I did not just lodge this on a whim. Members know I would only ever bring something to the Assembly that I think is evidenced and reasonable and which I have sought advice on myself and considered thoroughly. We know what can be done, we have seen how quickly we can work during COVID. I do understand and I do appreciate that this will mean hard work for all involved. I think it goes without saying - again, this was something mentioned in the Minister's comments in the Scrutiny process - that we in

Scrutiny would be prepared to put in whatever time is needed to scrutinise this, and I make that commitment myself. But I believe that the children of these families deserve that hard work and they deserve the support of this Assembly today. But please show that support by voting in favour.

The Bailiff:

Thank you very much indeed. Is the proposition seconded? **[Seconded]**

11.1.1 Deputy S.M. Wickenden:

I applaud Deputy Doublet's commitment to this legislation, which, as she rightly says, will address a longstanding matter. I, like the Deputy, am equally determined that our law provides same sex parents the same rights as opposite sex parents. I too am unhappy that this legislation was not prioritised by the previous Minister for Children at the beginning of this term, which has caused these delays in bringing forward the legislation, as highlighted in Deputy Doublet's report. I can assure the Assembly that under my and Deputy Maçon's time this legislation has been prioritised and significant progress has been made. We cannot ignore that this legislation has had to compete with other children's laws and family laws and work and also the impact of the pandemic. I and Deputy Maçon were briefed on the draft law early last year, we gave our full support to it and instructed officers to prepare the Ministerial Decision for law instructions. Officers then briefed the Minister for Home Affairs and just 7 days after I signed the Ministerial Decision. As the Assembly can see, this legislation was a priority for myself and Deputy Maçon then and it remains a priority now. We already have a consultant law drafting officer in place. The policy intent that underlies the legislation has been determined, as described in appendix 1 of my comments paper, and an initial working draft has been produced. The Deputy states in her proposition that she wonders whether the legislation has not been prioritised because it affects a group of people who have historically been marginalised and, therefore, do not seek to campaign loudly when their rights are denied, as she has just mentioned in her opening speech. She then goes on to say that she believes the legislation is not ready because it is being deprioritised. I hope Members will agree that the evidence of progress that I have provided clearly in my comments paper demonstrates the Deputy's belief is simply incorrect. The legislation is a priority and it has not been deprioritised by me. The Deputy says she struggles to see why the deadline the Deputy has set out should be a challenge and the Deputy says this, despite my letters to the Children, Education and Home Affairs Scrutiny Panel setting out the challenges of this law, which they received 4 days before the Deputy lodged this proposition, P.26. My letter clearly advised the panel, and Deputy Doublet is vice-chair of the panel, that in developing the working draft officers have identified several highly complex and previously unknown issues, which they are working to resolve. The issues crucially advised by the letter to the panel include the complexity that arises from the fact that Jersey does not have in place an equivalent to the U.K.'s Human Fertilisation and Embryology Act 2008. In bringing forward legislation in Jersey to provide for parental responsibility for same sex parents we are required to create a new concept in law, for example, the concept that a child may have 2 parents of the same sex who may acquire legal parental status and parental responsibility without having to adopt that child, as well as new processes; for example, a new parental order that allows intended parents, including 2 fathers, to become a child's legal parents and hold parental responsibility. When the U.K. legislated for parental responsibility for same sex parents they hung those concepts and processes of provisions that are already existing in their 2008 Act; we are unable to do that. Also, challenges that arise when determining the domicile of origin for children of same sex parents, as the concept of domicile of origin arises from customary law, which does not recognise same sex parents. This is important because domicile of origin is the concept the courts use to determine which legal system applies to an individual who has connections with more than one jurisdiction and is relevant in matters of personal law, tax law and inheritance law. Failure to resolve matters relating to domicile of origin creates significant uncertainty for children and their parents. Officers are working to resolve these issues but this is not the end of the process, as a series of pre-lodging reviews and checks need to be undertaken. These checks are common to all law-

drafting processes and include a review by key professional stakeholders in relation to parental responsibility for same sex parents. This entails a review of the court order-making powers set out in draft legislation by the Judicial Greffier and the Family Court, a review of the law from a safeguarding and operational perspective by the Children's Service and Jersey Court Family Advisory Service - this is common to any legislation that relates to parental responsibility and associated matters - consideration of children's rights by the Children's Commissioner, a review of provisions relating to the sealing of birth certificates, the issuing of parental order certificate and recording of prescribed particulars which provide foundations for a child's identity by the Superintendent Registrar. There is a legal review, the law officers' advice would be required on any amendment arising for the review by key professional stakeholders and would then need to undertake a legal review of the financial draft legislation. Advice would also be required on the compatibility of the legislation with the European Convention on Human Rights. There will be law-drafting checks, the Legislative Drafting Office editorial review team must review the draft law for errors and anomalies. The review process I have just described will take many weeks and it is a process that will be unwise to shortcut through. A number of those stakeholders will need to engage in these review processes. I have expressed to my officers significant reservations about any proposal to push for pre-election lodging. They advised that the timeframe is unrealistic and presents a very real possibility of bringing forward flawed legislation that presents risks to the very children and their parents the law is there to protect. Furthermore, neither this Assembly nor the Scrutiny Panel would have adequate time to review and scrutinise the legislation. Legislation, I am informed, will most likely be going for lodging in October this year. It is entirely right that we provide for same sex parents and put a stop to the feeling of stress and humiliation reported by them. But we also need to get the legislation right, as there are few statutory provisions more powerful in a child's life than ones that determine who their parents are. I am in the hands of the Assembly and yourself. I can ask for other works to be stopped by the law drafters to work on this law and I could bring forward a form of the legislation to be created by this Assembly. However, the Assembly needs to be aware that what I bring forward will require a seriously reduced lodging period, as I will not be able to lodge this by 10th March deadline and it may not be correct and complete. The law would not have gone through the proper consultation with all the bodies I mentioned earlier and may contain errors. I for one am not happy with bringing forward rushed legislation to the Assembly and will be voting to abstain the Deputy's proposition, not because I did not support the L.G.B.T.Q. community but because I do support them and I want the law to be correct with no unintended consequences that would further cause harm or distress to them and their children. I have laid out the bare facts for the Assembly to consider and I am in their hands. I will endeavour to do the very best of my ability to bring forward this legislation before the election, if that is the will of this Assembly, and I will endeavour to get as much consultation as possible between now and 29th April, which is the last time this could be debated for election. It will be up to the Assembly to decide what the outcome of this proposition is but I lay out the challenges and the risks.

11.1.2 The Connétable of St. John:

Yesterday Senator Gorst described me as being radical, a strange description for someone who is doing their very best to preserve our history and tradition. If the Senator thinks I am radical due to wanting equality and inclusive language, I think that probably says more about him than me. It is probably just as well that I did not raise my concerns yesterday about the lack of ability to hold a same sex marriage in a Parish church, a public building. I would prefer to be called a moderniser, someone who constantly looks at ways of improving how we do things. How do we keep up with best practice and how do we remain relevant? The proposer spoke about priorities and putting children first, and I agree with her sentiment. Here we are, my 12th month in this Assembly and I have still not been asked to sign the pledge of putting children first. Hopefully, my voting record and comments in this Assembly will demonstrate my commitment not only to children but to our community. If I had been asked for my view I would have happily signed the pledge but I feel it

would have been even better if it was putting families first. There I go again, looking to change and improve things. Like all Members I have received a high level of correspondence on this subject, and I apologise to those I have not been able to answer so far. The first question I asked myself was: how has it got to this? The report attached to the proposition tells us it has been going on for years, something Liberate confirmed in their communications.

[15:30]

A child deserves the best start in life and that includes having both their legal parents on their birth certificate. The Minister spoke about domicile issues and I would say to him that it is totally wrong when local families have had to give serious consideration to go to the U.K. for the birth of their child to enable both parents to be on the birth certificate. They should be at home surrounded by family and friends, just as any other couple would enjoy. We heard about a long list of things to do, about lots of consultation. We have had years and years and years to do those things and to carry out that consultation. I cannot believe that none of these have started. We all have to prioritise. For me this is both urgent and important, so should receive the resource it requires. Members today have an opportunity to put children first, to put families first, by supporting the proposition and I urge Members not to miss the opportunity.

11.1.3 Deputy R.J. Ward:

I feel I should speak, there are a couple of things I would like to say on this. We keep mentioning Scrutiny Panels. I would like to say that Scrutiny Panels are not there to do the Minister's job. Scrutiny Panels are there to scrutinise the work put forward by the Minister and I do feel - and I do not know about other Scrutiny Panels - there are times that has been blurred and we have had to put so much work into try and correct or try and push something forward; that is not what the role is about. It is about what it says; scrutinising what already exists. Leadership is not about looking back and saying: "Well I did not get it done because somebody before me did not do what I thought they should do." It is about doing things now and taking the lead. I am a parent, I am a very traditional parent and my wife, we had our children, we had no problem registering their birth, et cetera, et cetera. But the one thing I know that me being a parent is completely not about simply because I am male and my wife is female and we fit some traditional model, it is because my children, however they would come about, whether they are children that my wife gave birth to, children we may have adopted, children someone else gave birth to but we took on as a parent, are our children and that is true for everybody who takes on the role of a parent; an incredibly special role in our society. What we have to do as an Assembly, if we have any ounce of decency to us, is to recognise that across our society. There are so many good parents out there who do not fit the model. I do not even know where the model came from; track back through history. Society has moved on, we have to move on. I welcome the modernisers. I hope I am called a radical, I hope I am called a moderniser. It is a good thing, it is a positive thing. This is an example for this Assembly to do that. I recognise it is a challenge for the Minister but I am sure that being a Minister is a challenge, therefore take on the challenge. I compliment Deputy Doublet in her tenacity with this subject and keeping going and not being put off. Again, I am not going to justify what the Scrutiny Panel has done because we have done so much. This is about the work that individuals do as well. I will say this as well, if you look back through this Assembly how much has been brought forward by Back-Benchers or non-Executive Members because it simply has not been brought from anywhere else. I urge Members to support this, let us go for this, let us get the Minister to do it and if it requires a reduced lodging period I am sure this Assembly can do that. We have an election in May. Nobody knows whether they are going to be here and what the next iteration this Assembly is going to be. We have opportunities now to do important things. This is an important thing, this will change people's lives, this will make our society better; surely that is on our job description. I urge Members to support this proposition.

11.1.4 Deputy J.H. Young:

Unlike all other Members, I have been shocked to realise the gaps in our current legislation and the dated nature of it that disadvantages very severely opposite sex couples and failures to deal with the reality of surrogacy and all of the things now which modern family circumstances expect to be part of our legislation. But I suppose, in all honesty, having been associated with the States for many years as a civil servant and the last few years as a Minister, I should not be surprised. The reality is that our legislation generally right across the piece in social and environmental matters, particularly civil matters, I think woefully needs reform. But of course the reality is, and I am sure that if Deputy Doublet maintains her passion and conviction and commitment she will be a Minister at some point. Then I think she will then experience the practicalities of realities, that as Ministers, none of us Ministers are lawyers. We have to use the resources we can win, resources that are competitively sought after, to achieve reform. Looking at the list, I really feel for our Minister for Children and Education, who absolutely I know shares the passion and conviction of the Deputy to want to see this done. I feel the frustration when you are faced with a reality that ... dear, oh, dear, people persisting, I do apologise, Sir.

The Bailiff:

It is all right, Deputy Young, we cannot hear what is going on back in your environment, so there is no need to apologise; so far we can only hear you.

Deputy J.H. Young:

Thank you, Sir, it is just that my telephone has been going, which is something which is remiss, so ...

The Bailiff:

I have not given you a caution, so I will not take that as a confession and, therefore, I will not fine you. [Laughter]

Deputy J.H. Young:

Thank you very much, Sir. I really can feel for Deputy Wickenden's frustration but the reality is we have to work within a system of rules whereby we have to win that resource. We can go forward with legislation that we do not think has been advised as being fully checked out and may have snags in it. In fact this is possibly one case where it is better to have some legislation, except in fact it may not be perfect, it will need to be changed, than not have it. I accept the validity of that argument. But my wider point is this, I certainly could produce, as Minister for the Environment, an equally long list of major changes which, after working for 4 years, I would like to accept cannot be done in the timescale, we have run out of time. Those affect things to do with nuisance and noise, things that really upset people in their lives and cause massive mental health stress, those are the things. The Planning and Building Law desperately needs improvement, another area but I have to accept, as a Minister, I could not succeed in bringing this through in the time. I am sure when the Deputy becomes a Minister she will feel that. My solution is this, we have in the last 4 years ... I think I cannot recall a States sitting when we have not had a flood of financial services legislation to deal with, now that is good. I want to see in future the new Council of Ministers achieve a better balance of resources because we cannot expect our lawyers' team to do the impossible and we need teams of officers to be able to help us with the instructions, which are in civil and social legislation and environment very complex. We need to give that priority in the future; that would be my lesson today. The one thing I do not agree with in Deputy Doublet is the fact ... I think Deputy Doublet understandably made the case of opposite sex partners but there are others equally. Looking at the list in appendix 1 of the comments that the Minister presented, there are points A to G there, all of these seem to be serious gaps, so absolutely priority. I think on balance I will go along with this but I make those points that I think 18 days to produce legislation which we are told is complex, may have holes and snags in it,

but if the States believe that is the right thing to do, challenge to produce that if at all possible, accepting the fact it may not be correct; that is one way to go. But I think in this situation there does need to be a greater balance of equality of resources available to Ministers in the future so we can catch up because there are many other areas of this. But I think absolutely none of that detracts in any way whatsoever from the passion of the Deputy, the determination and effort she brings in her social legislation to modernise our society. None of that at all undervalues in any way the commitment of our Minister for Children and Education - I have seen it first hand, his determination and dedication. That is the situation we are in, it is not an ideal situation, we have to make our choices. I think I will go along with it but I have made those points, those reservations. It may be, it might be, we have got 18 days. Obviously the Bailiff, you, Sir, will need, if this comes forward, to be able to allow that legislation to be debated in 18 days' time under Standing Order 19A because those are the rules we set. Maybe if some of my priorities on environmental matters that I have not been able to bring through that could be ready, maybe I might have the opportunity of doing the same thing. Because I think this is a broader issue than just personalising about a Minister dragging this, absolutely not Ministers dragging their feet.

11.1.5 Deputy J.A. Martin:

I thought I would not stand here one day in here a Minister to say that we should pass a law that probably is not going to work, it probably cannot go through you, Sir, but I will just go with it anyway. I am sorry, Deputy Young, but that is what you just said. I listened to the Constable of St. John. He was talking about parents and we are talking about same sex couples and birth certificates and rights. For all the people that have emailed me, let me say to you - I have emailed some of you back - nobody is disagreeing with this. It was agreed. It is agreed in principle and it will be done. Now, yes, somebody took the eye off the ball, but I can assure you since Deputy Maçon was Minister for Children and Education and then Deputy Wickenden, they have now put the eye back on the ball and put the right people in charge. Then we had this turn up a few days ago: can I have early lodging, can we have a discussion? I asked all the right questions and it seems to me the Assembly is absolutely doubting that the Minister for Children and Education is doing his best with somebody who is writing this law. It is not simple. When you have same sex there is going to be a third person involved. It is the surrogate. It is somebody who is giving birth but somebody who is not the parent, somebody who has done this. It is all these things that have to be considered. Deputy Doublet is right. Make it an election issue. It cannot be done. I believe a good law cannot be passed and I am not supporting Deputy Doublet on this because I have already stated a few years back I have done my bit, family friendly. Nobody brought it then. I had to work around the rules on the family friendly and who was the second parent, et cetera. It was being done but nothing was worked around that. Today, to me, it is more that the Minister for Children and Education is basically telling us he is doing everything he can, and what really ... and I am glad I was not called straight away. In Deputy Doublet's speech she basically said we are sidelining these people because we do not care, they do not have a voice. I absolutely take offence to that.

[15:45]

I defend the rights of everybody and I have supported same sex marriage, everything, all the way through, and I support this. It cannot be done. So we have Deputy Doublet with a passion, who, as Deputy Young has just said, in a new Assembly, if she is re-elected, will be Minister for Children and Education, and you make this an election issue if it is not done by the time. It cannot be done. It is days. We are going to have a whole week or 2. We have, what, 100 amendments to the Island Plan and we have to squeeze this in. We have to make some ruling from you. When I read that ruling, Sir, to me - and it is an awful place we are in - that Standing Order should only have been used if we had another COVID, 20, or a war going on over in Europe. We have one of those going on. That is not to distract that this is important to the people that we are trying to help, but it has to be right. Deputy Wickenden emailed us all last night and he was disappointed that this was allowed.

I voted for the debate so I could express everything that I have heard. We have pushed. We said: "Can you do it?" It cannot be done. If anybody thinks that we can start passing bad laws that do not reflect all these issues, it really is a bad day and I would not be happy to be a Member of this Assembly.

Deputy J.H. Young:

Sir, I did ask for ...

The Bailiff:

Yes, you did. Deputy, would you give way to Deputy Young for a point of clarification?

Deputy J.A. Martin:

If I can help, yes.

Deputy J.H. Young:

Obviously, the Minister did comment on my statement that this was an occasion where it is possible to bring forward the law and we should do it, that would not ... I think the Deputy said it was not fit for purpose. Would the Deputy accept that I was perhaps paraphrasing and should have referred to the review processes that the Minister for Children and Education had set out in his report, not necessarily being able to do those final checks and review processes?

The Bailiff:

I am sorry, Deputy, I do not think you can ask the Deputy to accept that she thinks you would have been paraphrasing. You can clarify what you have said or ask the Deputy to clarify what she has said, but really you are making a further point seeking to qualify what you have said in your speech.

Deputy J.H. Young:

I have to accept that, Sir. Probably I should have used more careful words.

11.1.6 The Deputy of St. Peter:

I find myself between a rock and a hard place. I also am afraid to say I see no short-term winner at the end of this debate, whichever way it goes. We are invited by our Parishes, shortly to be plural, to make tough decisions on behalf of those that we represent. The criteria I look at is I want to make that decision to ensure that there is a positive outcome, whether that be a P or a C. I do not mind whether that is for a large percentage of the community or a small percentage of the community. I want to see the positive outcome for those members of the community. This is not about my support for the legislation of legal parent status for same sex parents. I am 100 per cent behind that. I suggest, if I am reading this room, my fellow 48 Members of the Assembly are in exactly the same mind. There may be exceptions and no doubt we will hear from them, but very, very few, I would suggest. This is about process, nothing else. It is about process. The principles are a given and are accepted. What troubles me most is should I vote contre to this proposition I can see the ... what words do we use on social media which are negative? I can see the attacks that I will be perceived as homophobic and out of touch and grey, pale and stale or whatever else it is. However, I can assure the Assembly that this is so not true. Anybody who knows me, my family, my friends, my godchildren, will know how many times in my personal circumstances I have come across this, albeit not in Jersey but in the U.K. I was sharing with Deputy Doublet one experience of some friends of mine's children in the U.K., 2 girls who shared each other's embryos to incubate each other's children, to bring total harmony to their family together, which I am sure everybody has heard about. It was the first time I heard about it. I thought it was a wonderful solution to unite that family together in a totally balanced way. Voting pour means risking - we have heard about this absolutely clearly - poor legislation. We have heard from the Minister for Children and Education quite clearly we risk bringing this poor legislation. Deputy Martin said the same things. It is incredibly complex. We have had the

comments paper. We listened to speeches from Deputy Wickenden. It is an incredibly complex area that cannot be rushed through to ensure that the results will be the positive outcome that everybody in this Island deserves, whether we are talking about these group of families or everybody. What is worse is I can see it now: the legislation is not lodged within 10 days or 18 days with an exception and then we will get a vote of no confidence or a vote of censure or something like that will come up because we have not met with the wish of the Assembly. So the outcome I see is absolutely nobody winning: poor legislation or, alternatively, the wrath of the Island. I do not know what the solution is because there is no positive outcome. Maybe, perhaps, we could persuade Deputy Doublet to withdraw this in the full knowledge ... I knew she was going to shake her head, and quite rightly so, but to withdraw this because there is a very clear statement from everybody who has spoken so far how important this is for the Island and that could be perceived as the proverbial “kick up the what’s his name”, if that is parliamentary.

The Bailiff:

No, it is not and, in fact, would you like to withdraw it?

The Deputy of St. Peter:

Sorry, Sir, I withdraw that. I thought it was touch and go. I do not know. I could cop out and just abstain and just say because I do not see a positive outcome. I struggle with this. I really want to see it go through. I want to see it go through successfully, as quickly as possible. I cannot see it happening in the next 18 days with a positive outcome. So while I have contributed neither a positive or a negative to this, I just feel the Assembly need to know we really have bitten on something that is not going to have a pleasant conclusion in the short term. Long term, I hope so.

11.1.7 Deputy J.M. Maçon:

As Members have heard, when this was brought to my attention when I was Minister it was something which I absolutely wanted to prioritise and progress. I think what was important during the briefings that we had with officers, they knew that there were families in this position who needed this legislative framework in place in order to do so. That is why I was so keen to prioritise it and have the work progressed by officers. I think it is important for Members to realise it is obviously not Ministers who sit down and draft the legislation. They are giving instructions to officers to work with the Law Draftsman’s Department, to work with the law officers, in order to come back with a package of legislation for then Ministers to look at and then approve. That is the process. I am concerned with this proposition that effectively we are setting up the current Minister to fail. Because if you look at the comments - and I would ask Deputy Doublet to respond to that - about all the other bits of legislation which are important, which are for families, which are for children, all the bits that are also being worked on, it is just the issue as has previously been said. It is not about supporting this legislative change or not, it is the timeframe for which it should come in. I just want to bring to Members’ attention today ... I think Members are scoffing at the checking process that that is going through, saying: “Oh, well, it does not really matter, we can just put it in place.” Well, wait a minute. We have just had to change and correct something in this very sitting because it was only found by the officers looking through the law that the Minister for Children and Education has just brought today. Today we found an error at the very last minute and we had to lodge changes. I cannot stress how awful it would be to have a family in a situation where we rushed legislation through and then there is an error on the birth certificate. What an absolute nightmare to put those individuals in because of the will of the Assembly to rush something. It is so important that this particular aspect is done delicately and sensitively and properly. I stress that: and properly. If Members are concerned that we have children coming and this needs to be put in place, can I just remind them that there is a period after the birth where registration of births can still happen. The Minister is saying that there is an anticipation that this can come in the autumn. So there is a window of opportunity for those families affected to still be covered by this when it comes. So I need to hear from Deputy Doublet

to say why the checking processes are not important. That is what I need to hear from Deputy Doublet, not there is a great will for this to happen or families are crying out for it. I understand all of that, but we are legislators and we are there to do things properly and ensure that the legislation is fit for purpose. That is our job to do. I am deeply concerned that this request will ... and I am sure it will probably be supported by the Assembly because we have an election around the corner and they do not want to be seen as homophobes. I am sure that will be the effect, but I am certain that what we also will be doing is setting up the Minister for Children and Education to fail. It is setting false expectations for the public and that is my problem because I do not think that is fair on anyone. I do not think it is fair for those people who are waiting for this legislation either. That is what I need to hear from Deputy Doublet as to why that is not the case because that needs to be explained. I do not think she has done it in the report. I do not think she has done it in her opening speech to explain why the checking processes, which the Minister has identified are required, are not needed. Because I as a member of the acronymed community ... and great to hear the support from Members of the States saying all of this, but I also want the laws to be done properly and in place. It was incredibly frustrating having to wait for the equal marriage legislation, which went on for years and years and years, but it is because all the consequential amendments to all the other bits of legislation had to be put in place. What we have seen from the Minister in his comments is this is not a case of lack of resourcing, as if there are not enough officers dedicated to it, it is just that it physically takes time to put all the bits together, to have the expertise in place in order to look at this. This is not a case where the Minister is sitting on the law or just waiting for it to be lodged. It still needs to be written and that takes time. Simply encouraging the law drafters and officers to work faster does not mean that you are going to produce something or produce something of quality, which is the other concern. So I, like I think all Members of the States, want to see the legislation in place, but it is about the timeframe and the practicalities of putting that in place. I do not feel that Deputy Doublet has made the case as to explain the demand as to why the checking process suddenly is not important. I look for her closing speech in order to clarify that because that is my issue here. I desperately want to support this, as I am sure all Members do, but I do not want to set up the Minister for Children and Education to fail. Members need to be realistic and they need to be practical.

11.1.8 Deputy G.P. Southern:

I have heard, I suppose, 2 major speeches today. One from the proposer, Deputy Doublet, who put together a somewhat emotive speech but nonetheless which stuck to the facts and was very comprehensive and clear. I was far more impressed by her presentation than I was with the response from the Minister. The Minister seemed prepared to pile on pile after pile of excuses. What we heard was 6 years of excuses. What we heard from this Minister was at least 4 years of excuses. What we have heard from the Chief Minister and the ex-Chief Minister was a commitment to this legislation which never happened. It often happens like that. We request that a Minister does something; the Minister goes away and does absolutely nothing for 6 years-plus. We are renowned for taking a lot of time to do anything, to decide whether we are having a cup of tea or a cup of coffee at half time. Why? Because on too many occasions Ministers just sit and do nothing. If this has been in the pipeline for the last 6 years, how come we have not got there?

[16:00]

Because nobody has fully committed to it and made sure that all these bits that need tying up, that need mending, that need putting together, all of those bits at least started a long time ago and we have a chance of getting there. We could, if we choose, make up for that lack of effort and accept this proposition, even with the timescales that it has, which feel somehow wrong but only because we have got used to nothing happening. We could say: "Let us get on with it" at least. There are 2 times when you should do something, is there not? One was some time in the past and one is now. The time is now to get on with this.

11.1.9 Deputy G.C. Guida:

I was considering whether to talk or not but the previous speaker gave me a very good reason to do so. I find it deeply offending for our team of lawmakers what he just said. Creating law is not just the will and the pen of one person. It takes dozens, sometimes hundreds of people, to happen in all places. There are several in this room right now. Those people are implicated. They participate in creating the law. All together, they do it. It takes years and, of course, it is unbelievably frustrating. Of course, it is very difficult, but why imagine that it is less frustrating to the Minister who is trying to drive this and obtain those laws? I am looking at my own list. Do you think it was not frustrating for me to see the prejudice crime law disappear, one of our major works for 4 years, something that we have worked every week, that we have advanced every week, and then we are told there are some very good reasons why we cannot deliver the prejudice crime law - the hate crime for those who do not know, the hate crime law - this term? What should I do? Should I come to this Assembly with a fantastic proposition saying: "If you just vote it, it is going to happen. If you just vote for this to exist, then it is going to happen"? Is that all I need to do because I have no idea? If that is something I can do, I will come back tomorrow morning and say I am lodging something and this Assembly will make it happen, this Assembly will make it exist, yes? What about the sexual offences law? We came out with one of the recognised as best written laws in Jersey. It was really good, fantastic law, superb. It was scrutinised. It was looked at. It was perfect, very easy to read, very easy to understand. I was delighted to present it to the press. It has a mistake in it. There is a massive failure in it. That is something that urgently needs fixing. It is incompatible with another one of our laws. One of them needs changing. This is very important. This is primordial. We can have cases now where it says this law says this, that law says the opposite; what do we do? Was that not urgent? Was that not desperate? Was that not something that we absolutely needed? Should I have come to this Assembly to get this Assembly to make it happen by magic? Because the 100 people working for us in all those departments could not. Everybody wants this. It is something that is needed everywhere. What about post-custodial supervision? Right now when we are finished with a prisoner, we just kick them out; that is it. You know, have your life, see what happens. In every other country in the world they are supervised. They are reinserted. We are one of the very few countries that do not have that in our legislation. Was that not important? Was that not something that we needed to happen? Should I have come to this Assembly to ask for the special sauce to make it happen? Public entertainment regulations, you will enjoy this one. It has been 30 years. It has been 30 years since the Bailiff has to organise and regulate public entertainment and he does not really want to, if I understand it. We should have a proper law that manages this. It has been 30 years. We were desperate. Len Norman put it on the top of his list and said it is over, I am not coming back to the Bailiff every 3 years saying that is yours again, you deal with it. I want it done now, but sorry, COVID happened. Our law drafting capabilities just collapsed during those 4 years and this extremely important change, which is not terribly complicated, is just not happening. Tiny bits of law, prescribed jurisdictions for the sex offenders register, this is tiny. This is a small thing but it is very important. It means with which jurisdictions we can exchange our sexual offender register. If somebody moved to Jersey from Guernsey, we can know whether they are a sex offender. That is reasonably important. It is not terribly complicated, one of our priorities on my list every week, every week since I was Assistant Minister for Len Norman, every week and advancing every week. I am sorry, we cannot do it this time because we are doing everything else, we are doing all this stuff that are really beneficial. Oh, sorry, unless I ask the Assembly, of course, because this Assembly can make miracles. Backing of warrants: the Bailiff will know that this is something that is requested that they find very important, backing of warrants from other jurisdictions. Sorry, cannot do it unless I ask the Assembly. All these are things that started before our term. Len and I did not bring any of these. These are things that started, that happened before our term. They are not things that we decided 6 months ago and we rushed and we really wanted to do it quickly. No, they are at least 4 years old, and all those things we have to give up. We had to give up because there is only so much that law drafters, that the law officers, that everybody that is involved can do. There is only so much that they can do. Unless you ask the Assembly, because they seem to have this special way of making stuff happen. So, about this

particular law, I was shocked and I must say it is quite remarkable because it does happen once in a while where you say: “My God, is that even possible?” Sorry, married women are domiciled at their husband’s domicile, they cannot have their own? Thank God we are changing this now, thank God. That a same sex couple cannot appear on the birth certificate of a child? I would not have invented it. I could not imagine it was true. Of course, it is important and my guess is that if the right law comes in, it will be voted with unanimity by this Assembly. I am talking about the next one, an Assembly that will be different, but I can bet that it will be voted unanimously. The only way people would not vote for it is if it was poorly written, if it contained mistakes, if it contained problems that could not be solved. So rushing it, bringing the wrong thing to the Assembly, is the only way to risk it not being voted in, while doing it the right way, without the special Assembly sauce that seems to do miracles, doing it the right way, it is in the pipeline, it is planned for the next Assembly. Nobody, I can bet, I will bet with the people involved that nobody in those seats in 6 months’ time will vote against it. We all agree on it but it needs to be the right one.

11.1.10 Senator S.W. Pallett:

This is my first day back in the Assembly for some considerable time and I have had an enjoyable day. I have missed the theatre. I have missed the cut and thrust of looking people in the eye. What I have not missed is being at home, listening to this through my computer and banging my head against the wall, which I cannot do here. But nevertheless it has been a good experience. I am going to start by saying I am going to support Deputy Doublet with this because it is the right thing to do. Everybody has said they are shocked by what they have read and what they have seen and the emails that they have had sent, but they will vote against this because, oh, we have not had time to do this. Well, I am sorry, that just does not stack up. What really annoyed me is any suggestion ... and I am going to look Senator Mézec in the eyes when I say this, and I do not need to stick up for him, but do any of you realise when he actually left office? He left office in Government 16 months ago. There have been 2 Ministers since then. They have had 16 months to sort this out and yet we are still in a position where Deputy Doublet has had to bring this proposition to finally get this over the line, and that is an utter disgrace. I wrote some words down and I was only going to use these words until people went on and on and on about how hard this was and how difficult it was and all the time that law draftsmen need, and I will remind people: 16 months. Prioritise. I had a quick discussion with my colleague sitting next to me and the words that came out of our mouths both at the same time were: why can you not prioritise? Deliver. Deliver something. You have had 16 months since Senator Mézec and you used him as an excuse ... sorry, Sir, through the Chair, 16 months. Why could you not deliver it? It is a commitment. Everybody has admitted this has been a commitment for 6 years, yet you have not delivered it, so why? There is no reason. I have respect here, because this just stinks of a lack of respect for those same sex couples that have had to live through this for a long period of time. We need to get that respect back and if we have to lodge something quicker than maybe we like, then so be it, but we should still do that. On the “not done” list: leadership. Being a Minister is not easy. I have worked with Ministers. It is not easy. I accept it is not easy, but they are there to lead. I have worked with some really good Ministers. I am looking at my former Minister for Health and Social Services in the eye. We did not agree on everything but it is a difficult job and they have to make tough decisions and they have to prioritise. So prioritise, get the job done. There have been too many excuses. It is failure, it is spin, and it is also not putting children first. So come on, let us support this. Let us ask law officers to get this work done quickly, because we have done it through COVID and we know we can do it, so let us do that. Let us get this debated and let us get this ... do not do what has happened too often recently, kick the can down the road again to the next Government to sort out. Let this Assembly sort it out rather than expecting the next one to. Please, please, support Deputy Doublet with this.

11.1.11 Senator S.Y. Mézec:

I am going to start by getting the emotional bit out of the way and then move on purely to what I think are the facts that we observe and comment on before. That first point to make is that I support L.G.B.T.Q+ rights with every fibre of my being. In this day and age every single person in our society, irrespective of what their sexual orientation or their gender identity is has or should have the right to live with happiness and thrive as much as everybody else and our law ought to reflect that. I am very proud of the incredible progress that we have made in recent years, not just in changes of societal attitudes but also in the legislation, which I am very proud to have played a small part in bringing that first proposition on marriage equality to this Assembly. But even with that progress which has been made, we should make it our mission to expunge every single vestige of homophobia which is still on the statute books. Let us not pretend that that will always be easy. There will occasionally be times where legislation is written in such a way where it is a bit complicated or where it refers to lots of other pieces of legislation and it can take time to collate that and fix it. In the time that it takes for that to be done, there are families out there who do not get to be treated with the respect and dignity that they deserve in a modern society. They must always be at the forefront of our minds in this. So this point of principle of ensuring that same sex parents are treated completely equally when it comes to the recognition of their parenthood of their children is a fundamental principle that I am 100 per cent behind, and I am very pleased and will say I am not surprised that those who have spoken against this proposition have caveated their position by saying that they are also in favour of that principle.

[16:15]

I appreciate that and I take that as sincere that there is genuine support to see this change done. It becomes less of a debate on why and more on how. How do we get to that point? I am not going to have a go at the current Minister for Children and Education. He did make a comment in his speech, a comment that was also made by the Minister for Social Security to suggest that this issue predates them and that in actual fact it comes about from my time in office, which I do disagree with and you may say: "Well, he would say that, would he not?" But I think the facts are on my side there. When I took office as Minister for Children, in recognising that we have to put children first and that means recognising that not all families look the same and that the children whose parent are same sex should have equal rights to any other children and should have the protection in law in that offers them. That must be in our legislative programme. I promised when I took office that within a few months I would publish the Children's Legislation Transformation Programme to set out what that work programme would be, and it is a comprehensive work programme. Some stuff that will go on into the next term of office and not be able to be dealt with by this one. I will point out that the line in it which called about parental rights and addressing this was in commencement phase one. Not in any of the later commencement phases, it was commencement phase one because it was always the intention, accepting that sometimes legislation can be tricky to get right, but it was always the intention that it would be done before the end of this term. That was the state of play at the start of my tenure and it was the state of play at the end of my tenure, and I believe that it has been the state of play through much of the tenure of the current Minister for Children and Education. I think that is evidenced by the fact that the law drafting instructions were signed off in Ministerial Order in April of last year, at which point there is no sign that any disruption to that timetable had been noticed or recognised. If it had been noticed and recognised at that point and had been made clear then perhaps we could have had a discussion and perhaps we could have managed expectations on that basis. That would have been a difficult thing to do because it will have meant potentially saying to those couples that they would have to wait longer to have in law the rights that they should have or it would have given us time potentially to come up with another political solution to it. I suspect that the Minister did not recognise it as a problem at that point and that perhaps further complications have arisen or that have been identified at a later stage, which makes the proceeding with that piece of legislation accordingly to its original timetable difficult. I will not criticise the current Minister for Children

and Education for that because sometimes those things happen and they are unexpected and they are extremely frustrating. I had a great deal of sympathy for the comments made by the Minister for Home Affairs who has had aspects of his legislative priorities disrupted for various reasons. That must be extremely frustrating. Let us, of course, not forget that we have had a pandemic thrown into the middle of this which has disrupted a lot of things as well. The question now is in recognising that something has happened somewhere along the way and who is to blame for it is, frankly, irrelevant and I suspect that nobody is to blame for it, it is just sometimes you uncover things when you take on a piece of work that you were not expecting. In fact, often that can be more likely to arise towards the later stages of the work rather than at the beginning because of everything else that crops up along the way. The question now is what do we do about it? Can we still meet that deadline and if we choose to meet that deadline what do we have to do to make sure we can? Notwithstanding the argument that has been made by the Minister, I find it impossible to justify voting against this on pragmatic grounds on the basis that perhaps if we wait a bit longer we may get the law right and there may be a risk of not getting it right if we aim to do it sooner because I think that this Assembly and the law drafters through the pandemic showed what they are capable of. Showed how we are actually able, if there is a will to do so, to respond to these things quickly, to dedicate the priority to them that they require and sometimes that can be awkward. Sometimes it means some people have to work hours that they had not anticipated working. Sometimes it means you have to perhaps shift something to the side. That is a matter for politics to decide whether it is worth the prioritisation and if some Members want to say right now it is not worth the prioritisation to get it done, well, so be it but that is not my judgement. It is not my judgment because I think that with the best of intentions up until some point very recently this was what we intended to do. Something has happened somewhere along the line to disrupt it and those expecting children do not deserve to have to wait longer to have their rights accepted in law. We have seen the communications we have received from people who are facing those situations and from the loved ones of those who are facing those situations. I think it is right to say we will do what we can to reprioritise that, notwithstanding everything that has gone on up until now, to try to meet our original promise to those people which is that this would be dealt with during this term of office. I will vote in support of this proposition. I urge other Members to do the same. Let us not play a blame game here because that should not be what this about, this is about whether we uphold that promise to a group in our society which for hundreds of years was marginalised and discriminated against but which we are making incredible progress in recent years to try to overcome that and expunge the vestiges of homophobia from our legislation. Let us get it done and support Deputy Doublet.

11.1.12 The Deputy of St. Mary:

I would like to begin by endorsing the final comment made by Senator Mézec that we are not here to play the blame game. I am not casting aspersions on anyone in what I am about to say. Deputy Doublet in her speech made reference to the Law Commission and that has not been mentioned since. She is right, the Law Commission did make recommendations as to where Jersey Law was deficient in certain areas and recommended a certain course. There is a body in this Assembly, the Legislation Advisory Panel, which is appointed to take forward recommendations from the Law Commission and I would like to think that in ordinary circumstances we would be able to do that. Unfortunately, the L.A.P. (Legislation Advisory Panel) has been effectively deprived of resources during this period and we have been unable to do very little. L.A.P. for those that do not know is effectively the successor to the old Legislation Committee, it is presently composed of one Minister, a Constable, a Senator and 3 other Deputies, all of whom were appointed by the Chief Minister, all of whom were fully aware of what they were taking on and all of whom were prepared and willing to consider legislation such as this. We have been unable to do so for reasons of lack of resources and I flag that point because Deputy Young did say in his speech that there should be a greater balance between what he termed social legislation and that required for the finance industry. I do not disagree with that but I certainly would not be, as chair of the Economic and International Affairs Scrutiny Panel,

supporting any reduction in resources available to that department. The legislation there is crucial but so is social legislation. There needs to be a better balance but that is to be done by increasing resources available to put through the social legislation. Again, in this connection I am sorry that the L.A.P. were unable to assist the relevant Minister on this occasion. I would like to think in any future Government L.A.P. will be regarded as a valuable resource, an independent resource and ones which can get things done crossing through party lines and would be in addition to the input that Ministers are able to perform. Having done my plug for L.A.P., as to where we are with this proposition I think everyone is right in saying that there is not resistance to what is intended here, it is a question as to what we can do at this stage. Again, wearing my L.A.P. hat, there was one situation where the stark option was put to us: do we want to wait for the next term to put something through in final form or do you want the law draftsmen to do as much as they can in the circumstances and see how we go. The panel elected for the latter but in fact that did not come through either. So I think my inclination now is to support Deputy Doublet's proposition, request the law draftsmen to produce something and if it is seen to be deficient, or other areas of deficiency identified during scrutiny, they will be revealed to the Assembly and we can take our decision at that time. I think it would at least show the mood of the Assembly that we are not ignoring this, we wish to take it forward and, with that, I shall be supporting the proposition.

11.1.13 Connétable J. Le Bailly of St. Mary:

I think we have all been inundated with emails on this issue. Gender has nothing to do with this proposition. People have a right to live with whoever they choose. This is about the rights of the child, something that most of us have signed up to to defend. This proposition needs to be adopted. This is the people's choice that complies within our laws. Maybe this could be further refined and if it can that can be done at a later date. Now, is the right time and the right thing to do, we are not a dictatorship to deny this.

11.1.14 Deputy R.J. Renouf of St. Ouen:

This is a very difficult decision for me and I know for all Members. We absolutely know what we want to do and achieve but today we are asking is it practical at the present time, is it going to be safe? What may be the consequences of trying to fast track a usual process? We absolutely share the sentiment behind the dozens and dozens of messages we have received from the public, many of which have been identical but that is what they wish to share with us. There was one that I thought was particularly incisive, which we all received at 11.38 today. It begins: "I appreciate the list of laws needing to be updated must be very long and for some of you these will have a higher priority but I would appreciate your support of pushing the parental rights law change through." I thought that there was some understanding there of the difficulties we find ourselves in. There is a recognition that the law-making process is important to establish the rights and duties in every respect as an Island's legislature we wish to give and to set up that framework of rules under which we want to live as a prosperous society. That email recognised that there was a long list of laws awaiting debate in order to achieve that end and it recognises that some may have a higher priority, but how do we determine that priority because there are competing priorities. We all want things to be achieved and absolutely I share the frustration expressed by Deputy Young and Deputy Guida about the length of time that we take to achieve what we want to achieve. Would we not all love simply to wave the magic wand and have it land on our desks. But we also know it is important to be thorough, to make sure that we get this right and we do not create something which only causes further problems, upset and distress down the line.

[16:30]

There is a list of priorities which is determined as a result of States decisions, as a result of the Government Plan and as a result of Ministerial directions and the law drafters work to that. Like Deputy Guida and Deputy Young, with a wish to bring forward their priorities, I have priorities in

healthcare matters as well that I would have loved to have seen legislated for. There are Islanders who have been injured and harmed as a result of unregulated persons offering therapy in this Island. There needs to be all sorts of things that we need to legislate for. This is one of them. This is granting of parental rights, this protection for children is sorely needed and families deserve this piece of legislation. But the difficulty is if Deputy Young and Deputy Guida and I and other Member start throwing in what they would wish to achieve then we end up in a state of total confusion. It is clear that this law is being prioritised to the maximum extent. Deputy Doublet was gracious in thanking all involved. She is not saying that either Deputy Maçon or Deputy Wickenden have taken their foot off the accelerator. But yet - and I was disappointed with this - she appears to think that the intention is to discriminate against a group of people who have been marginalised in the past. That does not marry up with what she said in offering thanks to everybody who have been working on this and accepting that it has been treated as a priority. I thought that as an unnecessary remark.

Deputy L.M.C. Doublet:

I believe the Minister is misrepresenting me.

The Bailiff:

What are you standing for, Deputy Doublet?

Deputy L.M.C. Doublet:

Would the Minister give way?

The Deputy of St. Ouen:

Yes.

Deputy L.M.C. Doublet:

He has stated that I have said that ...

The Bailiff:

Is it a point of clarification you are seeking?

Deputy L.M.C. Doublet:

Yes, could I seek a point of clarification? The Minister is stating that I have said that we are seeking to discriminate against L.G.B.T. people. I have not said that anybody is seeking to discriminate but what I have established, and what the Law Commission has established, is that the current law actively discriminates. I am not saying that States Members are doing that, I am simply saying that the law does that. If the Minister could clarify that I would be ...

The Bailiff:

I do not think you need to clarify, you said what you think the position is but, of course, you will have a speech in response at the end, Deputy.

The Deputy of St. Ouen:

I am very grateful that Deputy Doublet has clarified that it is the existing state of the law that is discriminatory rather than any actions on the part of either Ministers or officers, because that is certainly not the case. What we have here is a piece of work that is highly complex and technical and there are risks if we do not get it right. The risks can have far-reaching consequences to children and families and could create harm down the line. So those review processes that are part of the standard procedures are really important. It is important that the people who will be using this law, that will be at the sharp end, deciding whether to confer the rights that this law might give, are consulted, are involved, are to look at what comes through the drafting process - it might be the Family Court, for example - and to know, to be assured from all their experience, because it is those

people working in the Family Court that have that experience, that this piece of legislation is workable and will do what it is intended to do. Sometimes it is difficult for us as politicians, even for law drafters, to understand what the provisions will do because they have not previously met the examples, the real-life situations, that the law is intended to deal with. So how important it is, and we must not just cancel that process because we need to bring something here to this Assembly within a timescale that is only governed by our electoral period. The comparison was made with the speed at which we enacted COVID legislation. If you remember, the primary law we used for COVID was very brief. It was on a single side. That is the primary law. This is primary law. Most COVID legislation was regulations, which were longer than the primary law, but they had a limited life. They were rushed through because we had to rush them through, but as we worked with them, as our COVID teams did and as a Minister I saw this happening, we saw gaps in them. There were gaps. If we had have had the time, which of course we did not, they would have been better regulations. They would have been more effective in doing what we did. If they were to have been permanent regulations, they would have been drafted differently and with greater process around them. Because as Senator Mézec said in his speech, as you go through law drafting things are uncovered. Issues are uncovered as you plot your way through the consequences of each of the clauses you are drafting. Those things that become uncovered, which Deputy Wickenden is talking about, he is talking about the issues around not having the Human Embryology Act, the domicile of origin issue, they are highlighted to Ministers and officers what needs to be done, what is the policy direction of this. That needs to be thought through, taken away and the drafting work its way through to ensure that no lacunas are created, that every consequence is covered, so that we properly protect children and families in this area and so that we achieve what we want to achieve by this legislation. So I can well understand why it is that these things that have become uncovered at this late stage it is absolutely important to deal with. It is not appropriate, I think, for us to say: “Do not worry about them, just push it through, just put something before this Assembly that we can press our buttons on.” Because we create so much risk. We risk the harm to the people we want to serve. We have made that rule that nothing should be lodged after 10th March so, of course, nothing ... the state it is in at the moment, I do not believe that the Minister for Children and Education is capable of bringing something by 10th March and I hope he does not try to do so, understanding the problems that he has described. He said he would endeavour to bring something to this Assembly if this is what the Assembly wishes, but we know that to do so there would have to be shortcuts. There would have to be risks taken. That review process, that consultation with the people who are going to be using this law, will be curtailed, will be cancelled, whatever. I do not think that should happen. I think we should aim for getting it right. I am sorry if that disappoints people, but where else would we say let us do something like this, cutting the process short? It is only because we have an election period coming up. We are told that this will arrive by October and, of course, I would love it to be sooner, like I would love all the other legislation we need to be sooner, but if doing the right thing means October, why are we letting our election fever shortcut all this and accelerate it dangerously? What work is being set aside if this has to happen? That we do not know. What urgent piece of legislation that might be being worked on right now is going to be dropped if this Assembly decides to go ahead? I do not know. So, it is our decision today whether to accept the risk of enacting flawed legislation, whether to fast-track it because we have an election, or is it best for the people we serve to know that the legislation that we debate is right, has been consulted upon, it has been checked and reviewed and it will achieve what we want to achieve? So I say let us go for the latter because we should not be a legislature that acts in any other way.

11.1.15 Senator L.J. Farnham:

I never like to be in a juxtaposition with fellow Ministers. Occasionally, it happens on certain issues and there are certain issues such as this that I think transcend political and party boundaries. In the spirit of what a number of other Members have said today, we often have to strive to work harder together to share the burdens of responsibility as an Assembly and not try to apportion blame to

certain Ministers. I refer to the current and past Ministers who have had responsibility for these important areas. I do feel I think I have made myself a little bit unpopular with some colleagues, and I must apologise to Deputy Wickenden because I seemed to contradict him yesterday when he spoke about the rationale for not debating this, for not allowing this to be debated early, and I spoke against that position. I did so only because I felt not allowing this would be kicking the can down the road. I thought the Assembly needed to debate this. It is an issue that has been simmering for a long, long time and any further delay would not have been in the interests of this Assembly or the people we are trying to assist and, for a number of other very good reasons, why we need to ensure our legislation removes any sort of unfair law that has still managed to stay on the statute books. I know the amount of work Ministers do and previous Ministers have done. I cannot stress enough the thought and the very good intentions that have gone into getting this progressed. I think it has been simmering, it has come on and off the boil, but there are very good reasons for that, not least the really difficult other political and geopolitical issues we are having to deal with as an Island and as an Assembly. As other Members have said, we all agree what we want and it is going to happen, so whatever happens, whatever the outcome of this debate, I think this issue has been prioritised, it has been moved further up the list, and it is going to be achieved. Let us be clear. We know there is a real and genuine intention of the current Minister and Assistant Minister to do this. Deputy Wickenden has said, and he has made it absolutely clear, that if it is the Assembly's will he will do everything in his power to deliver this, despite it needing a very late lodging time. I am presuming, Sir, you can only adjudicate on that when you have seen what is put before you ultimately.

The Bailiff:

Well, I think that must be right, just to interject. The Standing Order requires me to consider if it is after 10th March whether I can appropriately permit it and there is a test, which is that I must be of the opinion that it relates to a matter of such urgency and public importance that the lodging should not be delayed. That is, I think I need to see what I am being asked to make an adjudication upon before I make that decision. Inevitably, that must be the case.

Senator L.J. Farnham:

Thank you, Sir. I think it is important that Members do realise that. But I know that I do not think any Minister would bring legislation or allow legislation to be tabled that was unfinished or unsafe or poor in any way. I know this Assembly would not pass any legislation if it was not in a fit state to be accepted. I am not even sure if you, Sir, or the Presiding Officer at the time would allow it to be tabled if there was any uncertainty over its fitness for use.

[16:45]

But what I do praise the current Minister for is that against his ... when I say judgment, he is concerned. He does not want to bring anything that is not right. He has said if it is the will of the Assembly he will do everything in his power to deliver that, and I believe him and I want to support him in that endeavour. I think we must try and do it. We can move heaven and earth when we want to. We have done it before and I think there is an opportunity to try, so why do we not try and do it? But there is a caveat and that is that there can be no retribution. If it is just not possible and it cannot be delivered or it is delivered and it is deemed not to be finished and it cannot be tabled, then there can be and there should be no retribution, as long as the Minister and the team and those officials involved have done their level best to bring it as the Assembly has asked. I will be asking Deputy Doublet to confirm that she understands that and is looking to see the effort prior to the result and hopefully the result as well. I think, to reiterate, sometimes we have to share the burden of responsibility as an Assembly and not put it all on individual Ministers for certain policy. Of course, one of the great things about this Assembly is that when a Member does not agree with Government policy a Member can bring a proposition, any Member can bring a proposition, to seek to change that. That is quite right. That is democracy and that is how it always should be. So in the spirit of

co-operation, let us give it a go. Let us see what we can do. I am going to support this proposition on the understanding that if it is just not possible there will be no retribution, there will be no attacks on the Minister, there will be no looking for revenge, because ultimately whatever happens, we have given this a far greater priority, the priority it deserves, and after many years we are far closer to achieving the legislation that we need than we ever have been.

11.1.16 Senator J.A.N. Le Fondré:

I think we are all in vehement agreement that this law does need to be passed. Can you hear me, Sir?

The Bailiff:

Yes, we can hear you quite well, thank you.

Senator J.A.N. Le Fondré:

Okay, thank you, Sir. What has become very clear, and I obviously have been getting up to speed on the issues surrounding the delay on this in very recent days, it is very, very clearly an incredibly specialised area, as has been alluded to already by both Deputy Wickenden and the Deputy of St. Ouen. I think also what we do need to emphasise is, indeed, when that ... I am sorry, Sir, I am getting an echo somewhere.

The Bailiff:

I am sorry, I am afraid I am speaking without having switched my microphone off, but I was not speaking to interrupt you. Please carry on.

Senator J.A.N. Le Fondré:

Oh, apologies, okay. We did put extra resources into getting this law drafted, so it is not for lack of will that we have arrived in this position. Indeed, I think Senator Mézec has identified that as far as he is concerned it was in the programme of works. Let us be very, very clear. Deputy Wickenden and Deputy Maçon signed off on this when it was brought to their attention in April of last year, so this has been around for a long time. I think we also need to be very clear there is no criticism of law drafting. Law drafting is not under the control of Government. It sits under the Greffe, basically. It is a non-Ministerial department. It can seek, if it needs to - I might regret saying this in the future - to put extra request in the Government Plan for its resources, if it wishes to. But it is also an iterative process. Law drafting instructions go from the Minister to law drafting and then as issues are identified they will go backwards and forwards. I think what we need to be very, very clear on, which a number of people seem to have forgotten, is the impact of the pandemic. I make no apologies for repeating that again. The pandemic, if you like, crushed the original programme of work that we had. It has taken 18 months out of the programme. Nevertheless, certainly in the last update that the Council of Ministers had, which was basically at the beginning of February, was that this would have been lodged in time for debate before the elections. But what has become clear is that, firstly, there have been foundations that have had to be put in place, so certain laws particularly involving single sex parents, but to get the foundation in place to enable, for example, this law to occur. I believe and I am informed that examples of that, for example, were ones that we approved today, which is P.6 and P.7, for example, but what then took place with the specialist advice and resource that has been put there is that at relatively the last minute greater technicalities arose. I need to be very clear. The advice that has been relayed to me through officers from law drafting is that it is - and it is strong advice - going to be very, very difficult and potentially not feasible because of the technicalities that have now arisen to have a robust law in place for debate by April. I do absolutely agree, we are very much in the hands of the Assembly. Almost certainly I will listen to Deputy Doublet. I will almost certainly not be supporting the proposition - I will work out what is left in terms of how I vote on it - principally not because I do not agree with the principles behind what the Deputy is proposing but particularly I think are far better enunciated through, for example, the Deputy of St. Ouen and Deputy Wickenden. Bad law is bad law and if we line ourselves up for bad law, then it is the people we are

intending to help that ultimately will suffer. So, that is the advice that we have been receiving from law drafting that no matter how much the will is there, these technicalities have caused a delay in the complexities of drafting this legislation. It is nothing to do with Ministers in any shape or form in terms of interference in that process. I think I do need to press one or 2 aspects. I am glad Deputy Doublet did clarify her comments. I do have to say, and I will go back and listen to Hansard, that is certainly what I interpreted her to have said, is that there have been ... I do not know if she used the word “deliberate” or not but a marginalisation on the particular groups who are minorities, basically, in this area. I am glad she has clarified that remark but I think we should just ... perhaps she could check Hansard as well if she wished to clarify the position. I do not think it was relative to the law but anyway, let us see what she said on the record. I think I do wish to address ... there has been an inference, I would suggest, that nothing has been happening in terms of children and putting children first. Well, we have had P.107, the Draft Children and Young People’s Law. We have just had P.9 and we are going to be debating P.19, which is the convention rights and with due regard. That is quite a significant improvement, in my view, of children’s rights. So I would very much refute the suggestion or any suggestion that this Government and this Assembly has not been doing its utmost to improve matters for children. We have also said we are starting from a low base. As Senator Mézec said, there is a long programme of work we have to do. So, I think the point there is Deputy Maçon I think said it absolutely correctly. He and Deputy Wickenden were absolutely behind getting this law in place. I think we are all disappointed in how this has panned out but I make the point we have had 18 months, 2 years, taken out of resource because of everything we have had to do on the pandemic and that has had consequences. It may well be the case that the Assembly does vote for this proposition. We need to be very, very clear if it is lodged, subject to all the things that you, Sir, will have to approve, it will almost certainly be a very shortened lodging period. We have to make sure, where Deputy Maçon is absolutely correct, this has to be got right. The grief and stress that will be caused if there are errors in it which subsequently come out I think will probably outweigh a delay if it went into, for example, October. So the risk of error is high. I want to pick up one more remark from the Connétable of St. John. He made some remark about the children’s pledge. Well, there are 2 approaches. You can either sit and wait to be asked or you can reach out to the Minister and perhaps ask how to sign it, and I would suggest the latter might have been a more productive approach. To conclude, I think it was Deputy Maçon’s request which I definitely put towards Deputy Doublet. It is why she is suggesting that the consultation that is being referred to, Deputy Wickenden laid it out, which is about, for example, the Family Court service, the Judicial Greffe, Children’s Commissioner and others, why that process should be curtailed in what is becoming clear is a very, very complicated area. I am not a lawyer, very clearly, but that is the advice that we have had. I do know that we have had a lot of discussion around legislative scrutiny and I do believe that getting this correct in this instance is worth that delay, that unfortunate delay. It is not something we would like to see. We would very much prefer to be debating this in the next 2 or 3 sittings, but that is the advice we have had and that came through at relatively short notice, basically in the last 3 to 4 weeks. I understand it was raised with Scrutiny towards the beginning of February, basically as soon as it came out. So, I will listen to the closing remarks with interest. I suspect I can see the way the Assembly will go, but I think as Senator Farnham has said, we need to be very, very clear that while we will do our absolute utmost to try and respect the will of the Assembly if that is where they go, there should be no retribution, as it were, back on the Minister on the basis that we have been very clear that the advice we are receiving is it is an incredibly complicated area or technical areas that have arisen and that those technical areas will take some time to resolve. It is not a lack of will, particularly on behalf of the Minister for Children and Education or even the previous Minister for Children and Education, but it is a matter that is extremely unfortunate and has arisen in the last 3 to 4 weeks. On that, I shall listen to the closing remarks with interest and Ministers are very much in the hands of this Assembly.

11.1.17 Deputy K.G. Pamplin:

This has been a fascinating debate to listen to and I have a few things I would like to reflect on that are absolutely relevant to the debate. Four years ago in the induction period before taking the oath of office new States Members are invited to inductions and various meetings to learn what is ahead of us for the next 4 years. When I look back 4 years ago, some of it was obviously very appropriate. None of it, obviously, could have predicted what we have all been through in the last 4 years. However, I was struck by a couple of things. One was the briefing we had from the Law Officers' Department. We all descended into the room and there was more of us than there was of them, which struck me as interesting straight away, to hear such comments 4 years ago of: "Well, one of us is leaving, one of us is only here for a period of time, we are struggling to recruit people." I was sitting there thinking this is the fundamental part of the reason why we are here, is to move as quickly as we are shown we can as a modern society, to ensure laws are debated and drafted that the people who put us here want to see being passed. That is an issue that I think has been a problem in all the changes that have happened around this great Assembly over recent years, the introduction of Ministerial Government, the loss of the committee systems, the split in the divides of this Assembly, which I still think do not get talked about enough. For people listening to this who are thinking about standing in the Assembly, I think this is one of those important occasions to listen very carefully to some of the things that are being said. To tie this into this proposition, it is one of those rare occasions where you agree with everybody and their positions. However, one speech in particular struck me and that was once again the wise words of the Deputy of St. Mary, who always in these moments puts forward a very sensible, pragmatic and reasonable speech together that in a few words captures what I think is the emotion of those people who are reaching out to us, who want us to act.

[17:00]

I think that is the key here is adding the pragmatic approach and taking the challenges and the legitimate problems and concerns, rightly described to us by Ministers of various departments, and trying because a large group of people have reached out to us. There have been many debates in the last 4 years that Islanders have reached out to us. The hospital I guess would be the big one. I cannot recall over the last couple of years - there has been a lot going on - where a large amount of emails have been pinging at such a considerable rate. I only raise that that it just goes to show how important it is that members of our society who passionately believe in something that is important to the people that they represent, that you can have that connectivity with the people who decide the laws of this Island. I wish other members of the Island would recognise that. There is a way to connect with your politicians. Do not just wait every 4 years at the hustings and the vote box. I applaud all of those people who have reached out to us because at the end of the day we are here to connect the technical challenges that have been put forward with those of a community who are crying out to us to try and do something. After all, perfection is the enemy of the good. Speed does trump perfection. The greatest error is not to move. The greatest error is to be paralysed by the fear of failure. If you need to be right before you move, you will never win. In the current climate that we are all in and watching at the moment is a group of Islanders want us ... and I do not think anybody is intentionally doing it, it is a perception or a feeling that a group of people ... that is how they feel and they feel that this has been a problem for many years. We have an opportunity. It may be, as others have said, when that is put forward it is not something that we can put forward, but after all, this is the Assembly that will make that decision. We should try and that is what I believe we should do. To other Members who feel very passionately, we could have done this many times over. I believe in the spirit of that I wish the Minister and the team all the best if this goes through. I have much hope and faith in them and everybody who could try and do this. That is the message I want Islanders to hear.

11.1.18 The Deputy of St. Martin:

I would like to think every other States Member, like myself, comes into this Assembly in order to try to do some good and to make Jersey a better place. Some days we go away uplifted and feeling

as if we have done some good work and then other days, we feel maybe, like I do, disappointed in the way things have gone. I was disappointed yesterday with the way Deputy Higgins spoke during his speech after such a good proposition. I have to say I am disappointed again today because Deputy Doublet has brought this proposition after the advice and the words that she has heard from the Minister. I am disappointed because the Minister has warned that there will be mistakes, there will be omissions and there may be problems and I am further disappointed because of the reference to Scrutiny. "Put this in front of Scrutiny and we will move heaven and earth" but if the Minister is right and there will be mistakes and problems, the only answer for Scrutiny really will be to call this in and that will delay it further. I am disappointed because this is not the way things should be done. This is not the way we do things but why are we here? How did we get here is not important. The important thing is how do we move forward? How do we make progress? I am not going to be voting against the leader in my party because I really want to make progress as well. I am going to be pushing the yes button but I will be sort of holding my nose, as some States Members have said in the past. "Hold your nose and push the yes button." It is really important we try our very, very best to get this legislation in place and I want to move forward as quickly as I can so I will be voting in favour.

11.1.19 Deputy M. Tadier:

One thing that springs to mind and it is linked to putting children first - although, presumably, we do not put all children first, just depending on who their parents are as others are given a lower priority - I am reminded at the early stages of this current Assembly we debated the Committee of Inquiry findings into child abuse and there were lots of fine words around that. There was a lot of talk of: "This must not happen again" and some of us then signed the putting children first pledge. One of the recommendations or findings rather from the Committee of Inquiry was that the Island often talk about how it was very good at prioritising legislation that it felt it needed to, certainly around finance and around the needs of the finance industry, and that the Government often boasted internally and externally about how quickly it could work to bring through legislation that was requested by the industry. I am paraphrasing there but that was essentially one of the findings but when it came to social legislation and legislation and protection and policy generally that affected children and families, it dragged its feet for many decades. Of course, this is quite a tight deadline. One has to ask of course why it was not done earlier but I think it is one that can be achieved if we all put our minds to it. It would be a good example to show Ministerial Government is so much better than the old committee system which was laborious, onerous and took so much time to get things done. Now we have a Ministerial system, the Minister can just issue the directive, ask for all the relevant work to be done and for this to be lodged in time. I do not know if it was addressed earlier. Sorry if I missed it. It might require of course lodging periods to be changed. Whether Scrutiny want to call this in, that is entirely within their prerogative and that should not be a reason to vote for or against this because if Scrutiny, at some point, want to scrutinise it, that is fine, but the proposition will have been lodged and on the table and all of us can judge the current Government on what they have done and what has been put there on the table. So I certainly, for one, will be supporting this because the principle of it is the right thing to do and I commend the Deputy who has always fought for children and equality and families to be treated equally to make sure that their voices are heard. Incidentally, I think the reason we have been getting so much lobbying on it clearly shows that there is an issue that touches a nerve with a public that they feel strongly about but of course it is because we have a new system in place where anybody in the Island can email all States Members at the drop of a hat and it is easy to copy and paste messages nowadays. So one copy and paste message of course means that 49 Members have to respond to that one copy and paste message. I will leave it at that. I think we can decide whether or not to support this. There is clearly a lot of sentiment out there.

The Bailiff:

Thank you very much, Deputy. 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 Deputy Doublet to respond.

11.1.20 Deputy L.M.C. Doublet:

This has been a long and interesting debate and I do thank all Members for their contributions. Some of the final speeches were interesting because, to quote a word that a more recent speaker has used, it is disappointing to hear some of the scaremongering that has been going on. I think other Back-Benchers will sympathise with me but also realise that perhaps that is when you know that you have done the right thing is when the Government start resorting to excuses, threats and scaremongering. I do think the Deputy of St. Ouen framing this issue as election fever surprised me and I think that was such a low blow. I have been pressing for progress on this for years and the moment that I feared it would not be delivered, I came straight to this Assembly. The Chief Minister mentioned “grief and stress” that might come about if we get things wrong by rushing this law. To be clear, I am not asking anybody to “rush” or not to do the work properly. We cannot possibly make things worse. Members have spoken about discrimination and it is interesting that it is an almost defensive reaction to say: “I am not discriminating against anybody” as a States Member and of course nobody intends that and I, myself, did not know that this legislation had not been changed last term. I thought it had been changed and it was only when I was approached by a same sex couple, I realised it had not been and it is not us as individuals who are discriminating but the fact is there is discrimination built into our law. Senator Farnham mentioned the Minister and, indeed, I note the tone of the Minister’s speech towards the end. It really sounded like he was genuine in wanting to support the L.G.B.T.Q.+ community and I am really grateful to him that he is prepared to do everything he can to fulfil this if Members approve it. To respond to Senator Farnham, again, strange terms to use. I would not of course seek to unduly reprimand anybody. I think the word he used was “revenge” which is a very peculiar term because of course we all have a level of professional respect for each other in this Assembly despite our political differences. Senator Farnham can be assured that Deputy Wickenden has nothing to fear from me beyond the usual democratic processes and indeed from the members of the public who are pressing for this. I believe it can be done. I have faith in the Deputy. I have faith in the Minister. I think he can do it. I know that with the processes that we have - and, again, some Members have asked me to clarify this - we can still ensure that those processes and those checks are carried out. I will reiterate the point that I have made. We did it during COVID and of course that was extremely urgent. I think this is an urgent issue. It goes back to putting children first and I find it so interesting that the Constable of St. John said that nobody has asked him to sign that pledge, and the Deputy of St. Martin will attest to this because he was in the coffee room yesterday. I found it upside down on the floor to one side in the coffee room, the big pledge that most of us have signed, and so I put it back up in the coffee room because it means something to me. I signed it, as most of us have, but even before we had this pledge and Members have said this, I came into this Assembly to speak for children because I felt that nobody was speaking for children and that pledge means something to me and it should mean something to every single one of us. Deputy Ward was as passionate I think as I have been about this and I thank him for his support. I thank Deputy Young for his confidence but I think he did reinforce the point that I was making about this being an issue of political reprioritisation because tenacity - a word that Deputy Ward used - is something that is required of a Minister or Back-Bencher. Whatever role we hold in this Assembly, they are all important and that tenacity is required. Deputy Young and other Ministers spoke about lists of things that they have not been able to complete and I sympathise with him and I am sure, if I were a Minister, I would be in the same situation. I am sure I would be but, again, I go back to the point that I made in my opening speech. Children and family legislation should not be competing with some of these other areas that we have spoken about. We are either putting children first and we are prioritising all of this legislation for children and families or we are not. Deputy Martin, I think in one speech, said on the one hand, she thinks that the next Assembly will approve this easily and there is nothing to

worry about because they are going to get it through but she also said that this should be an election issue and I find that confusing.

[17:15]

The Deputy mentioned that she did not feel she believed in the urgency of this and I would like to hear anybody say that to the children who are affected by this because I have had the pleasure of meeting some of those children and some of them, even though they are very young, fully understand their situation. They fully understand that the Island that they live in and they call home is discriminating against them and denying them their rights. There was also some misunderstanding around there being a third parent and, again, I think it shows our lack of understanding around some of these issues. It shows it has not been a priority and that it is donor and not a third parent. The parents are the individuals who are raising that child. The Deputy of St. Peter and the kick he spoke about that he was not allowed to speak about comes from the decision of this Assembly and that is why it is important that we do that and we collectively come to a decision. I hope he will support it but if he cannot, then I agree he should abstain. I agree. In terms of consultation, the external consultation has taken place. What remains is the internal consultation. These are our processes and I will again take Members back to the analogy I made about this big machine which we are supposed to instruct. It is in our power to do this. Deputy Maçon wonders why these families cannot wait until the autumn. Again, I would like him to ask that question of those families because they are desperate and they have been desperate for years and they have been terribly patient. I think they are losing their patience and they are right to feel that way. Some of the scaremongering reminds me of a recent debate that we had about Samarès Ward and we heard these similar cries, did we not? “We could not possibly do this. It just cannot be done” and yet the Assembly instructed the Minister to do it and it is being done. That is how democracy works. I thank Deputy Southern for his support. I thank Senator Pallett again. He spoke of a lack of respect. Respect is really important and I can tell you the families in question are not feeling respected. We can restore that by approving this today. Senator Mézec is another pioneer for L.G.B.T.Q.+ rights and I know he shares my passion as it seems does the Constable of St. Mary. I know that law-making takes years. It has been years. Can I remind Members that this law was on track for completion just a few weeks ago? There is a huge body of work already completed and behind this. The Law Commission have set out what needs to be done. We are not starting from scratch. I think the final point I have to make in terms of prioritisation is that a lot of the legislation that was quoted was: “It is not going to be finished” and I share the dismay of the Minister for Home Affairs that some of that legislation is not going to be completed. The Minister might wonder why I have chosen this issue and the reason is this. Much of our legislation, especially the Home Affairs legislation mentioned by the Minister, is about preventing or punishing harm being caused by citizens to other citizens and it is hugely important. The issue that we are talking about today is an example of where one of our laws that we are responsible for as the States Assembly or as the Parliament is currently actively causing harm to families. That is happening today to families and to children. That is on us. We have a responsibility to right this wrong while we still have the powers delegated to us by the people of this Island. I am not asking for processes to be missed out. I am asking that we press on with a piece of work that, until very recently, was on track. None of us know if we will be here in these seats in a few months’ time. I think it was Deputy Tadier who made the point: “We do not just put some children first. We put all children first” and, yes, this affects a small group of children but we must right this wrong and I ask Members to support this today and call for the appel.

The Bailiff:

Thank you very much indeed. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Could you clarify your vote in the chat, Connétable of Trinity?

Connétable P.B. Le Sueur of Trinity:

Yes, Sir, apologies. I have voted pour please.

The Bailiff:

Thank you very much. I ask the Greffier to close the voting. It is closed. The proposition has been adopted: 35 votes pour, 6 votes contre and 4 abstentions.

POUR: 35	CONTRE: 6	ABSTAIN: 4
Senator I.J. Gorst	Deputy J.A. Martin (H)	Senator S.C. Ferguson
Senator L.J. Farnham	Deputy S.J. Pinel (C)	Senator J.A.N. Le Fondré
Senator T.A. Vallois	Deputy of St. Ouen	Deputy S.M. Wickenden (H)
Senator K.L. Moore	Deputy L.B. Ash (C)	Deputy J.H. Young (B)
Senator S.W. Pallett	Deputy G.C.U. Guida (L)	
Senator S.Y. Mézec	Deputy of St. Peter	
Connétable of St. Helier		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy K.F. Morel (L)		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

Deputy L.M.C. Doublet:

Can I thank Members for their support?

The Bailiff:

Yes, did somebody ask for a readout?

The Greffier of the States:

Pour were: Senators Gorst, Farnham, Vallois, Moore, Pallett and Mézec, the Constables of St. Helier, St. Brelade, Grouville, St. Ouen, St. John, Deputy Southern, Grouville, St. Martin, Doublet, St. Mary, Truscott, Morel, Le Hegarat, Ahier, Ward, Alves and Pamplin. In the separate chat, Deputy Perchard, Constable of St. Mary, Constable of St. Peter, Constable of St. Martin, Deputy of St. John, Deputy Higgins, Deputy Labey, Constable of St. Clement, Deputy Maçon, Deputy Tadier, Deputy Lewis and the Constable of Trinity. Those Members who voted contre were: Deputies Martin, Pinel, St. Ouen, Ash, Guida and St. Peter and the abstentions were Deputy Wickenden, Deputy Young, Senator Le Fondré and Senator Ferguson.

The Bailiff:

That ends the business that is formally on the list. There are, however, 2 items still before the Assembly. The first in item is Immigration of Ukrainian Nationals, a proposition brought by Deputy Perchard, P.37. The second, I do not have physically in front of me, but is brought by the Minister for External Relations and Financial Services and relates to shipping in the context of sanctions. In both cases, the permission of the Assembly will be needed to deal with them at this session. It seems to me appropriate that we firstly determine whether they can be dealt with at this session, then we determine the priority and if Senator Gorst wishes to ask for the matter to be taken today and the Assembly to sit late, he is a position to make that proposition once we know it will be dealt with. So the first thing I think is to ask Deputy Perchard to ... I beg your pardon?

Senator I.J. Gorst:

Sir, I do not mind making the case for both or all 4 arguments in one vote if you would allow them.

The Bailiff:

I am not sure I understand what you are proposing.

Senator I.J. Gorst:

Well, there is a foreshortened lodging period and then the Standing Order to deal with today as well but I think we might as well take both propositions in one.

The Bailiff:

Well, yes, but we must deal first with Deputy Perchard. The House is prior in time.

Senator I.J. Gorst:

Sorry, Sir, yes, indeed. That would be a separate decision.

The Bailiff:

Yes.

Senator I.J. Gorst:

I am happy to make the case that both items should be taken with a shortened lodging period and that they should both be taken at this sitting if that meets your approval, Sir.

The Bailiff:

Well, to propose Deputy Perchard's one as well.

Deputy J.H. Perchard:

I would be happy for that too, Sir, if that helps.

The Bailiff:

If you are happy with that, Deputy Perchard, very well. Senator Gorst, if you would like to make your proposal.

12. Reduction of lodging periods

12.1 Senator I.J. Gorst:

I am sure that Members will see from reading both propositions, they relate to the ongoing war in the Ukraine. The sanctions shipping register regulations relates to the implementation on the register of a sanction order which I made yesterday and, therefore, I would like to get it done as quickly as possible and, therefore, I think it passes the test. In relation to Deputy Perchard's proposal, a lot of progress has been made by the Minister and we are all mindful of the announcement yesterday of the U.K. Home Office. People are right now seeking to cross the border and requiring help in accessing visas and, therefore, I think that also meets the test for being taken and having a shortened lodging period and that both of them rightly should be taken at this sitting.

The Bailiff:

You also included in that proposition the amendments brought by Deputy Maçon to Deputy Perchard.

Senator I.J. Gorst:

Sorry, indeed I do, Sir, yes.

The Bailiff:

Yes, very well, and so the proposition is that both of these items are taken in a foreshortened lodging period at this session and are dealt with as the next items of business. We will deal with the order in which they are dealt with then. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate and open the voting. If Members have had the opportunity of casting their votes ... I am sorry, was there some observation on which a ruling from the Chair is sought?

Deputy R.J. Ward:

I think there were a few of us who missed the fact that the vote was open, Sir, but we have spotted it now.

The Bailiff:

Well, that is all right. That is why I leave a long time between closing the vote and suggesting I might.

The Deputy of St. Martin:

Sir, could I raise a point of order?

The Bailiff:

Yes, you can.

The Deputy of St. Martin.

Sir, could I ask for a ruling on whether it is right that we vote for 2 separate propositions to be shortened at the same time?

The Bailiff:

Well the answer is yes because that is as has been brought in. You can vote against if you are not satisfied with both or you can vote for but that is the way the Assembly is taking it so I am closing the voting. The proposition is adopted: 41 votes pour, no votes contre and no abstentions.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				

Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

In which case, we deal with both items today at this sitting. Now is there a proposition to be made as to the order in which they should be taken?

Senator I.J. Gorst:

There is, Sir, but I wonder if you would prefer a proposition around whether they should be taken now or whether we should come back tomorrow morning because I would be happy to make the proposition to take them now.

The Bailiff:

Well, it seems to me, Senator, that your whole point, when you last raised the issue, was that the importance was to pass it today if you possibly could and so that would not require an extension of time for the Assembly to sit so that would be the appropriate proposition. In the context if the Assembly sits, it will take both propositions next.

Senator I.J. Gorst:

Thank you, Sir. You have just indeed made the case for my proposition. I would just say, in further adding to that case, that the Minister for Home Affairs and myself will be supporting the proposal of Deputy Perchard and the amendment of Deputy Maçon. As I have said, good progress has been made. There will be things that we need to say around our membership of the C.T.A. (Common Travel Area) of course which Members would understand and making sure that that is appropriately maintained and we act appropriately but that should mean, that we can take both items within very little time at all and could take them today.

[17:30]

The Bailiff:

Is that proposition seconded to sit to deal with these items? **[Seconded]** Does any Member wish to speak on the proposition to sit?

Deputy R.J. Ward:

Sir, can I just have some clarity? So we are talking about taking the one on shipping tonight but not the other one?

The Bailiff:

No.

Deputy R.J. Ward:

There does not seem to be urgency on Deputy Perchard's proposition to be taken tonight but just the shipping one.

Senator I.J. Gorst:

That is the proposition I just made, Sir.

The Bailiff:

The proposition is to take them both and to extend the sitting accordingly but it is a matter for Members whether or not they wish to vote for that or against that and possibly come up with an alternative in the event the vote is against.

Deputy R.J. Ward:

Sir, apologies, may I speak on this?

The Bailiff:

Yes, I am sorry. If you could just hold on a moment. Well, the first thing is, is the proposition seconded? **[Seconded]** The first 2 listed to speak will be Deputy Young and Deputy Perchard and then Deputy Ward and Deputy Southern.

Deputy J.H. Young:

Sir, are you calling me now?

The Bailiff:

I am, yes.

Deputy J.H. Young:

I am a little bit confused. The speed of this discussion has rather overtaken me by surprise. I have no problem whatsoever that we can discuss the shipping measure this evening because that seems to automatically follow the whole principles of tightening the sanctions and following what the U.K. does. So I would have thought that would not be a debate that need take us long in the way we deal with these things. I absolutely follow the spirit of Deputy Perchard's proposition but I would like to hear fully from our Minister for Home Affairs and to have proper information about what decisions the U.K. are taking and what our sister island is doing to ensure that what we end up doing is all consistent. I absolutely go with the spirit of helping but I am pretty worried about taking Deputy Perchard's as well at 5.30 p.m. when we have all had a tiring day. My feeling is not to do that but that is only me and obviously I am in the hands of others. But I see Deputy Perchard is going to follow me and obviously I am very interested in what she has to say.

Deputy J.H. Perchard:

I apologise to Members for some of the confusion here. I had messaged Senator Gorst to state that I would be happy to wait until tomorrow to have P.37 debated in order so that we could prioritise P.38, which is shipping, because I had a chance to read it this afternoon and Members who have read it will understand that there is an urgency if we wish to support it, which is that it is enacted the day after it is voted for. It makes a lot of sense to prioritise P.38 in my mind. I was hoping to just get clarity on Members whether the lodging period for P.37 could be reduced, which it now has been, but I would prefer to wait until the morning to deal with it just simply because I have a speech prepared that is in excess of 10 minutes and I know that other Members will want to hear from the Ministers to clarify certain things and to give reassurances on certain things. I think that time is just needed so I would perhaps, Senator, I do not know if it is possible, withdraw that and reframe to hopefully match my ...

The Bailiff:

That is entirely a matter for the Senator if he wishes to withdraw that.

Senator I.J. Gorst:

Indeed, in light of Deputy Perchard's comment, I will withdraw the request to take both items this evening and simply put forward an amended request to take the shipping register item this evening.

The Bailiff:

I assume Members have no difficulty with the withdrawal of that proposition and the substitution of a proposition to take simply Senator Gorst's matter this evening, and the effect will be Deputy Perchard's proposition will be dealt with as the first item of business tomorrow. **[Seconded]** Does anyone wish to speak on the revised proposition? I am not sure what Deputy Labey's ... it is all right, I am calling on Deputy Southern.

Deputy G.P. Southern:

I will be brief. We have just spent 3 hours talking about parental rights and we are about to go on for an extended session, which impinges on parental rights, because our rules say so. I just find time and time again I have to stand to point this out to people and it is really ... let us stop it.

Senator L.J. Farnham:

Simply, it will not have escaped Members' notice there is a war in Europe, these matters need to be dealt with as a matter of urgency. **[Approbation]** If it means we stay on we should do because ...

Deputy G.P. Southern:

Does the Minister think the boats will be lining up outside the harbour?

The Bailiff:

Occasionally at the end of the day people forget the rules of debate in this Assembly. Let us try and remember the rules of debate in this Assembly. Deputy Southern, if you have an intervention in accordance with Standing Orders rather than any other then please do make it. **[Aside]** I think it might be outside Standing Orders so please do carry on, Senator Farnham.

Senator L.J. Farnham:

I was going to give way but I have finished what I had to say.

Deputy L.M.C. Doublet:

While of course I think the issue of parental responsibilities of Members and other caring responsibilities it is hugely important. Could I just ask perhaps how long the Minister thinks this will take because I think if it is going to be under half an hour perhaps we should because it is something urgent. I would not usually say that but, as I have said in the past, I do understand for things like budgets and medium-term plans and things like that we have stayed late, and I think as one of the Ministers said, this is about war, which of course is urgent. If we can be reassured of the time that it would take perhaps that would help me.

Deputy R. Labey of St. Helier:

I am delighted to hear from Deputy Doublet. I thought this was urgent. I have not looked at it as detailed as I should have done but I am going with the flow and the urgency of this because of what is happening in Eastern Europe, and now we are having this debate about whether we should stay on and inconvenience ourselves to put this through. This is urgent legislation, it has been accepted by you, Sir, because it is urgent legislation. Let us deal with it.

The Connétable of St. Ouen:

It is just to reiterate the point that Senator Farnham made. Let us be clear about this, people are dying in Ukraine and we need to do everything we possibly can to reinforce our position as a country that we are seriously behind them and we are taking our sanctions seriously, and we need to do this this evening.

The Bailiff:

Does any other Member wish to speak on the proposition? No other Member wishes to speak. I close the debate and call upon Senator Gorst to respond.

Senator I.J. Gorst:

I do understand the concerns of Members around parental responsibilities, being a parent myself, and so we should not of course impinge upon them lightly and I do not. This is a straightforward amendment to regulations and therefore, providing Members do not wish to speak at length on the matter, it should be a short debate and I hope approval for it. I made the case why I think it should

be taken this evening. My comments will be extremely brief and therefore it is in the hands of Members how long the overall debate is. I make the case.

The Bailiff:

I invite Members to return to their seats and ask the Greffier to open the voting. The vote is on whether or not we take Senator Gorst’s proposition in an extended sitting tonight.

Deputy R. Labey:

I thought the proposition was we were taking both of these or has Senator Gorst changed his mind?

The Bailiff:

What happened, Deputy Perchard indicated she wanted to take hers tomorrow; Senator Gorst withdrew the original proposition and substituted for it a proposition, duly seconded, to take only the one item.

Deputy R. Labey:

Right, thank you, Sir.

The Bailiff:

If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The proposition has been adopted: 43 votes pour, no votes contre, no abstentions.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

13. Draft Shipping (Registration) (Amendment - Sanctions) (Jersey) Regulations 202- (P.38/2022)

The Bailiff:

Accordingly we now come on to deal with Senator Gorst's proposition and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Shipping (Registration) (Amendment - Sanctions) (Jersey) Regulations 202-. The States make these regulations under Article 13 of the Shipping (Jersey) Law 2002.

13.1 Senator I.J. Gorst (The Minister for External Relations and Financial Services):

As Members will be aware, I made by order the access to Jersey ports sanctions to vessels yesterday in order to ensure that the Jersey register of ships was also compliant and aligned with the U.K. sanction. In this regard we need to amend that regulation, which means that the register must, to comply with the sanction, be in a position to be able to refuse a ship to register, terminate the register of a ship or take other action in connection with registration of ships where they might be in breach of sanctions provisions. I commend it to the Assembly.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

13.1.1 Deputy K.F. Morel:

Of course I fully support the Minister in bringing this proposition. By the very kind action of the Minister for Economic Development, Tourism, Sport and Culture I have delegated responsibility for the shipping registry, and so when the Minister for External Relations and Financial Services asked if I would be satisfied with these regulations I had one question which I think it is worth the Assembly knowing what that question was. The question I had was: what is the effect on a ship or its crew of

being deregistered? I just thought I would let you know what the response was. There is nothing preventing a vessel from sailing if it is deregistered unless the port in which it is located determines otherwise. The vessel just ceases to have a connection to or support from the flag state. It is in theory possible for a vessel to remain unregistered but it can cause issues with trading. It is less of an issue with a leisure vessel. If this were to be the course that the ship was deregistered the course for the owner would be to possibly find a different flag, which is not imposing sanctions or, in this case, to register itself in Russia. I just say that to aid the Minister in providing support to the Assembly for this proposition.

13.1.2 The Connétable of St. Brelade:

I think I need to declare an interest to the extent that my company act as representative persons for a number of vessels albeit no Russian ones. But as part of the registration process it is necessary for a local person to be appointed as such. I would just elaborate to Members that there may well be large Russian-owned private vessels with representative owners in the Island.

The Bailiff:

That does not disqualify you from voting of course. It is not a direct financial interest.

13.1.3 Deputy J.H. Young:

I thought I would raise the Minister in a response to let us know if there is any more information that we know about these Russian-owned vessels. Obviously we have been saying for many years about the luxury yachts of oligarchs being registered and it has been rumoured that one of those is registered in Jersey. I have no idea if it is true or not. Indeed, in fact, during the debate we had, I think it was early on during question time, it was revealed, I believe, that there is known to be local financial businesses handling certain local matters to do with such very wealthy residents.

[17:45]

I take it that this would allow us to intervene in that situation. I invite the Minister, if he is able to give us any more information about that, because the media is full of reports of these Russian-owned luxury yachts fleeing from ports to escape sanctions. Is he able to say anything about that?

13.1.4 Deputy M.R. Higgins:

I shall be fully supporting this measure because I believe we should be taking measures like this immediately rather than delaying. I sent an email this afternoon to both the Minister for Economic Development, Tourism, Sport and Culture and the Chief Minister about reports that Russian oligarchs, including Abramovich, who I do believe has some interest in the Island, including property, is trying to liquidate many of his assets as quickly as possible to withdraw money from the various centres that he has. I hope Ministers are looking at people like Abramovich, and others who may be in the Island or have interests in the Island, and looking to see that they can stop their trying to get liquidity from getting rid of assets quickly and also prevent firms assisting them.

13.1.5 The Connétable of St. Ouen:

I think I can add something to this as somebody who has some experience of these matters. Any ship that is registered in Jersey or in any British port is entitled to fly the British ensign and is technically entitled to protection from the Royal Navy if they come into trouble. This is why this measure in many ways is important. If a Russian oligarch owned a vessel and it is registered with a British flag, and there are quite a few, for example, in the Black Sea, they could pretend to be British vessels and could get up to all sorts of mischief. It is important we pass this today. The reasons are less obvious than perhaps we thought when we started this debate.

The Bailiff:

Does any other Member wish to speak on the principles of the legislation? No other Member wishes to speak? Then I close the debate and call upon the Minister to respond.

13.1.6 Senator I.J. Gorst:

I am grateful to the Assistant Minister for Economic Development, Tourism, Sport and Culture for his comment and he is right to be concerned about the livelihoods of crews of vessels who are often just contracted and not actually directly connected with the owner. So I am grateful to him for that. We just must, I suppose in answer to Deputy Young, remind ourselves that this is about the register and therefore ships that are sailing under the Jersey ensign and ensuring that the registrar has the power to deregister vessels. That is vessels that are in our waters or in our harbour but more likely elsewhere around the world and just can simply deregister them in line with a sanction. It was the order that I made yesterday which has received media attention from a similar instrument that was made in the U.K., and is now being made around Europe as well, about stopping access to ports and seizing vessels. Those prohibitions come in the order rather than in this particular piece of legislation. That has required a direction to the Harbour Authority and they are giving effect to that. I am grateful to the Constable of St. Brelade. Of course a person with first-hand knowledge and I bow to his knowledge. The information that I have from the shipping registrar is that they have no information to indicate that any of the ships on the Jersey register will need to be deregistered as a consequence of this legislation. They have no knowledge of that. But I remind Members of the announcement that I made yesterday, that we have set up a local taskforce to make sure that we are working with all relevant authorities to ensure that all information is up to date, is appropriate, and that they are unable to take action that needs to be taken in light of the sanctions that have currently been made. But just as importantly, in light of other sanctions that will, I have no doubt at all, be made in the coming days. That really ties into the comment that Deputy Higgins made that there are sanctioned individuals and those sanctions are being put into effect. We are working with the United Kingdom on those sanctions and exchanging information, which might give him some confidence, but we can only act in line with the sanctions issued, not extraterritorially in the way that he might be suggesting and concerned about. But I would simply say this, that I hear his concern and again that is part of the work that the taskforce is undertaking. I maintain the regulations in principle.

The Bailiff:

I invite Members to return to their seats and ask the Greffier to open the voting. The vote is on the principles in these regulations. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The principles have been adopted: 43 votes pour, no votes contre, no abstentions.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				

Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy of St. Mary, does your panel wish to call this in?

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

Do you wish to deal with the matter in Second Reading?

13.2 Senator I.J. Gorst:

I do, Sir. I will take the Articles *en bloc*; they are very straightforward and have a common understanding, I would hope.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? No Member wishes to speak in Second Reading? Then I close the debate and ask the Greffier to open the voting. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The regulations have been adopted: 44 votes pour, no votes contre, no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy J.H. Perchard (S)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			

Do you wish to deal with the matter in Third Reading, Minister?

Senator I.J. Gorst:

If I may.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? No Member wishes to speak in Third Reading? Then I close the debate and open the voting and ask Members to vote. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 45 votes pour, no votes contre, no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Is the adjournment proposed?

Senator I.J. Gorst:

Indeed, it is, thank you.

The Bailiff:

The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:55]