

STATES OF JERSEY



Jersey

DRAFT CHILDREN (CONVENTION RIGHTS) (JERSEY) LAW 202- (P.19/2022): THIRD AMENDMENT

**Lodged au Greffe on 15th March 2022
by the Children, Education and Home Affairs Scrutiny Panel
Earliest date for debate: 29th March 2022**

STATES GREFFE

DRAFT CHILDREN (CONVENTION RIGHTS) (JERSEY) LAW 202- (P.19/2022):
THIRD AMENDMENT

PAGE 27, ARTICLE 16 –

In paragraph (3) for “the Minister by Order” substitute –
| “the States by Act”.

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

REPORT

The Children, Education and Home Affairs Panel (hereafter “the Panel”) has reviewed the Draft Children (Convention Rights) (Jersey) Law 202- ([P.19/2022](#)) (hereafter the “draft Law”) and agreed to bring forward 3 amendments to the legislation. This amendment focuses on Article 16 (Citation and commencement) and seeks to change the manner in which the majority of the draft Law is brought into force.

At present, Articles 15 (Amendment of the [Commissioner for Children and Young People \(Jersey\) Law 2019](#)) and Article 16 come into effect 7 days after the draft Law is registered in the Royal Court. Article 16(3) stipulates that the remainder of the draft Law will come into force on a day to be specified by the Minister by Order. The Panel questioned the Minister in writing as to why this approach had been taken, and was informed that:

The commencement of the Law by Order enables the Minister to determine the date or dates on which it will be appropriate to enact the remainder of the Law based on an assessment of readiness without taking up valuable Assembly time to debate this via an Appointed Day Act.¹

Whilst this rationale is noted, the Panel is concerned about the use of Orders to bring Laws into force and has agreed that an Appointed Day Act is a more appropriate mechanism for this to be undertaken. Accordingly, this simple amendment amends Article 16(3) to stipulate that the remainder of the draft Law will be brought into force on a day to be specified by the States by Act.

Whilst assurances have been given by the current Minister that all parties will be communicated with in preparation for the remainder of the Law to come into force, and that there is no intention to enact anything without readiness and support of duty bearers, there is a potential risk for this approach to not be taken forward by a subsequent Minister. Secondly, the manner in which the Minister informs duty bearers of the Order being made has yet to be determined, although, in a response from the Minister it was stated that this could take the form of a direct communication alongside a communications campaign and media output. Whilst this is of course welcomed and the Panel notes the current Minister’s view, the risk in relation to a future Minister not adopting this approach remains.

Accordingly, an Appointed Day Act would serve as a clear point of communication for duty bearers and provides an opportunity for them to confirm their readiness through a debate and vote in the States Assembly. It would also address the potential risks that could arise dependent on the view of a future Minister when having to make the decision by Order.

Financial and manpower implications

There are no direct financial or manpower implications arising from the adoption of this amendment. The drafting of an Appointed Day Act and its accompanying report would be met from within existing resources.

¹ Questions – Minister for Children and Education