

STATES OF JERSEY



LES ECRÉHOUS AND LES MINQUIERS: PROHIBITION OF THE LANDING OF DOMESTIC ANIMALS (P.94/2020) – AMENDMENT (P.94/2020 AMD.) – AMENDMENT

**Lodged au Greffe on 28th August 2020
by the Deputy S. Luce of St Martin**

STATES GREFFE

LES ÉCRÉHOUS AND LES MINQUIERS: PROHIBITION OF THE LANDING OF
DOMESTIC ANIMALS (P.94/2020): AMENDMENT (P.94/2020 AMD.) –
AMENDMENT

1 PAGE 2, PART 1 –

In paragraph (a)(ii), after the word “power” insert the words “, after consultation with the relevant Scrutiny panel”.

DEPUTY OF ST. MARTIN

Note: After this amendment, paragraph (a)(ii) of the amendment would read as follows –

- (ii) the Minister for the Environment with the power to implement specific restrictions by Order, after consultation with the relevant Scrutiny panel.

After the amendment, as amended by this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) to request the Minister for the Environment to bring forward primary legislation to provide –
 - (i) a framework for the restriction of certain activities on Les Ecréhous and Les Minquiers to include, but not be limited to, prohibiting the landing of dogs and other domestic animals, as well as anything else which the Minister for the Environment considers might cause disturbance to wildlife; and
 - (ii) the Minister for the Environment with the power to implement specific restrictions by Order, after consultation with the relevant Scrutiny panel.
- (b) to request the Minister for the Environment to make an Order without delay (once the primary legislation is in force) to prohibit the landing of dogs and other domestic animals on Les Ecréhous at any time.

REPORT

This small amendment (to [the amendment](#)) just adds an important additional check to the process proposed by Constable J. Le. Maistre of Grouville. In terms of Orders such as the one being proposed, the principal check (that already exists) is that the States can rescind an Order.

Ministers can make Orders without having to consult or defer, unless the Law that creates the Order-making power places an obligation on them to consult. This is what I am proposing in this case.

I know that ‘the necessity to consult’ is already in place in some instances. For example, there is a requirement for the Chief Minister to consult the Chair of the Public Accounts Committee when making Orders to do with the Board of Governance of the Comptroller and Auditor General.¹ Normally, however, the check is that ability of the Assembly to rescind an Order.² For any proposition to rescind, there is only a 2-week lodging deadline, and this is probably to reflect the fact that any rescindment should take place as soon as possible.³

I feel strongly that, in the case of the outlying reefs, there should be a Scrutiny consultation with the relevant Panel before any changes are made. There are so many interests at stake that I feel it vital that proper consideration should be given to any proposals that the Minister of the day might come up with.

There is a long list of ‘interested parties’ when it comes to pressures on the outlying reefs. This list includes (but not exclusively) resident hut-owners, fishermen (commercial and recreational), divers (commercial and pleasure), boat-owners (commercial and leisure), the Parishes of St. Martin and Grouville, the Crown, The States, and the various Government departments.

Then there is also the consideration of RAMSAR and Sight of Special Interest (SSI) designations, and most importantly the considerations of the multitude of wildlife that inhabit the reefs. I hope Members will be see that, before any Order comes into force, there are many and varied considerations that need to be properly considered. I think that is it right that a proper consultation is undertaken before Orders of this type are put in place.

Financial and manpower implications

There are no additional financial and manpower implications arising from this amendment.

¹ Article 15 of the [Comptroller and Auditor General \(Jersey\) Law 2014](#)

² [Subordinate Legislation \(Jersey\) Law 1960](#)

³ [Standing Order 26\(3\)](#)