

### **2.3 The Deputy of St. Martin of the Chief Minister regarding changes to inheritance legislation:**

In view of the fact that on 11th November 2003 the States agreed to abolish discrimination on illegitimate offspring and to make proper provision for dependents of the deceased and further to his written response to a question on 20th January 2009, will the Chief Minister inform Members why the necessary legislation has not yet been lodged?

#### **Senator T.A. Le Sueur (The Chief Minister):**

Yes. The Deputy will recall that in my answer to the previous written question which I answered on 20th January this year and to which he refers, I stated that and I quote: "It will be for the new Legislation Advisory Panel to decide whether it is minded to recommend that the draft legislation already drafted is presented to this Assembly for approval in due course." I can advise Members that the Panel held its first short introductory meeting last week. The next meeting of the Panel, which will be its first substantive meeting, is due to be held in May 2009. I confirm that the Draft Wills and Successions (Amendment) (Jersey) Law 200- and the Draft Inheritance (Provisions for Family and Dependents) (Jersey) Law 200- will be on the agenda for that meeting. I will of course advise Members of the outcome of the Panel's discussions on this issue.

#### **2.3.1 The Deputy of St. Martin:**

As we heard with the last question how long it takes for a law to become implemented, will the Chief Minister explain why if this particular law was approved to be changed in 2003, which we know was outdated and certainly not human rights compliant, why was it not audited prior to the Appointed Day Act for the Human Rights Law a couple of years ago? In other words, should it not have been audited to ensure that it was correct and human rights compliant before we had the Human Rights Law Appointed Day?

#### **Senator T.A. Le Sueur:**

The draft laws in question were drafted last year and they were referred to the Royal Court and to legal advisers for their fitness for purpose. At that time it was advised to us that there were some questions which needed answering about the drafting of the law, including perhaps whether it was fully human rights compliant. In order to ensure that the law when presented to the States was fit for purpose the Panel agreed to have further discussions with the parties concerned to resolve those issues. Those discussions are being held. The issues are being resolved and when they are resolved they will come to the States for approval.

#### **2.3.2 Deputy M. Tadier:**

Will the Chief Minister reiterate his lack of commitment to human rights by once more pledging not to sign up to various U.N. (United Nations) and E.U. conventions including the U.N. Convention for the Rights of the Child and the U.N. Convention for the Elimination of Discrimination against Women which the U.K. have been signed up to for 25 years?

#### **Senator T.A. Le Sueur:**

I regard that as a totally improper and unnecessary question. I am committed to human rights. This law is implementing the human rights of the child in this respect. But with all these things they do not happen overnight. They happen once they are

properly researched, properly drafted and then agreed by this House. That process is going ahead in compliance with our human rights obligations.

**2.3.3 Deputy M. Tadier:**

I would venture that the question is perfectly proper and in order. I would ask the Chief Minister whether he thinks that overnight - a period of 25 years, for example - is perhaps misleading the House?

**Senator T.A. Le Sueur:**

I do not believe I have misled the House at all. As my answers to the previous question said, this matter is being dealt with in accordance with the Convention for Human Rights and will be brought to the States for discussion.

**2.3.4 Senator B.E. Shenton:**

The failure of the States to implement this law is causing considerable distress in a number of cases at a human level. Will the Chief Minister give an undertaking to try and speed-up the legislative process but also give an undertaking that when laws are passed by this House, they are implemented?

**Senator T.A. Le Sueur:**

I am happy to confirm that I shall do my best to encourage the process to take place as speedily as possible. Once the law is drafted it should be enacted and enforced as soon as possible.

**2.3.5 Deputy G.P. Southern:**

Would the Chief Minister inform Members why in a letter dated 17th July 2007, we state via the Bailiff that we do not wish to have the protocol the U.N. Convention against Torture and Other Cruel, Inhuman and Degrading Treatment extended to Jersey. Can he state why this should be so?

**The Deputy Bailiff:**

I am sorry, Deputy, that is not related to a question about illegitimate offspring. Deputy of St. Martin, do you wish to ask a final question? No, okay. Very well. We come to question 4 which Deputy Higgins will ask of the Minister for Transport and Technical Services.