

# Law Report

## Q3 | 2025

BCR  
LAW  
LLP

This report highlights key proposals introduced in the States Assembly, legislation that has been recently passed, and important decisions made by courts and tribunals in Q3 2025.

The law reports from 2024 can be found [here](#).



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# Contents

Propositions lodged in the States Assembly	<u>3</u>
Draft Dogs Law (Jersey) Amendment Regulations 202-	<u>3</u>
<b>Legislations Adopted</b>	<u>4</u>
Residential Tenancy (Jersey) Amendment Law 202-	<u>4</u>
<b>Legislation Enacted</b>	<u>5</u>
Employment (Awards) (Jersey) Amendment Order 2025, Employment and Discrimination Tribunal (Procedure) (Jersey) Amendment Order 2025 and Employment and Discrimination (Jersey) Amendment Law 2025	<u>5</u>
Royal Court Judgements of Interest	<u>6</u>
Representation of Prospect Holdings Limited [2025] JRC 164	<u>6</u>
Geneva Trust Company SA v Tchenguiz [2025] JRC 197	<u>6</u>
<b>Employment Tribunal Judgements of Interest</b>	<u>7</u>
Dias v Verite Trust Company Limited [2024] TRE 239	<u>7</u>
Marasteanu v Les Amis Limited [2025] TRE 16	<u>7</u>
Rasdall v TP Global Finance Limited	<u>8</u>
Cooper v Colletts Corner Limited t/a The Royal St Martin and Thompson [2025] TRE 10	<u>9</u>
Morgan v RPH Limited (trading as Florida Pools & Spas) [2025] TRE 031	<u>10</u>
Murphy v States Employment Board [2024] TRE 094	<u>11</u>

# Propositions Lodged in the States Assembly

## Draft Dogs Law (Jersey) Amendment Regulations 202-

This was lodged au Greffe on 19<sup>th</sup> August 2025 and is due to be debated on 11<sup>th</sup> November 2025. If adopted it will make amendments to the Dogs (Jersey) Law 1961 in establishing a registration scheme for dogs meeting the criteria of a dangerous dog. The proposition also seeks to make amendments to the existing Dog Licence Scheme namely:

- Providing for the revocation of a dog licence in certain circumstances
- Clarifying the arrangements should an owner change address during the year (i.e. placing on a statutory basis, the existing custom that the dog licence issued by one Parish remains in force in the new Parish)
- Changing the requirements for what information must be contained on a dog's collar to: (a) the name of the dog; (b) a telephone number of the owner; and (c) the dog licence number.



# Legislation Adopted (but not yet in force)

## Residential Tenancy (Jersey) Amendment Law 202-

This was adopted on 12<sup>th</sup> September 2025. It introduces significant reforms to strengthen tenant protections and clarify landlord responsibilities. Tenancies must now be either an initial term (up to three years) or periodic, with automatic renewals prohibited. Clear notice periods are set: landlords must give three months' notice to end an initial-term tenancy, while tenants need only one month. For periodic tenancies, landlords must give a full year's notice.

Rent increases are capped at once per year and must not exceed the Retail Prices Index unless justified by improvements or below-market rent. A new Rent Tribunal will oversee disputes and ensure fairness. Tenants gain protection from paying rent if the property becomes uninhabitable (unless they caused it), and landlords face stricter obligations, including providing written agreements, insurance, and timely refunds.

The law also introduces penalties for non-compliance and repeals outdated rent control legislation, with transitional provisions ensuring existing tenancies adapt over time.



# Legislation Enacted

## Employment (Awards) (Jersey) Amendment Order 2025, Employment and Discrimination Tribunal (Procedure) (Jersey) Amendment Order 2025 and Employment and Discrimination (Jersey) Amendment Law 2025

Each of these came into force on 18<sup>th</sup> and 25<sup>th</sup> July 2025. We reported about these anticipated changes in our Quarter Four Briefing in 2024 a copy of which can be accessed [here](#).

In short, these pieces of legislation:

- Increases the compensation awards that the Employment and Discrimination Tribunal can award for cases relating to unfair dismissal.
- Increases the maximum compensation that can be awarded by the Employment and Discrimination Tribunal for other breaches of contract from £10,000.00 to £30,000.00
- Introduces, for the first time, the ability for the Employment and Discrimination Tribunal to award costs (capped at a maximum of £10,000.00) against a party who has acted vexatiously, abusively, disruptively or otherwise unreasonable either in bringing the proceedings or in its conduct of proceedings.
- Introduces, the requirement that already exists in English law for an employer to provide a written statement setting out the reasons for the decision to terminate the employee's contract of employment
- Increases the compensation that can be awarded under the Discrimination (Jersey) Law 2013 for financial loss and hurt and distress to £30,000.00.

# Royal Court Judgements of Interest

## Representation of Prospect Holdings Limited [2025] JRC 164

Keywords: Degrèvement; Hypothec; Enforcement of Security

In this case, the Royal Court had to consider whether the process known as dégrèvement (the process whereby hypothecs secured on immovable property in Jersey are disencumbered) could extend to only one immovable property owned by the debtor rather than all of a debtor's immovables. The Royal Court concluded that a dégrèvement of a specific immovable is permissible under Jersey law, provided that it is subject to a specific hypothec.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

## Geneva Trust Company SA v Tchenguiz [2025] JRC 197

Keywords: Indemnity; Agency; Actual authority; Ostensible authority

In this case, the Court held that the Defendant was bound by a deed of indemnity dated 14<sup>th</sup> April 2014 (the Deed), despite not personally signing it. The Deed was governed by English law and executed by the Defendant's long serving personal assistant who impersonated the Defendant's signature. The Court found that the personal assistant acted with the Defendant's actual authority, or in the alternative, that the Defendant was estopped from denying its validity. The Court rejected the Defendant's arguments that the indemnity was invalid and that a subsequent consent order in the Royal Court of Guernsey extinguished the Claimant's claim. The Court ordered that the quantum of the Claimant's claim be assessed, both in respect of trustee fees and legal costs.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

# Employment Tribunal Judgements of Interest

## Dias v Verite Trust Company Limited [2024] TRE 239

Keywords: Disability Discrimination; Unfair Dismissal; Reasonable Adjustments

The Claimant was employed as an IT Database Administrator by the Defendant until they were dismissed due to frequent absences caused by chronic migraines.

The Employment and Discrimination Tribunal found that the Claimant's dismissal was unlawful disability discrimination under the Discrimination (Jersey) Law 2013 and as such was regarded as an automatically unfair dismissal for the purposes of the Employment (Jersey) Law 2003. The Defendant also failed to follow its own absence policy or consider reasonable adjustments.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

## Marasteanu v Les Amis Limited [2025] TRE 16

Keywords: Discrimination; Pregnancy; Sex; Maternity Rights; Limitation Period

This case is a stark reminder for claimants that employment and discrimination claims must be filed before the end of the period of eight weeks beginning with the date on which the employment ceased (or in the case of discrimination when the last complained act of discrimination took place) otherwise they are liable to be struck out, even if the reason for filing the claims late is due to the claimant relying upon the advice of a member of the Jersey Advisory and Conciliation Service.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

## Rasdall v TP Global Finance Limited

Keywords: Constructive Dismissal; Mutual Trust and Confidence; Final Straw Doctrine; Discretionary Bonus

In this case, the Tribunal dismissed the Claimant's case for constructive unfair dismissal. The Claimant alleged that their resignation was prompted by a series of breaches of contract and unacceptable workplace conduct. These included delayed benefit payments, unreasonable expansion of duties, mismanagement of a share option scheme and a toxic management culture. However, the Tribunal found that none of the incidents individually or collectively amounted to a fundamental breach of contract. The alleged final straw (a delayed pension contribution) was deemed trivial and administrative in nature.

This case re-emphasises the high evidential threshold that an employee must satisfy in order to succeed in pleading constructive dismissal.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).



## Cooper v Colletts Corner Limited t/a The Royal St Martin and Thompson [2025] TRE 10

Keywords: Disability Discrimination; Licensed Premises; Epilepsy

In this case the Tribunal found that the refusal to serve Mr Cooper alcohol constituted direct discrimination under the Discrimination (Jersey) Law 2013. The refusal was based upon Mr Cooper's epilepsy (which fell within the definition of disability and thus amounted to a protected characteristic), despite him showing no signs of intoxication.

The Tribunal awarded £2,500.00 to Mr Cooper which was to be paid by Colletts Corner Limited as a result of their failure to provide discrimination training to Miss Thompson. The Tribunal emphasised that even well-intentioned actions, must comply with anti-discrimination legislation.

This case demonstrates to licensed premises, that they must balance their rights and obligations under the Licensing (Jersey) Law 1974 with their obligations under the Discrimination (Jersey) Law 2013. It further emphasises the importance of objective assessment of customer behaviour rather than assumptions based on medical history.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

## Morgan v RPH Limited (trading as Florida Pools & Spas) [2025] TRE 031

Keywords: Constructive Unfair Dismissal; Zero-hour contract; oral agreement

In this case, Mr Morgan was able to successfully argue that he had been constructively dismissed by his employer.

Mr Morgan had initially been employed under a zero-hour contract, but in April 2024, the parties orally agreed to a change whereby he would work a minimum of 38 hours per week. Despite this, in January 2025, apparently as a result of an administrative error, the employer reverted Mr Morgan back to his status as a zero hours employee without written confirmation or explanation or his consent, causing confusion and distress.

The Tribunal held that the employer's conduct, including a failure to provide written terms, inconsistent communications, and a lack of response to Mr Morgan's repeated requests for clarification constituted a fundamental breach of contract.

The Tribunal awarded Mr Morgan £4,712.00 in compensation.

This judgment reinforces the importance of clear written employment terms, proper HR administration, and timely employer responses to contractual concerns. It also clarifies that oral agreements, if supported by conduct, can form binding contractual terms, and that administrative errors may lead to liability if not properly addressed.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).

## Murphy v States Employment Board [2024] TRE 094

Keywords: Disability discrimination; Mental impairment; Work-related stress; Unfair dismissal; Sickness absence; Victimisation; Employee conduct.

In this case, the Tribunal upheld claims of discrimination arising from disability and unfair dismissal, but dismissed claims of victimisation and a counterclaim issued by the Employer.

The case arose from the dismissal of a senior tax officer who had been on long-term sick leave due to work related stress.

One of the key issues the Tribunal had to grapple with was whether stress represented a mental impairment under the Discrimination (Jersey) Law 2013. It clarified that Jersey's statutory definition of disability is broader than the position adopted in the Equality Act 2010 and does not require a formal diagnosis or a 'substantial' adverse effect. The claimant's symptoms of stress, anxiety, panic attacks and sleep disruption were found to constitute a mental impairment under the law.

The Tribunal was critical of the employer's failure to explore alternative employment options beyond the claimant's original department. This omission rendered the dismissal disproportionate and discriminatory. However the Tribunal also scrutinised the claimant's conduct, noting her limited engagement with the redeployment process and her refusal of a generous settlement offer. As a result, whilst the dismissal was found to be unfair, no compensation was awarded. The only compensation that is to be offered relates to the discriminatory conduct, but this is to be the subject of a separate hearing.

A copy of the judgment can be accessed [here](#) and a copy of our analysis can be accessed [here](#).