

# Law Report Q4 | 2025

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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 Q4 2025.

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



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# Propositions Lodged in the States Assembly

## Treaties (Jersey) Law 202-

This proposition is due to be debated on 24th February 2026. If adopted, it will provide a mechanism for international treaties that are to be entered into by, or applied or extended to Jersey, to be referred to the States Assembly.

This reflects a similar provision which exists in the States of Jersey Law 2005 where Acts of the UK Parliament that purport to apply to Jersey must be referred to and approved by the States of Jersey before they are registered with the Royal Court.

This provides a natural next step in supporting Jersey's separate international identity from the UK.

A copy of the proposition can be accessed [here](#)

## Heritage (Jersey) Law 202- and Heritage (Jersey) Law 202- Addendum

These propositions are due to be debated on 24th February 2026.

If adopted, they will pave the way to protect Jersey's archaeological heritage by introducing clear legal obligations for reporting, recording and investigating and preserving objects and sites of archaeological significance. This will ensure compliance with international commitments made under the Valletta Convention and other heritage-related treaties. The Addendum includes a draft code of practice for reporting archaeological objects.

A copy of the draft law and code of practice can be accessed [here](#) and [here](#) respectively.

## Alcohol Licensing (Jersey) Law 202-

This proposition is due to be debated on 24th February 2026. If adopted, it will replace the Licensing (Jersey) Law 1974 with a new law governing the sale and consumption of alcohol.

If adopted, the draft Law would move the existing responsibilities of the Licensing Assembly to the already established Gambling Commission.

It will also reduce the number of licence categories and remove the need for multiple licences to be in place at the same premises.

It is envisaged that the draft Law if adopted will become effective no earlier than 2027. This will also allow licensees the opportunity to move their licenses onto the revised category system.

A copy of the proposition can be accessed [here](#).

## Cyber Security (Jersey) Law 202-

This proposition was adopted on 22nd January 2026. If adopted, it will establish a statutory framework to strengthen Jersey's resilience against cyber threats and safeguard critical infrastructure.

The law will designate 'Operators of Essential Services' which will include those operating in sectors such as energy, transport, finance, health, water, digital, postal, food and public administration. Those 'Operators of Essential Services' will have statutory duties imposed on them, including a mandatory reporting obligation of significant cyber incidents and a duty to implement appropriate and proportionate security measures to identify cyber threats and reduce the risk of cyber incidents.

A failure to adhere to these duties can expose those Operators of Essential Services to a fine of £10,000.00.

A copy of the proposition can be accessed [here](#)

## Companies (Jersey) Amendment Law 202-

This proposition was adopted on 22nd January 2026. If adopted, it is envisaged that this law will come into force on the later of 1<sup>st</sup> June 2026 or seven days after it is registered.

The law will make the following amendments to the Companies (Jersey) Law 1991, among others:

- Permit a company to change its name otherwise than by a special resolution if permitted in its articles of association.
- Permit a member to waive in writing a requirement to receive a share certificate.
- Permit a company's articles of association to provide direct voting (being a vote delivered either by post or electronic means) by its members.
- To allow for the rectification of errors in the register without application to the Royal Court, providing that such a rectification does not adversely affect a person without their agreement.
- To allow for the rectification of a redemption of shares that was not accompanied by a solvency statement by the directors.
- To require the chairperson of a general meeting to call for a poll on a resolution if the chairperson believes that having regard to the votes cast or proxies received, the result may differ from that obtained on a show of hands.
- Confirm that on the death of a sole director and member of a company, the deceased's executor or personal representative shall have the power to appoint a new director, in the absence of any other provision in the articles of association.

- Creating an exception for filing a shareholders agreement if that agreement contains a provision stating that in the event of a conflict between the shareholders agreement and the articles of association, the shareholders agreement will prevail, and the articles will be amended accordingly.
- Permitting directors to ratify a distribution that was not accompanied by a contemporaneous solvency statement by making a statement setting out the matters they considered at the time the distribution was made.

These amendments are viewed as maintenance, clarification, and modernisation, rather than a wholesale restatement or significant change in policy directions. Business owners may wish to consider revising their articles of association to permit their business to have use of the proposed enhancements when they become available.

A copy of the proposition can be accessed [here](#).



# Legislation Adopted (but not yet in force)

## Trusts (Jersey) Amendment Law 202-

This proposition debated on 9<sup>th</sup> December 2025, and the law was subsequently adopted on 12<sup>th</sup> December 2025. When enacted, it will clarify and further develop certain existing provisions of the Trusts (Jersey) Law 1984 (the Trusts Law) to ensure that the law remains up to date and reflects developing jurisprudence.

The main areas of amendments are:

- Confirming what is considered to be the current position but not specifically referenced in the Trusts Law that the resignation of a sole trustee is of no effect if it would mean there would be no trustee in place thereafter.
- Confirming that, if there are other persons who could become beneficiaries of a trust, pursuant to the exercise of a power under the trust instrument, or if the trust instrument provides for the disposition of trust property for charitable or non-charitable purposes, the beneficiaries cannot exercise the power reserved in the Trusts Law to call for the termination of the trust.
- Confirming that the interest of a lender secured over assets of a trust takes priority over the lien of a current or former trustee arising by operation of law unless the lender agrees otherwise.

A copy of the proposition can be accessed [here](#)

# Royal Court Judgements of Interest

## Rassmal Investments LLC v Mubarak Abdullah Al Suwaiket & Sons and others [2025] JRC 220

Keywords: Security interests; Security Interests (Jersey) Law 2012; Enforcement of security; Commercially reasonable steps; Appropriation of Collateral

In this case, the Royal Court provided further helpful commentary on the provisions of the Security Interests (Jersey) Law 2012. The case concerned the enforcement of two security interests. The first enforcement (the First Enforcement) covered shares owned by the Claimant in a Jersey company (the Jersey Co) which in turn owned a Jersey company that owned prime real estate in London (Prop Co). The second enforcement (the Second Enforcement) related to a general security interest in respect of the assets of Jersey Co including its shares in Prop Co.

The Court upheld the secured party's right to enforce in respect of the First Enforcement but found a breach of the statutory duty to take "all commercially reasonable steps" to determine fair market value of the shares in Jersey Co and substituted the valuation attributed by the secured party of the Claimant's shares in Jersey Co with its own valuation of £12.97m. In respect of the Second Enforcement, the Court declared it was void for improper purposes.

The judgment clarifies secured party's obligations under Article 46 of the Security Interests (Jersey) Law 2012 and signals that enforcement valuations will face close judicial scrutiny.

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



## Representation of Raw Mortgage Company Four Limited [2025] JRC 259

Keywords: Dégrèvement; Acte Victome Chargé D'Ecrire;

In this case, the Royal Court considered the procedural fairness of granting an Acte Vicomte chargé d'écrire without prior notice to debtors or a formal judgment. Whilst the Court acknowledged the previous precedent set out in Representation of Alfalfa Investment Limited [2020] (1) JLR 96, the Court declined to make order immediately, emphasising the need for transparency and debtor participation. The case raises important questions about the balance between efficiency and due process in Jersey's dégrèvement regime.

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

## Skyfall Collections Limited v Swissport Jersey Limited [2025] JRC 278

Keywords: Champerty and Maintenance; Assignments of causes of action; Tort

In this case, the Royal Court ordered the striking out of a claim brought by a debt collection agency on the basis that it had taken an invalid and champertous assignment of a tortious cause of action. The case raises important questions about access to justice, the limits of third-party litigation and the regulation of legal services in Jersey. It also represents a further call to action for the vital work that debt collection agencies carry out is placed on a statutory footing.

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

# Employment Tribunal Judgements of Interest

## Kelly v Jersey Electricity PLC [2025] TRE 91

Keywords: Constructive Unfair Dismissal

In this case, the Claimant resigned from the Respondent in March 2025 citing mental health concerns arising from working in proximity to their former spouse who had been promoted within the Respondent. The claimant alleged that the Respondent's failure to address their complaints about a perceived conflict of interest amounted to a fundamental breach of contract resulting in the Claimant considering themselves constructively dismissed.

The Tribunal dismissed the claim, holding that the Respondent's conduct, promoting the former spouse and failing to respond adequately to a single email complaint, was not so unreasonable as to destroy the mutual trust and confidence. Furthermore, the Claimants 19-month delay between raising concerns and resigning constituted affirmation of the contract. Whilst the Tribunal acknowledged the claimant's personal difficulties, the Tribunal concluded that their resignation was voluntary and not caused by any fundamental breach.

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



## Owczarkowski v Spellbound Holdings Limited (trading as Trust Ford) and others [2025] TRE 86

Keywords: Constructive Unfair Dismissal; Last Straw; Harassment; Sex Discrimination; Racial Discrimination; Nationality Discrimination

This case arose from a turbulent employment relationship in the sales department of a Jersey car dealership. The claimant alleged sex and race discrimination, harassment, constructive unfair dismissal, failure to give notice, and underpayment of minimum wage following a series of workplace incidents and interpersonal conflicts.

The Tribunal found the workplace to have been tense and unprofessional but concluded that the claimant's allegations were either unsubstantiated or amounted to ordinary workplace disagreements rather than unlawful discrimination or repudiatory breach. The Tribunal dismissed all of the claims and underscores the distinction between poor workplace relations and legally actionable discrimination or harassment.

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



## Franciso v States Employment Board [2024] TRE 127

Keywords: Discrimination; Unfair Dismissal; Settlement Offers

In this case, the Tribunal dismissed numerous allegations of race, disability, and perceived disability discrimination, but held that the Claimant's dismissal was nonetheless unlawful disability discrimination. Whilst the Claimant's extended sickness absence and delays in supplying medical certificates formed part of the Respondent's rationale for dismissing the Claimant, those delays were due to the Claimant suffering an asthma related illness which constituted a disability under the Discrimination (Jersey) Law 2013.

As the Respondent failed to justify dismissal as a proportionate means of achieving a legitimate aim, it amounted to both an act of discrimination and as such an automatically unfair dismissal. The Claimant was awarded £15,000.00 for hurt and distress under the Discrimination (Jersey) Law 2013 but their award for unfair dismissal compensation was reduced to zero due to the Claimant's unreasonable refusal to accept an earlier settlement offer.

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

