

# Law Report Q2 | 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 Q2 2025.

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



This report is written by BCR Law Advocate Ashley Quenault.

Ashley is an Advocate of the Royal Court. He qualified in 2023 following several years as an English Solicitor. With a broad legal practice, he provides both contentious and non-contentious legal advice across a range of sectors.

Ashley offers practical, solutions-driven guidance on a wide variety of legal matters. He is dedicated to offering clear, strategic and commercially sound advice, ensuring his clients receive the best possible outcomes.

For more information about Ashley please [click here](#).

# Contents

Propositions lodged in the States Assembly	<u>3</u>
Draft Financial Services (Jersey) Amendment Law 202-	<u>3</u>
Legislations enacted	<u>4</u>
Charities (Reportable Matters) (Jersey) Order 2025	<u>4</u>
Royal Court Judgements of Interest	<u>4</u>
Booth v Viscount of the Royal Court of Jersey [2025] JCA 126	<u>4</u>
Representation of Gardner and Yuill and Aspin [2025] JRC 144	<u>5</u>
Neville v Bray and Others [2025] JRC 139	<u>5</u>
OWH SE i.L v RTI Limited [2025] JRC 137	<u>6</u>
Reeve-Gray v Larsen Limited and Larsen Limited v Wallglaze (Fixing) Limited [2025] JRC 108	<u>6</u>
De Abreu v RS Reinforcements Limited and CNR Construction [2025] JRC 106	<u>7</u>
Employment Tribunal Judgments of interest	<u>7</u>
A and B v Minister for Education and Lifelong Learning [2024] TRE 231 and 232	<u>7</u>
Mullan v Royal British Legion Club [2024] TRE 118	<u>8</u>
Kyalo v Dandara Jersey Limited [2024] TRE 177	<u>8</u>
Marshall v Beuveland Leisure Limited [2024] TRE 263	<u>9</u>

# Propositions Lodged in the States Assembly

## Draft Financial Services (Jersey) Amendment Law 202-

This proposition was lodged au Greffe on 23<sup>rd</sup> May 2025 and the earliest date it is to be debated is on 8<sup>th</sup> July 2025.

If adopted, it would seek to establish a consumer credit regime consistent with other leading financial services institutions.

Presently, a proportion of lending activity is carried out by banks who are already subject to regulatory oversight, there is a segment of the credit market which is presently outside regulatory supervision

If adopted, this will bring that segment of the consumer credit market under the regulatory supervision of the Jersey Financial Services Commission unless they are exempt.

The proposed definition of “Consumer Credit Business” consists of the following activities:

- o Entering into and exercising rights under relevant agreements and arrangements
- o Advising on relevant agreements and arrangements
- o Credit broking
- o Debt-related activities – this includes debt adjusting, debt counselling and debt administration, but not debt collection (although there is a provision in this law permitting regulations to be issued to cover debt collection)

A copy of the proposition can be accessed [here](#). If this draft law is enacted, those businesses that fall within the scope of “Consumer Credit Business” will have six months from its enactment to apply for registration.

# Legislation Enacted

## Charities (Reportable Matters) (Jersey) Order 2025

This came into force on 1<sup>st</sup> June 2025. This expands the list of reportable matters that Governors of Jersey Charities must report to the charities they act for or the Charities Commissioner to include convictions for an offence against a vulnerable person or the fact that a Governor has an unspent conviction.

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



## Royal Court Judgements of Interest

### Booth v Viscount of the Royal Court of Jersey [2025] JCA 126

Keywords: Désastre; Duty to return unrealised assets;

The Court of Appeal had to grapple with the issue of whether the Viscount has the power to refuse to assign a chose in action to a person who was subject to désastre proceedings after their discharge.

The Court of Appeal concluded that the Viscount does have the power to refuse to assign a chose in action.

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

## Representation of Gardner and Yuill and Aspin [2025] JRC 144

**Keywords:** Subrogation; Corporate guarantees; Netting of obligations; Intercompany claims

In this case, the Royal Court considered whether the doctrine of subrogation formed part of Jersey's customary law, particularly in the context of cross-company insolvency and contractual guarantees.

The Court held that subrogation was firmly embedded in Jersey law and endorsed the English legal approach to subrogation, including the principles discussed in *Cheltenham & Gloucester v Appleyard*. The court applied subrogation by operation of law to ensure a fair allocation of liability where a company's assets had discharged debts owed by an affiliate.

This decision clarifies that subrogation is an available and enforceable doctrine in Jersey law, whether arising by operation of law, contract, or demand.

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

## Neville v Bray and Others [2025] JRC 139

**Keywords:** Planning Dispute; Misfeasance; Malfeasance

In this case the plaintiff, Michael John Neville, brought a claim against multiple defendants, including Keith Bray and other planning officials, alleging misfeasance and malfeasance in public office related to various planning matters. The court dismissed the claims, finding no evidence of targeted or untargeted malice by the defendants. The court emphasised the importance of proper communication and documentation in planning processes and noted that the plaintiff had other legal avenues to challenge the planning decisions.

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

## OWH SE i.L v RTI Limited [2025] JRC 137

**Keywords:** Arbitration; Sanctions; Enforcement; Public Policy

In this case RTI Limited, applied to set aside an ex parte order that allowed the plaintiff, OWH SE i.L, to enforce an arbitration award dated 25 September 2024. The award, amounting to €213,770,150.26, was in favour of OWH. RTI argued that enforcing the award would be contrary to public policy in Jersey due to sanctions against Russian entities. The court dismissed RTI's application, holding that the public policy exception did not apply retrospectively to acts committed before the relevant sanctions law came into effect.

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

## Reeve-Gray v Larsen Limited and Larsen Limited v Wallglaze (Fixing) Limited [2025] JRC 108

**Keywords:** Construction; Defective Works; Sub-contractor; Summary Judgment

In this case, Mr and Mrs Reeve-Gray brought a claim against Larsen Limited for defective works carried out on their property. Larsen Limited, in turn, brought a claim against its subcontractor, Wallglaze (Fixing) Limited, for the defective glazing components installed at the property.

The court granted summary judgment in favour of the Reeve-Grays, holding Larsen Limited liable for the defective works. The court found that Wallglaze was not a nominated subcontractor but a domestic subcontractor, making Larsen responsible for Wallglaze's work. The court also noted that the contractual terms between Larsen and Wallglaze were clear, and there was no evidence to support Larsen's claim that Wallglaze was a nominated subcontractor.

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

# De Abreu v RS Reinforcements Limited and CNR Construction [2025] JRC 106

**Keywords:** Construction; Employer's Liability; Health and Safety; Personal Injury

In this case, the Royal Court held that RS Reinforcements Limited and CNR Construction were jointly liable for a construction site accident that occurred on 2<sup>nd</sup> February 2021 which severely injured the Plaintiff.

The Royal Court apportioned 20% of the liability to RS Reinforcements Limited and 80% to CNR Construction for critical errors in the installation of a platform. The Damages to be awarded to the Plaintiff with the exact amount to be determined later.

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

## Employment Tribunal Judgements of Interest

### A and B v Minister for Education and Lifelong Learning [2024] TRE 231 and 232

**Keywords:** Discrimination; Childminder; Reasonable adjustments

The Claimants are siblings both pre-school aged and classed as disabled under the Discrimination (Jersey) Law 2013, via their Parents, they brought claims against the Minister for Education and Lifelong Learning, challenging the refusal of an exemption certificate permitting their childminder to exceed the statutory childcare ratio, which it was asserted constituted a failure to make reasonable adjustments under Article 7A of the Discrimination (Jersey) Law 2013.

The Tribunal refused the Minister's application to strike out the claims, holding that the claimants had advanced a plausible discrimination claim, meriting full consideration.

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

## Mullan v Royal British Legion Club [2024] TRE 118

Keywords: Discrimination; Victimisation; Clubs and Associations

In this case, Mr Mullan's claims for direct discrimination and victimisation were dismissed.

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



## Kyalo v Dandara Jersey Limited [2024] TRE 177

Keywords: Racial Discrimination; Unfair dismissal; Failure to give notice; Fixed term contract; Resignation

Mr Kyalo's claims for racial discrimination and failure to give notice failed. However, Mr Kyalo's claim for unfair dismissal succeeded and he was awarded £1,242.00

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



## Marshall v Beuveland Leisure Limited [2024] TRE 263

Keywords: Failure to provide payslips

Beuveland Leisure Limited (the Employer) was found to be in technical breach of the Employment (Jersey) Law 2003 by failing to provide Mr Marshall with payslips. However, no compensation was awarded to Mr Marshall because the Employer had a reasonable excuse for the breach, namely Mr Marshall expressly requested to not be provided with payslips.

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

