



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Thursday, 4th June 2020

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 9, No. 26

ISSN 2049-8284

Present:

Richard McMahon, Esq., Bailiff and Presiding Officer

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel,
M. K. Le Clerc, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett,
G. A. St Pier, T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen,
E. A. McSwiggan, D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representative A. Snowdon

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy M. P. Leadbeater (*indisposé*);
Alderney Representative S. Roberts (*relevé à 09h 50*)

Business transacted

Evocation	5
Billet d'État XI.....	5
VIII. States of Guernsey Energy Policy 2020-2050 – Debate concluded – Propositions as amended carried.....	5
IX. Review of the Jurisdiction of The Ecclesiastical Court in relation to Grants of Representation regarding Personal Property – Debate commenced.....	16
<i>The Assembly adjourned at 11.01 a.m. and resumed at 11.11 a.m.....</i>	<i>22</i>
Review of the Jurisdiction of The Ecclesiastical Court in relation to Grants of Representation regarding Personal Property – Debate concluded – Propositions 1 and 3-5 carried.....	23
X. Amendments to the Legal Framework Relating to Beneficial Ownership of Legal Persons – Propositions carried.....	33
XI. Minor Changes to the Document Duty (Guernsey) Law, 2017 – Propositions carried	39
<i>The Assembly adjourned at 12.46 p.m. and resumed at 2.30 p.m.</i>	<i>42</i>
XII. Diffuse Mesothelioma Payment Scheme – Propositions carried	43
XIV. Proposed Amendments to the Preferred Debts (Guernsey) Law, 1983 – Propositions carried.....	60
XV. Schedule for Future States' Business – Approved	61
Procedural – Thanks to community for response during ongoing pandemic	66
<i>The Assembly adjourned at 4.23 p.m.</i>	<i>67</i>

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État XI

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

VIII. States of Guernsey Energy Policy 2020-2050 – Debate concluded – Propositions as amended carried

The Deputy Greffier: Billet d'État XI – Article VIII – Committee *for the* Environment & Infrastructure – States of Guernsey Energy Policy 2020-2050 – continuation of debate.

5 **The Bailiff:** Well, Members of the States, the first Member I am going to call this morning is Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

10 In debating this policy letter, I think a lot of us have displayed our enthusiasm for the subject matter. But we are all just enthusiastic amateurs and I think, from my own perspective, I grew up with the idea of renewable energies and solar panels just being a norm, because my uncle had started a solar panel business in the late 1960's, well ahead of his time. My father, who is a mining engineer, on retirement, has dabbled in all kinds of strange projects in renewable energy and my brother is now a renewable energy inventor with patents all around the world.

15 So, having access to these ideas and concepts, and I think we all display that enthusiasm, but we are just amateurs and we must resist temptation to leap onto these ideas and not allow the experts to develop those ideas because, oh, this sounds exciting and it might be the flavour of the month this month but as the technologies and the world of renewables develops there are so many advances that it is very easy for us and we could fall into that trap of picking a winner before the time is right.

20 That is why it is so important that this Energy Policy provides a balance, but it is very hard to do. I think Deputy Gollop's speech yesterday raised an interesting point about the almost Catch-22 situation that we find ourselves in. He is absolutely right, there is apparent contradiction in the policy letter and it does not feel quite ground-breaking ... sorry, is there a point of correction?

25 **The Bailiff:** Point of correction, thank you Deputy Hansmann Rouxel. Deputy Oliver.

Deputy Oliver: Sorry sir, I have just never known the States to leap into anything. It has normally procrastinated and taken a long time to do everything. They do not just go onto anything.

30 **The Bailiff:** With the best will in the world, Deputy Oliver, that is not really a point of correction that needs to be made, especially when you have not spoken, so can Members try not to interrupt Members who are speaking in relation to such matters? Deputy Hansmann Rouxel to continue, please.

35 **Deputy Hansmann Rouxel:** Thank you, sir.

That is true, the States do not leap into things. But our enthusiasm for this subject matter can, potentially, lead us onto something. As I said, the policy letter does not feel quite ground-breaking or, dare I say it, sexy enough, and we have not gotten onto the doing bits, the stuff that we will start to see the realisation of these policies and it is a frustrating place to be, because we have this enthusiasm for the subject matter.

40 But it is really important that we, with this framework, have that balance and create a very strong foundation and framework. I think one thing that has come out through the debate is, although there has been a lot of focus on electricity, obviously, with solar panels and the idea behind renewables and yes we are transitioning to low-carbon futures, but it should not be lost by us that this is an energy policy and we already do have competition in the energy market.

45 We have businesses that currently provide energy in the form of hydrocarbons and these businesses, we are asking them, then, as part of the global transition, we are transitioning away from hydrocarbons. The difficulty here is, as businesses they are transitioned away, if we simply, as some Members have suggested, there is a positive and negative with the idea of Guernsey Electricity being the monopoly supplier on the Island, and I think Members raised that, there were positives and negatives to that.

50 There is an easy way of doing the transition and that would be just simply to allow Guernsey Electricity to work in that monopoly, but we understand that would provide a dead end for those businesses we are asking to transition. So, in trying to find this fine balance, we are designing an enabling policy that can support the development of local renewables and that economic development but, at the same time. We have to acknowledge that it is a small market and the danger is there is not enough room for competition if we get it wrong.

55 That is the very delicate piece of work that will have to take place around regulation. We do need to consider providing an opportunity for those energy businesses to transition to low carbon and there is not a painless way to do it but, by opening up opportunities, that provides a way for businesses to transition.

60 If we close down those opportunities and we do not even try to create a framework for those businesses to transition we would be in a very difficult position. So, I understand the points raised around regulation and the concerns raised around whether we do have enough of a market for competition, but we do need to try and create that framework that would allow opportunities to come forward and allow those businesses that are transitioning away from carbon intensive business to have some opportunity, somewhere to go. It is guiding a river and if we dam the river, potentially people will take their business elsewhere.

65 The policies in the letter reflect this complexity and I understand the way that this debate has gone, because all of the Propositions are inter-related, it is a very complicated and delicate way of trying to transition out and a lot of work has been undertaken in creating the foundation of this framework policy but we cannot be too prescriptive.

70 Technology changes and the market is shifting and changing and it is not for us enthusiastic amateurs to pick the winners. We need to create the guiding principles, which unlock the market, for those who are the experts in energy.

There have been some contradictions in Members' speeches. Calling for incentives and grants on the one hand, but a relaxation of the Regulations on the other hand. If we are providing incentives and grants, where does the money come from? We have looked at all of these things and we have in designing the policy looked at environmental taxes, balanced out with subsidies and grants. But, when you do look at these policies in the round and you look at what Government intervention does, there are always repercussions.

So, the direction provided in this policy letter is a balanced one, but importantly it does provide the foundation for those interventions, whatever they may be, should they become necessary. That is the important piece of work that fits into the recovery strategy. Because, without that foundation, we would not be able to see what interventions we could then engage, because we need them for recovery and, at the same time, they are going to help us transition.

Having that strong policy foundation is incredibly important and that is why it is really important that we agree this policy letter and provide that foundation to one of the pillars of the recovery strategy. If you look in different jurisdictions, the transition to green energy is used as a pillar in a lot of the recovery strategies coming out globally.

So, we are by no means alone in this and actually it is quite serendipitous that we are at this stage rather than further down the line with an Energy Policy, where we are already involved in interventions. At the moment we have almost got a blank slate creating that foundation and we can now look at the parts of our economy and our Island, the Bailiwick, look at where those interventions are necessary or would benefit the recovery. That is a piece of work that I am sure will be happening, along with the recovery strategy.

Yesterday, Deputy Merrett raised an important point about the power station and living in proximity to it myself, it is an oddity that we have a densely populated area surrounding a power station and the question posed by Deputy Merrett because, you know, as part of this transition to clear, would we be looking at moving the power station and actually, right now, we are bound to have those dirty generators at the station but we do want to have that connectivity so that we do not need to use the generators.

But as we transition there are a number of things that are going to change about our energy set up on the Island. The grid will change. We could be looking, in the future, at a decentralised smart grid, where local storage substations could be all over the Island, where you have your electric car is plugged into the grid at night and used as extra storage and is able to feed into the grid when there is a peak demand.

But these technologies are evolving and the consideration of how these technologies work and are effective is also ongoing. So as we move the transition, that is part of looking into that. Again, if we have the second inter-connector, we will be re-examining the N-2 policy and that will determine what generation needs to be on Island and what that generation will look like and all of that process. It is not a case of us now saying yes, we need to move the power station, but it is an evolution of all of these factors and how different things will look in the future.

When we get to the point where we are re-imagining those policies, the nature of that generation might feel completely different and so therefore the power station would be completely different. In that transition, because we have the policy that allows us to look at something clean, the effect of a power station upon its surrounds or whatever it might look like would be completely different.

So there is not a simple answer but it is an evolving situation and the electricity and generation and supply will look very different in the future and most certainly, if we are moving to clean, we would not have a power station with the carbon-intensive generators that we have currently, which we need for security of supply. So the foundations in this policy letter are vitally important. It is complicated but everything is inter-linked in this policy letter and I do urge Members to vote through every Proposition.

The Bailiff: Anyone else wishing to speak to these Propositions on this matter?

Alderney Representative Roberts: Sir, may I be relevé?

130 **The Bailiff:** Yes, Alderney Representative Roberts, you may be. We will mark you as present. Thank you very much.

Alderney Representative Roberts: Thank you, sir.

135 **The Bailiff:** If nobody else wishes to speak then I am going to turn to the President of the Committee, Deputy Brehaut, to reply to the debate.

Deputy Brehaut: Thank you very much, sir, and it looks like I can at last sum-up before 2050, which looked like the most realistic deadline a few days ago! If I could start, then, with Deputy Lester Queripel, who asked a number of questions. Do we have a good working relationship with Alderney? Yes we do and that is principally through our relationship with the committees that oversee the maintenance of the Breakwater, obviously, and of course we have a very close working relationship with the Alderney Wildlife Trust.

140 His question was more specific, I think, with regard to are we in conversations with anyone involved in the tidal project and that is probably not E&I's role, that is a role for the GEL and Guernsey Electricity have had initial discussions, that is last year, with AEL, on the tidal project on the potential of a cable link from France to Alderney and GEL have also spoken to SIMEC Atlantis Energy about various options. So there have been conversations between Guernsey Electricity Ltd and those involved with the tidal project.

150 He asked a question, has £800,000 been spent? Yes, £800,000 have been spent over a four-year period, £200,000 a year. Within that sum was the Future of Energy Demand, which was part of the hydrocarbon project and that demand survey was carried out by PWC. The most important thing to remember here is that when this E&I Committee sat and initially discussed hydrocarbons, the view was then that it was expected that Guernsey would need a hydrocarbon facility of the value, potentially, £120 million.

155 So, we now know that we do not need to spend £120 million. We know that the work that has been carried out by consultants and other groups has given us a much clearer steer, as to where we need to go in relation to hydrocarbons. So whilst, yes, £800,000 for the work was expensive, it means that actually we are not committee to spending £120 million.

160 At every stage that £800,000 sum has been agreed with P&R. It was drawn down. So we would get through stage one and stage two and we would approach P&R and they would release funds. So the £800,000 has been spent with the authority of P&R, with their oversight. I think the other sum Deputy Lester Queripel referred to, if I am correct, was possibly the Island Infrastructure Plan, which was another sum of money that was available to E&I to progress the Island Infrastructure Plan.

165 Bearing in mind we would be going to an election, ordinarily this month, so that sum of money has not been spent, there is no dedicated resource on that yet. So, to answer the question, that sum has not been drawn down and there is no expectation that that sum of money will be spent at this time.

170 He referred to an article quoting the CEO of IEG that just needs a bit of context. We have one grid on Guernsey, we do not have two grids. We currently have essentially a monopoly supplier and other people would like to access that grid. So the piece written in the paper was essentially, if you like, some subtle lobbying by a third party, they have a licence to generate electricity and they want access to the grid. So that piece that he read and quoted from needs to be seen in that context.

175 He also asked, perhaps could I tell him what happened to the PSD report on the harbour. I think his question was, I cannot remember, a number of reports were carried out by PSD with regard to harbour development, Deputy Lester Queripel asked me what happened to that report. I would

actually be inclined to ask him what happened to that report too. The sum of money, from recollection, PSD spent was £100,000 and the report was received by the States and I do not think it was particularly well received.

But I think we all have a collective responsibility. It is not for me as President of E&I to take ownership of that report and to report as to what progress was made and actually that does not sit particularly, that element or that particular report sat under our mandate. Sorry, it was the Ports Master Plan, that is what the plan was called.

We should remember, because there is sometimes a context over Presidents or Committees spending large sums of money that other Members of the States, perhaps, are not involved in that decision-making process. If we look more recently at the Inert Waste Strategy, we came to the States with an Inert Waste Strategy and that was amended and States' Members endorsed a further £800,000 on the commercial ports investigation project.

So we all have a collective ownership here. It is all well and good to wave the finger at those who are sitting on the virtual raised bench but we all have a vote and we all at times commit quite large sums of money to projects that we are sympathetic to.

Deputy Lester Queripel also referred to, he raised the issue, quoting from the article, he posed a question, the value of local jobs, what are we doing to secure local jobs? I just wanted to point out that one aspect of that really has not been discussed during the Covid-19 crisis, has been the energy supply to the Island. The energy supply in the broadest sense.

Now, when the CCA chose to turn off, effectively, IEG's revenue by closing restaurants and takeaways and the rest of it, it meant that they saw about an 85% fall in gas consumptions and, of course, their revenue. So, within a week, I was approached by the International Energy Group, I took a call from them. Following that conversation we participated in another call that meant that the International Energy Group understood how our furlough scheme worked and working with colleagues in P&R, we ensured that the staff at the International Energy Group benefited from the furlough scheme.

So, E&I did have a role, actually, in employment, and keeping people in their job, and it is worth noting that Jersey decided not to go with the furlough scheme and gas prices in Jersey, I believe, have gone up by about 6.5%.

But getting back to a couple of the specifics that were raised by Deputy Lester Queripel, I think they are covered off in 11.5 and 11.6, that is the access to market and the new licensing framework, which I think were the points that he raised, I am not saying on behalf of IEG, but in the context of IEG. But it is important to note that the piece written was essentially, understandably, a piece lobbying or appealing to the community, to gain entry, if you like, to the marketplace.

I thank Deputy Parkinson, who I sense is supportive of the policy letter. He spoke to the regulation issues and competition element and I covered off, I think, hopefully in my speech, some of those elements in some detail. Of course, they are also covered in the Propositions, which put the onus on both E&I and the Committee for Economic Development to work collectively on delivering the aspirations within the policy, so I very much look forward to working with Economic Development in resolving, in fact I think this is a thing that comes through, as Deputy Sarah Hansmann Rouxel just referred to, this policy letter actually deals with the deadlock that has been in place for some time and this facilitates some change that has been necessary for a while.

Deputy Laurie Queripel spoke of pausing, stepping back, just taking a moment to reflect. But actually the Energy Policy is integral to recovery. We cannot put decarbonisation on hold, we cannot put regulation on hold, we cannot put competition on hold and it is important that, if we are going, this post recovery stage or when we go into recovery, we will need the continuity of supply for 21st Century enterprise. So it is important that we press ahead and of course meet the decarbonisation targets, bearing in mind the community's awareness, the world community's awareness that I think it is assessed as perhaps 17% improvement in air quality globally through the lockdown then.

He also spoke of aspects of building control, which I think were covered thoroughly by Deputy Dawn Tindall when she spoke. Again, I want to reiterate, I understand the appeal of solar PV and so

230 does the Report, and the Report talks about liberalisation, opening up the market and facilitating PV generation.

But we also need again to keep in mind the frequency issue, the grid balancing and we have to take in stock the relative gains given by solar power but I respect people's choices on what each householder would like to do. Just to point out all PVs work of course, even on cloudy days, that is why they are increasingly popular but the maximum output, obviously, is achieved on sunny days.

235 Deputy Brouard made the point that we do pay a price, yes we do, for independence. Perhaps the desire to be self-sufficient in the worst-case scenario is costly. Well, it is, it is most definitely costly and Deputy Dorey addressed that element again, the N-2 conundrum that Deputy Brouard spoke to. But the focus must remain on continuity. That is Plan A. Plan A has us in a good place. Plan B does not, in many aspects, but particularly with regard to carbon.

240 I would like to place on record because Deputy Brouard, I do not think he named the minister, but he spoke about the Jersey environment minister at the time. John Young actually facilitated after a long process the laying of the cable, in opposition to Jersey fishermen. I think he acted as a Channel Islander in that regard and ensured the agreement was signed and a cable was laid. Politically he could have chosen not to do that. I am not saying he was ever in thumb screws at any
245 time, but clearly some animated discussions took place. But the Jersey environment minister John Young did facilitate ultimately the laying of the cable.

With regard the geo-political considerations, I would like colleagues at P&R to continue to do what they are doing, even work a bit harder, with regard to external relations, because covering off the external relations bit, especially post-Brexit is going to help us deliver on a number of different
250 fronts.

Deputy Inder spoke very briefly and he has made the same observations I think a number of people have made regarding the cost of installing renewables, marginal costs, and the timeframe on payback. That question, perhaps, should always be posed in the context of, as I said yesterday, that we have mains renewables in our homes, if we like to see it that way and perhaps that is the
255 way the community needs to just re-orientate itself, especially with the second cable installed that you have the potential to consume renewables every day.

If I may, as it often happens from speeches like this, I am just going to wheel out Mrs Le Page and say that, whilst you may wish to go off-grid and invest, it will mean perhaps that Mrs Le Page, who cannot afford to go off-grid, ultimately, will be paying a little bit more over a period of time.

260 I thank Deputy Soulsby for her speech and I agreed with a great deal of it. I would just make one observation, I think the remedy is in the Climate Change Action Plan. A number of the issues she spoke to, she is absolutely right to identify them but they are covered in much more detail, will be in the Climate Change Action Plan and that will certainly, I think, test the States' appetite when we pose the question are we really all in this together? Her concerns, I think, are also covered off in
265 paragraph 13.14 and in 11 in the main Report.

Deputy Paint spoke of the potential of the Alderney Race in tidal power and at the moment I think there is still an element of Lassetter's Gold, if I can put it that way, that somewhere down there is a rich vein, a seam, but no one has really been able to harvest it adequately yet but there is certainly potential in tidal energy, but Guernsey need not lead the way in that regard. I think we
270 should revisit that when –

(Audio connection lost.)

The Bailiff: Deputy Brehaut, we seem to have lost you at the moment. Have you inadvertently muted yourself?

Deputy Brehaut: Yes sir, I did. As I put my papers down, I turned off the microphone. Can you
275 hear me now?

The Bailiff: It is a bit like electronic voting in our sister Island at times.

Deputy Brehaut: It is a risk!

280 **The Bailiff:** Could you just say what you have just said again then please? Not all of it, but for about the last 30 seconds.

Deputy Brehaut: Okay, did you hear what I said in relation to Deputy Paint? I am not offended if you were not listening! I will use my discretion and pick up.

285

The Bailiff: I think you can, Deputy Brehaut. Thank you.

Deputy Paint: You spoke about the Alderney Race and I did hear what he said, thank you.

290 **The Bailiff:** Thank you, Deputy Paint. So Deputy Brehaut, if you pick up from just after the Alderney Race.

Deputy Brehaut: Thank you very much. Thank you, Deputy Paint, for confirming that.

295 So, picking up with regard to what Deputy de Lisle said in his speech, I just want to point out that firstly this policy letter could have been a joint report produced by E&I and Economic Development. That proposal was put to Economic Development and they opted out of a joint report. If it was a joint report, obviously, placed by two Committees, then Deputy de Lisle's input could have been greater at every stage.

300 Now I would say respectfully to Deputy de Lisle he has this uncanny ability to present opinions, speculation and anecdote as facts. Now we do consumer 100% renewable energy at this time and that contract was signed by GEL, it is overseen by a French regulatory authority and there is further oversight from the European Parliament.

305 He was referring to the old agreement, which I think was at times the 40-60 split between nuclear power and the *Barrage de Rance*. So that was the case but Deputy de Lisle, possibly unknowingly, unintentionally was misleading the Assembly yesterday. More to the point, actually, misleading the community as that was covered in some detail on the radio this morning. We have moved away from the consumption of nuclear power.

310 Deputy de Lisle opposes, he said, the £100 million investment to give us 100% of our renewable energy through the cable but yet he is in favour of a wind farm that would cost £100 million and only give us 30 Megawatts. So we are intent on wise expenditure to deliver absolute decarbonisation throughout the continuity of supply through GF1.

315 In fact, we want to do, I think he gave the number of days the UK was running on renewables at a given time during one summer. Well, we want to do every day, every month, every year, what the UK can only do a few days every summer. That is the ultimate aim, I think it is something we should aspire to.

I would also say to Deputy de Lisle, he is an environmentalist. He is someone that has spoken frequently in the past and raised the issue of air quality and the consequent quality of life and, again, I would respectfully ask him to be consistent when we are trying to deal with decarbonisation, which means managing at some stage the internal combustion engine, managing car usage, that he is supportive of those proposals and that we do not necessarily put the success of some St Peter Port business over the much greater aim of decarbonisation.

320 Touching on Deputy Le Clerc's speech, she is absolutely right and she touched on an essential truth here is that we are in a policy and resource hinterland at the moment. I do not mean that by the Committee, I mean literally, a policy and resource hinterland at the moment. She is right to raise the issue of any resource that might be required and on one hand we have the immediate prospect, potentially, of austerity and on the other hand we have grand ambitions of building back better and there is a tension in that that needs to be addressed by this Assembly.

I think that would be the over-arching context, framework, for whenever a new Assembly is elected. I think, quite obviously, that is going to be the climate, excuse the pun, to the discussions throughout the next term, which will be how do we try and square those, how do we try and deal with those tensions?

Also, with regard to, because there are a number of Propositions within the Report that refer to ESS, I have a view, as Deputy Le Clerc knows, I know the corporate housing programme is committed in other areas now. I think at the times when the corporate housing programme has been in excess of – I do not know – £20 million, then we could have invested then. I know politics by hindsight is quite an easy thing to do. We could have invested at some stage with home insulation schemes, for example.

Deputy Merrett, the policy today needs to be clear, we need to give a steer. I think she spoke to, potentially, the disconnect between the policy that we are considering today and the delivery bit that will come later through the Climate Change Action Plan, but we really do need to leave today with a clear direction in policy terms and put this keystone down as the foundation to build on later, through the Climate Change Action Plan.

She is right to raise issues regarding subsidies and any incentives. That is where the joint working will come in and again that would raise some of the issues that were touched on by Deputy Le Clerc, that we have this willingness, this acceptance of the community that things need to change and we, as a Government, have to deliver on that change, knowing that it does come at some cost, but a cost I think a number of members of the community are willing to bear.

She spoke, I think, specifically regarding the Proposition directing ESS, as I have said, it is important to note, I think, that Deputy Langlois is both on E&I and ESS so there has been very clear communication at all times between ESS and E&I. Moving the power station, to where? I would playfully say perhaps to Longue Hougue South but I do not know how much appeal that would be for politicians in the north. Maybe there is an appeal within a generator museum, which is actually what the power station might be at some time in the future.

Actually moving the power station, needless to say, would be a hugely expensive enterprise and maintain the continuities of supply through that period would prevent –

(Audio connection lost.)

The Bailiff: Deputy Brehaut, have you managed to do exactly the same again?

Deputy Brehaut: I think I did, sir, in turning the page, yes. Sorry.

The Bailiff: This time I think it is probably only about 15 seconds, but if you could just go back over that for us please, thank you.

Deputy Brehaut: Just to remind Deputy Merrett and, sorry for the repetition if that is indeed what it is, but Deputy Langlois sits on both E&I and ESS and there has been good communication at each stage. She did mention moving the power station and, again, whether it could go to Longue Hougue South, that would be an interesting conversation to have. As I was saying playfully, if it has got redundant generators then it could potentially just be a museum.

With regard to the target and the aspirations to reach decarbonisation at a given point, I think Jersey have a target that is not particularly realistic and I worry that Jersey will not meet that target. I think potentially we could move more rapidly. Not because of this policy in particular but I think we forget, sometimes, that the market dictates change, that the market around us can introduce change. Guernsey benefits from the other communities' commitment to the production of EVs and legislations that has enabled them. So I think the market out there will also assist Guernsey in delivering on the aims of decarbonisation.

Deputy Ferbrache, I just want to say to Deputy Ferbrache I suppose the context for my answers. He was looking for a number of commitments yesterday, Perhaps I need to say that this is an

overarching framework. This is a policy direction. I cannot give Deputy Ferbrache the copper-bottom guarantees that he is looking for with regard to cost-benefit analysis, and all the rest of it.

380 I appreciate that he has this role as gatekeeper, as guardian, as the main shareholder for Guernsey Electricity, and I think he is looking after their interest incredibly well during this debate and he is right to pose those questions. But I cannot give any assurance as an individual, as the President of a Committee of five, that we can necessarily give those commitments that he was looking for yesterday.

385 But it touches on, I suppose, the age-old theme of competition versus regulation. If you have a monopoly supplier, how do you then prevent monopolistic behaviour? Yet we like our existing monopoly do we not? On one hand, Deputy de Lisle and Deputy Lester Queripel, want to move to an open, accessible market, and on the other hand, we do not want competition for competition's sake, do we? I think that is really, again, what this Report tries to do is try to deal with some of the deadlock that is within those conversations.

390 The Report has been drafted in a manner that, what we have done, is identified an action, given the resource implications and the outcome and I think if Deputy Ferbrache does go over the Report again, he will see a number of areas he did touch on in his speech are within the document and the outcomes are clear. Again, I referred to it in my speech when covering off points raised by Deputy Lester Queripel, 11.15 and 11.16 within the Report do cover off a number of concerns that he had.

395 If he is saying that the assurance is not enough and therefore he cannot support the policy letter, I would ask him to reflect on that, bearing in mind the broader aims within the Report and the direction that is supported by IEG and supported by Guernsey Electricity.

400 Deputy Roffey raised the issue of fuel poverty. I think he is right to do and of course he is a Member of ESS and he is aware. Again, perhaps two things just to reiterate the point. I think possibly the corporate housing programme has been something of a lost opportunity over time although I appreciate that could be used in developments at some point, and also to remind him that we are coming back to the Assembly with a report on the housing standards and registration of landlords and actually that will enable us, give us something of an insight to identify the areas that need attention.

405 I thank Deputy Green for his support, saying it was a good foundation, recovery strategy. I think he used a Labour term, possibly used by the Labour government, rather, the Green New Deal, and I think the whole of the States need to embrace that idea, through our colleagues at P&R in particular to help us deliver a real recovery.

410 He too spoke of the sequencing of reports. We had the Energy Policy today, we have the Climate Change Action Plan tomorrow and that we do need a clear direction today to inform that second report. I would also remind him and other States' Members, when we have combined in the past policies with what I call the doing bit, when we have had, for example, the Integrated Transport Strategy, you identify clearly within the body of the document a direction of travel and then the Propositions are stripped out one by one to ensure that the policy has no direction whatsoever.

415 I think Deputy Tindall was right to capture the current mood and build on it. She is right, I think traffic levels are returning to the pre-Covid levels and there is clearly a change out there. Obviously, there are upsides to that but I think returning to yesterday and all that entails, with regard to new vehicle, saturation is not really where we want to be.

420 I would acknowledge her point, she said a sense of urgency, and reflected on the target date, and the drive for decarbonisation, I suppose interpreting, needs to be led more aggressively and I would accept that point, but that does not undermine our commitment at E&I to deliver on it.

425 With regard to what might be called the attributed ownership in the Propositions and the fact that perhaps she feels that the observations the Deputy made were not really reflected in the Propositions, I have to say that E&I are not particularly possessive in that regard. I think the paragraph she referred to, which I think is paragraph 14, I have interpreted that in a manner, which I think would assist both E&I and the DPA, though if she feels that it does not then of course there is an open door at E&I and the tensions within any potential Proposition, if there is a disconnect as she sees it, we would be willing, quite obviously to remedy that at the implementation stage.

That was it, sir, and I thank Deputy Hansmann Rouxel for her speech as a Member of the Committee. Thank you. I will now intentionally mute my microphone!

The Bailiff: Thank you very much, Deputy Brehaut, for forewarning me!

Members of the States, we now come to voting on the 18 Propositions of the Committee *for the* Environment & Infrastructure on the States of Guernsey Energy Policy 2020-2050. I have a note that Deputy Paint was requesting a discrete recorded vote on Proposition 4(b). But Deputy Paint, do you want 4(b) taken alone, or do you want 4 to be taken so that (a) and (b) is voted on together?

Deputy Paint: 4(b) only, if that is okay, sir.

The Bailiff: Okay. Are there any other requests for any other Propositions to be dealt with by way of a recorded vote?

Deputy Lester Queripel: Deputy Lester Queripel here. Could we have a recorded vote on Propositions 8 and 9 please?

The Bailiff: Eight and 9 together, or 8 and 9 discretely?

Deputy Lester Queripel: Together would be fine, sir, thank you.

The Bailiff: Thank you. Anyone else? In that case, Members of the States, what I am going to ask you to do first is to vote on Propositions 1-3 and 4(a) alone, 4(a) being to direct the Committee *for the* Environment & Infrastructure to provide a definition of what constitutes a low-carbon and low-emission source for on-Island energy sources by the fourth quarter of 2020 and then we will pause and then we will have a recorded vote on that. So if you can vote in the Chat function first, please, on those Propositions.

Members voted Pour.

The Bailiff: Thank you very much, Members of the States. I am satisfied that there was plenty of voting Pour. I did not spot any voting Contre, although some people did not seem to wish to vote one way or the other and therefore I declare Propositions 1, 2, 3 and 4(a) duly carried.

We will now have a recorded vote, only, in respect of Proposition 4(b), which invites you to decide whether you want to direct the Committee *for the* Environment & Infrastructure to establish a target for the generation of on-Island, where on-Island includes within our territorial waters, renewable energy by the second quarter of 2021. Greffier.

There was a recorded vote.

Carried – Pour 35, Contre 1, Ne vote pas 3, Absent 0

POUR

Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater *
Deputy Mooney
Deputy Trott
Deputy Le Pelley

CONTRE

Deputy Paint

NE VOTE PAS

Deputy Laurie Queripel
Alderney Rep. Roberts
Alderney Rep.
Snowdon

ABSENT

None

Deputy Merrett
 Deputy St Pier
 Deputy Stephens
 Deputy Meerveld
 Deputy Fallaize
 Deputy Inder
 Deputy Lowe
 Deputy Smithies
 Deputy Hansmann Rouxel
 Deputy Graham
 Deputy Green
 Deputy Dorey
 Deputy Le Tocq
 Deputy Brouard
 Deputy Dudley-Owen
 Deputy McSwiggan
 Deputy de Lisle
 Deputy Langlois
 Deputy Soulsby
 Deputy de Sausmarez
 Deputy Roffey
 Deputy Prow
 Deputy Oliver

* denotes Members who voted by proxy.

The Bailiff: Members of the States, in respect of Proposition 4(b) there voted Pour 35, Contre 1, with three abstentions and therefore Proposition 4(b) is also duly carried.

465 Can I invite you now to vote on Propositions 5, 6 and 7 only using the Chat function?

Members voted Pour.

The Bailiff: Thank you, Members of the States. Once again I am satisfied that there was a large shout, which is still rumbling on a little bit, Pour. I did not spot anyone voting Contre and therefore Propositions 5, 6 and 7 are duly carried.

We will now move to a recorded vote on Propositions 8 and 9, taken together please, Greffier.

There was a recorded vote.

Carried – Pour 34, Contre 2, Ne vote pas 3, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Ferbrache	Deputy Lester	Deputy Laurie Queripel	None
Deputy Tindall	Queripel	Alderney Rep. Roberts	
Deputy Brehaut	Deputy de Lisle	Alderney Rep. Snowdon	
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Le Clerc			
Deputy Leadbeater *			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			

Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver

* denotes Members who voted by proxy.

470 **The Bailiff:** Thank you very much, Members of the States. The voting in respect of Propositions 8 and 9 was as follows: there voted Pour 34, Contre 2, three Members abstained, and therefore Propositions 8 and 9 I declare duly carried.

475 Now, Members of the States, Proposition 10, I just remind you, has been amended, so that paragraph (b) of it is substituted with the wording from Amendment 1 that was proposed by Deputy Brehaut, seconded by Deputy Ferbrache, but aside from drawing that to your attention, I am going to put Propositions 10 to 18 inclusive to you *aux voix* and invite you to vote in the Chat function please.

Members voted Pour.

480 **The Bailiff:** Thank you very much, Members of the States. Once again there were many votes Pour, did not spot any votes Contre and some Members have chosen to keep quiet. In those circumstances, I declare Propositions 10 to 18 duly carried, which means that all 18 Propositions, with Proposition 10 as amended, are declared carried. Greffier.

POLICY & RESOURCES COMMITTEE

IX. Review of the Jurisdiction of The Ecclesiastical Court in relation to Grants of Representation regarding Personal Property – Debate commenced

Article IX.

The States are asked to decide:

Whether, after consideration of the policy letter titled 'Review of the Jurisdiction of The Ecclesiastical Court in relation to Grants of Representation regarding Personal Property', they are of the opinion: –

1. To approve the transfer of the customary jurisdiction in relation to grants of representation for personal property for:

(a) the Bailiwick other than Sark, and

(b) in the event of an affirmative resolution from the Chief Pleas of Sark, Sark, from the Ecclesiastical Court to the Royal Court on the basis set out in this policy letter.

2. To agree that any changes to the tariff in relation to grants of representation will be recommended by the Policy & Resources Committee as part of the Annual Budget of the States, and the Royal Court will be responsible for setting other fees.

3. To agree that a grant be made from General Revenue to the Social Investment Fund of £400,000 per annum for the first two years that the Royal Court operates grants of representation for personal property, with recommendations for the level of this grant for subsequent years to be included in future Annual Budgets.

4. To direct the Policy & Resources Committee to take into account the financial implications of this policy letter in setting the budget for 2021 and future years.

5. To direct the drafting of such legislation as may be necessary to give effect to the above decisions.

The Deputy Greffier: Article IX – Policy & Resources Committee – Review of the Jurisdiction of the Ecclesiastical Court in relation to Grants of Representation regarding personal property.

485 **The Bailiff:** And I understand, unless things have changed since we started this Meeting, that it will be Deputy Le Tocq, a Member of the Policy & Resources Committee, to open debate on this matter. Deputy Le Tocq.

Deputy Le Tocq: Thank you very much, Mr Bailiff.

490 Sir, I will be very brief because, first of all, I think this matter is well understood. It has been around for a few years. Some may say these sorts of reforms should have been done a century ago or so. But, in terms of the policy letter, it is pretty comprehensive and there have not been any requests for amendments and only a couple of points of clarification. So, really it does say what it says.

495 We have been looking at reviewing the Ecclesiastical Court in terms of its jurisdiction in matters of the grants regarding personal property for some time. In fact, this particular review goes back to the previous Assembly. A statement was given by the President of P&R in June 2018, as to the direction of travel of this review. A working party, including the Dean, was established and the Propositions before the Assembly today have the agreement of all those who were party to that.
500 So, sir, I am happy to answer any questions but I think I am going to leave it there, thank you very much.

The Bailiff: Deputy Merrett, to be followed by Deputy Ferbrache, then Deputy Dorey and then Deputy Green. So, Deputy Merrett please.

505

Deputy Merrett: Thank you, sir. I will be very brief.

I was just wondering if Deputy Le Tocq could give us an update as alluded to in 15.3. I appreciate that there are two different Propositions to cover the alternatives, depending on Sark's wishes but I would be interested to know if Deputy Le Tocq could give us any indication, as the policy paper
510 was submitted a while ago, on discussions that have taken place with Sark.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

515 **Deputy Ferbrache:** Thank you, sir.

I will probably be one of the few people that will vote against this, because I think it is completely unnecessary. When we look at paragraph 7.1 of the policy letter it says this:

The probate function, as operated by the Ecclesiastical Court, is acknowledged as being quick and efficient in comparison with obtaining probate in other jurisdictions.

520 Having dealt with our probate through an Ecclesiastical Court for many years, I can absolutely say that via its various registrars, it has been operated incredibly efficiently. I have got no affinity to the Church of England, and indeed the Ecclesiastical Court has been around centuries longer than the Church of England. It is just not going to achieve any purpose other than probably to put the charge up.

Now, what will the administration cost be in the future? Perhaps Deputy Le Tocq can deal with that when he responds. Will it provide a better level of service than it has already enjoyed? Will it be as flexible as the current proposals? Will Deputy Le Tocq be able to guarantee that the service provided will be as good as it is at present, as I say, and at no more cost?

Because, when we look at it, it is a system. As I say, it operates – I am careful what I say about Jersey of course – far more efficiently, much less bureaucratic than the Jersey system. Similarly in relation to the English system. I cannot see any real benefit at all other than it is going to be centrist, it is going to take it forth and it is going to make it bureaucratic.

By that I do not mean any criticism of our courts system because anybody who has dealt with our court system and has dealt with court systems elsewhere know that the administration in our court system is first class, is absolutely spot on and applications that you would file in an English court and get lost and then a judge gets irate because he cannot find them and the person who has lodged them never knows what has happened because they have just gone up into the atmosphere, that never happens, that has never happened in my experience as an advocate practising for many years in Guernsey.

So, we have got something that actually works efficiently and yet we want to change it and I am not quite sure why we want to change it other than we do not like those people administering it, even though they administer it very well because it goes back 900 years. As I also note, paragraph 1.9 of the policy letter, it says:

In terms of the future surplus income from probate, the Policy & Resources Committee considers it important that an allocation for charitable, social and community purposes is maintained and therefore recommends that an annual grant will be made to the Social Investment Fund ... It is proposed that an annual grant of £400,000 should be made by the States from General Revenue to the Social Investment Fund for the first two years of the Royal Court undertaking the transferred probate function.

When I look at those figures, I appreciate we do not have the policy letter 2019 figures yet because I imagine at the time the policy letter was written they were not available, but it showed at paragraph 8.16 that the total income from the Ecclesiastical Court waxes and wanes. It was at its peak in 2015 because it must have had some high value grants of £1.2 million and in 2018 it had fallen from the previous year of £898,000 to £629,000 and the costs are set out in table two of the following page of the policy letter and they have been pretty consistent really, compared with States' expenditure, and very favourable between 2014 and 2018 – £322,000 in 2014, they have only gone up to £334,000 in 2018.

Surplus funds, again there are no great riches really, £400,000 has been promised would actually, if the figures are comparable with say 2016 and 2019, cost the States some money. We did see a big surplus and that accords with the extra grants that I have already referred to in 2015 but the surplus in 2018 was £295,000.

So, I appreciate I may well be in a minority of one. As I say, it has got nothing to do with any religious affinity, because I do not have any, but I just think it is something that it is taking into central government again something that does not need to be taken into central government, for absolutely no good purpose.

Thank you very much, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I am pleased to see the long-awaited transfer from the Ecclesiastical Court to the Royal Court. I welcome that the excess income collected is given to charity but one of the ways Guernsey sells itself is no death duties, no capital taxes. If you are collecting money based on the percentage value of an estate, accepted with a cap, and if the amount collected is greater than the cost of providing a service and, as Deputy Ferbrache has just referred to on page 17, it shows the surpluses vary from

£300,000 to £900,000 in recent years, then it starts to cross the line from being a charge to being a tax.

Following on, I am also concerned about Proposition 2, that changes to the tariff will be put into the annual Budget. It could become just another tool in the box, along with alcohol, fuel duty and could compromise the fact that Guernsey has no death duties. I will listen to the reply from Deputy Le Tocq before I decide how to vote on Proposition 2, but I do not consider it is necessary. Charges are not normally included in the Budget, it is really for taxes.

My final point – before I make it I declare an interest as a shareholder in a family property owning company – as is referred to in the policy letter that we will debate a bit later, on Document Duty, companies owning property is not unusual in family structures. So, on the death of a person who owns a property for a company, we have to pay 0.35% of the Bailiwick property up to a maximum, because it is part of their personal estate, which they need to get probate for.

But if the same person owns a similar property outright, then it is part of realty and they only have to pay a small, fixed charge for the transfer of that property. I just ask P&R to consider if it is fair because of the different ways of owning a property and the different costs on the charges on the estate when it changes ownership on the death of a person and I just ask them, to, if they could comment on that.

Thank you, sir.

The Bailiff: It will be Deputy Green next, to be followed by Deputy Gollop, then Deputy Le Pelley and Deputy Tindall. So Deputy Green, please.

Deputy Green: Mr Bailiff, thank you very much.

I was sympathetic to what Deputy Ferbrache said a moment ago, so he definitely will not be in a minority of one, sir. I can see that Deputy Graham is possibly in the same category as well. Whilst I can appreciate that this transfer might to some extent improve Government's accountability, there is a sense, I think, amongst some in the community that the system as it stands at the moment works pretty well, as it is. Indeed, the policy letter makes it pretty clear that the current customary jurisdiction operates efficiently and flexibly.

I do think there is a sense in this move, amongst some, that if it is not broke, why are we trying to fix it? The jurisdiction of the Ecclesiastical Court might be somewhat anachronistic, but that does not mean that it does not work or is inefficient or is inflexible, and the policy letter makes that clear. It has worked flexibly and efficiently,

So will the transfer of this system make it more efficient? Probably not. Will it make it more flexible? Probably not. What exactly is driving this change because it does not seem to be a practical enhancement of the system that operates at the moment?

Secondly, sir, the other substantive point is this business of there is going to be a grant of £400,000 from General Revenue being transferred to the Social Investment Fund, rather than the grants from the surplus income, from probate going to the deanery LBG. But of course the timing with that is terrible. Is it wise to change that way of operating just at a time when we know that public finances are already under severe pressure and are going to continue to be under big pressure because of the effects of Covid-19? The timing of that is awful.

What we do not want to do is inadvertently end up with lesser or lower amounts going to good causes as a result of this. So, at this stage, although I can see that there might be some kind of partial argument for transferring this system in order to improve governance and accountability, there really is a sense, I think, amongst many, that we are trying to fix something that is not actually broken.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sorry, sir, I must have got muted then. I find myself in agreement, actually, with a lot of the points Deputy Green and Deputy Ferbrache have made and it is interesting that they are both advocates of longstanding. I do not want to be accused of being a spineless jellyfish like I was yesterday. I am, I suppose, likely to support these five Propositions, but I do question perhaps the evidence base behind them.

I mean, Policy & Resources and their predecessor, Treasury & Resources Committee, went on a fishing expedition here, looking for anecdotes or evidence or speculation, as Deputy Graham might put it, that there was a constituency out there, especially of high net worth asset holders who were reluctant to use Guernsey as their preferred jurisdictional base, because of the somewhat anomalous Ecclesiastical Court requirements and found, really, that there were not many, if any, obvious candidates there.

They compare us to Islamic Law, of course it is a different form of ecclesiastic court, but I think one of the primary motivations for the change was removed by the lack of objections. And another reason that mobilised the change was perhaps the rather more trenchant attitudes of a decade ago, when it would appear the then Church of England were a little bit more reluctant to reform and that there was, perhaps, a different arrangement, for the running of the Ecclesiastical Court.

But I think again, those objections, such as the cap on costs, have been removed. I cannot see an overwhelming reason for this. Deputy Le Tocq did not put as much effort as he usually does to the opening speech, probably because he considered the issues non-controversial. I would say that, given the fact that Deputy Le Tocq has been a ground-breaking personality, not just in politics but in his own ecclesiastical ministry on the Island, it is a relevant point. This day, assuming the States approve this change, marks a significant milestone, really, in Guernsey's continued revocation of its traditional feudal and theological legacy and will, I think, be seen by constitutional historians, as one of the most significant aspects of this particular Assembly.

Because, the Ecclesiastical Court, although I would agree that it works efficiently, goes back to a different time and place, even before the Church of England, and of course the Court appears to have all sorts of other matters relating to burials, marriage canons and even, it would appear, which makes one think, discipline of clergy.

So, we are dealing with a very venerable body that is also, according to looking at faculties and churches and so on. I suppose the objections to it were based upon the fact that the office holder, a very effective ecclesiastical registrar, who was generally a highly qualified lawyer and their Deputies, were more in the practice of taking one time a proportion of fees rather than a conventional salary and, in that respect, it was more of a medieval office.

Also, that part of the money went to support a particular denomination of the Church. But I think things have already moved on from that. It has been budget conscious, it has been good value for money. We are nationalising it. I think Deputy Dorey made a shrewd point that we have to be very careful not to see this as a minor form of inheritance tax and, indeed, I remember Deputy St Pier only a few years ago, in response to Deputy McSwiggan's view, amongst others, that inheritance tax was one area of Guernsey's fiscal portfolio that we would never want to go through, because the damage to our society and revenues and competitiveness could be great. So I think that point needs to be answered.

Deputy Ferbrache alluded to paragraph 1.9 on page four. I am curious about this, too, because for many years, I think, two sevenths of the proceeds of the probate went to the Dean of Guernsey. It did not go into his pocket – well it might have done hundreds of years ago – but it has been used properly for the supporting of community and social causes in Guernsey. I believe one such cause was a community café that I hope survives the current difficulties but some of the money was historically used for churches that were not covered by the traditional parish rates.

We all know that our venerable and beautiful parish churches are covered in that way but not really at civil parishes, such as Trinity, of which I am a member, St Stephen's, St John's and St Matthew's. And they would benefit from this money and I very much suspect that they will be

unlikely to benefit in the future because, to a certain extent the States have been reluctant to support charities that have, as part of their purpose, a theological, religious or ecclesiastical purpose.

670 So, I would like to know more, really, about the criteria of the Social Investment Fund, although having listened to online to the charities AGM last night, I think clearly the funds are in very good hands. But I think we do need to know to what purpose the £400,000 should be made and why that figure has been chosen because, of course, it might seem high in some context.

I also decided to speak because, if one looks at page seven, 3.1, it states:

In 2011, the Chairman of the Parochial & Ecclesiastical Rates Review Committee (PERRC) approached the States of Guernsey to suggest that the future funding arrangements for the Ecclesiastical Court would be an appropriate subject for review.

675 That was in the context of the then Anglican Dean of the Church of England, not the current incumbent, suggesting that the churches might have to restrict and retract their activities due to lack of finance and we felt that if we were embarking on an ecclesiastical review, it really should have included, if the mandate did not, the Ecclesiastical Court.

I was a member of that committee for the full 11 years and it was renowned as one of the slowest, 680 deliberative committees in Guernsey history. I hope it was not because I was a Member but the then Chairman, I think, was Deputy Le Pelley, Deputy Tom Le Pelley, and I believe Deputy Paul Le Pelley, who is also a historian, will speak after me. In a way it proves the point because the process we suggested in 2011 had already taken nine years to get back to the States so you cannot, as Deputy Oliver might say, accuse us of being overly speedy.

685 I do hope the efficiency of the probate function and the low cost and the reputation for speed and administrative accuracy will continue. I think we should not just put this on the nod for another reason because, if one looks at pages 10 and 11, paragraph 6.5, it flags up a very difficult ethical issue that I think will be a theme that Deputy Brehaut might be interested in for the next Assembly, as well as the remaining months of this Assembly because, for example, one of the reasons Deputy 690 Ferbrache outlined the fees may reduce in certain years was because the Ecclesiastical Court updated its power structure in 2018 by introducing a cap on fees of £100,000, which applied to estates worth £28 million or more – that is personalty estate – to ensure that Guernsey remained internationally competitive for investors.

That raises a classic issue in Guernsey politics, because there are many people, especially at the 695 Guernsey bar, who say that Guernsey should be fleet-footed and always look for competitive advantage by introducing caps, whereas other people in the community who may say we are all in this together and that we should not be allowing people of exceptionally high worth a lower proportion of their assets to be charged, because of course the more benefits we give to very high net worth people, the more the burden is passed onto other people.

700 And that is a question that I am sure that many times on many other areas of taxation, whether it be TRP, Income Tax, Social Security contributions and so on. So I do not think this is just a minor issue to be kicked into the long grass, it does remain an issue.

I do support on page 13 that the Ecclesiastical Court being reorganised within the wider court, will maybe enable sharing of resources, training opportunities and maybe additional opening to the 705 public, although hopefully that will not cover greater cost. One also notices that I think one of the reasons the income may have dropped was because changing times, perhaps people are organising their estates more in trusts and so on, and the average income per grant was only £1,000 or £2,000, so clearly the number of people who are paying £100,000 was relatively low. Expenditure has been kept under control recently and the surplus funds collected have been significant.

710 But I would emphasise Deputy Ferbrache had a point when he said that funds were variable because we saw surplus funds in 2018, of only £295,000, £290,000 in 2016, compared to £900,000 in another year. Of course that would mean that the States would be out of pocket if they transfer £400,000 to social funds, if I have understood this right.

715 So, actually, I do not really believe that the evidence justifies the move and having spent nine years on the work, and perhaps increasing civic secularisation of our society that probably the

majority of the community beyond the conservative Bar, would agree with, and I think Policy & Resources by a majority agree with philosophically, I will support these Propositions with a degree of caution.

720 But I do hope that the Church of England and other churches on the Island, who have a community role, will not financially lose out to the extent that they have to severely restrict the good work that they do in the community and close their doors and this is a case of change for change's sake in many ways and perhaps is not a priority in this particular era.

Thanking you very much, sir.

725 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

730 I was just trying to get up to the unmute button. I will be brief, sir. I understand the principle at stake here, that money could go to the Exchequer rather than to the Established Church, but I am also interested in what the cost might be. The cost to Mr and Mrs Le Page of Torteval, that everybody keeps on talking about. I am yet to meet them but, when I do, I would like to really just look at how much this is actually going to cost the average Guernsey resident, the average Guernsey taxpayer.

735 Deputies Ferbrache and Green have touched on most of what I wanted to say. They will not be in a minority of one or two. I will certainly be joining them, because I do not think this is a necessary thing to be doing. It is yet again another bit of our heritage and our culture that is going to be lost. I appreciate that it may well be something that, in this day and age, might be regarded as something from a different era.

740 But I have taken it upon myself to go in to talk to the ecclesiastical staff, well before lockdown and all the rest of it. I had cause to go in with my brother to go in for probate, because my mother had died suddenly, and I came across what I considered to be quite an effective and efficient service.

745 I went back after dealing with my mother's estate and I actually spoke to some of the staff there, who were very concerned about what was being proposed. I found a very effective and efficient service and one that I thought was at a reasonable price. I do not want to find that this is just another way in for the powers that be to find another way of raising taxes and I think the point was made before that this could actually, over time, be seen as a way of raising revenue for the state, rather than for the good causes that the church officials have actually put that money to good causes more recently. I shall not be supporting these proposals and I urge others to do the same.

750 Thank you, sir.

The Bailiff: Members of the States, we have just got to 11 a.m., which is half way through our morning session, so I am going to propose that we take the mid-morning break now, to break the morning, and we will resume at 11.10 a.m.

*The Assembly adjourned at 11.01 a.m.
and resumed at 11.11 a.m.*

**Review of the Jurisdiction of The Ecclesiastical Court in relation to Grants of Representation
regarding Personal Property –
Debate concluded –
Propositions 1 and 3-5 carried**

755 **The Bailiff:** Members of the States, I am going to call Deputy Tindall next, to be followed by Deputy Dudley-Owen and Deputy de Lisle. Deputy Tindall please.

Deputy Tindall: Thank you, sir.

760 Having had many years' experience of obtaining grants for the administration of an estate, albeit working with the Probate Registry in the UK, I read this policy letter with great interest. The role of the ancient Ecclesiastical Court and the 10-year grant of probate for personal property is very different in principle, especially the Guernsey split between dealing with personalty of an estate through the Ecclesiastical Court and dealing with the bricks and mortar, the realty, where necessary through the Royal Court.

765 I did originally consider agreeing with the general principle of the transfer from the Ecclesiastical Court to the Royal Court, but I did not agree with Propositions 2 and 3 as written. I am pleased now that I have heard Deputy Ferbrache's speech before I spoke and certainly before I voted, as I happen to agree with him and Deputy Green, because the points he raised add to my concerns and Deputy Ferbrache is definitely not in a minority of one.

770 I know the reasons for the transfer, again as Deputy Green mentioned, but I also agree with Deputy Dorey's concerns at the effect of such a transfer, subject to these Propositions. As to Proposition 2, I cannot agree that any changes to the tariff in relation to grants for representation, should be recommended by P&R as part of the annual Budget of the States and the Royal Court, who will be responsible for setting other fees, as per Proposition 3.

775 Fees and charges set by the States including the Royal Court, are set in accordance with the 2013 States' Finance Directive, Fees and Charges Review and Calculation Guidance, or they were when I wrote this speech, anyway. This Finance Directive seeks fees or charges to be compatible with States' strategic policy objectives, albeit it refers to the States' Strategic Plan rather than the P&R Plan, or as some call it, the Future Guernsey Plan.

780 Currently the proposal to charge for a States' service in the form of a tariff of 0.35% does not align with any States' strategic policy objectives in the P&R Plan. It appears to actually be contrary to one policy objective under the heading of sustainable public finances, namely 'achieve and maintain a balanced budget in the short-term and surplus in the medium-term, without contravening any part of the States' Fiscal Policy Framework'. Enough said on that framework.

785 However, I came to that conclusion pre-Covid. The principle still applies, however. So, initially I thought to suggest P&R to return at this year's Budget, or indeed earlier, if a review of fees is being undertaken as part of the recovery strategy, to either confirm that the tariff aligns with State Directives and in particular the States' strategic policy objectives, or after confirming that the tariff does not adhere to States' Directives, recommend the tariffs should remain in place in the current form and also which States' Strategic Policy or policies that it adheres to.

790 That may sound a bit process-heavy, but at least it means we know what we are actually trying to achieve with a 0.35% tariff. Deputy Dorey points out the reasons why it should not be in the annual Budget. Perhaps even if the minority of one reaches the majority then P&R perhaps should simply extend the application of the fee tariff to the Ecclesiastical Court and keep the good bits.

795 Whilst I consider that the levying of a tariff at 0.35% is a valid method of redistributing wealth, on the death of an individual, and that this surplus could be paid to charities through the Social Investment Fund, the mechanism by which it operates should adhere to States' directives and, in particular, States' strategic policy objectives and not what appears to be an unsubstantiated Proposition for a grant to be made from General Revenue to the Social Investment Fund of £400,000
800 *per annum* for the first two years of the Royal Court operating.

It is also disappointing, on a lesser note, that the current proposals result in the continuation of the two systems of obtaining the grant of representation, namely for personal property and realty. I would ask P&R to review the two means by which the grants of representation are attained and return to the States with recommendations if this can be streamlined to improve the simplicity and, most importantly, the cost to Islanders. So, sir, I cannot vote for these Propositions and I ask for a recorded vote.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I am very grateful to the speakers that we have heard so far and I cannot claim to have anywhere near the technical expertise or knowledge that they hold and I am very grateful that they have imparted a lot of that experience to us, especially myself as a lay person in these matters.

I came into the States in 2016 and this was a matter that was raised on occasion, especially by Deputy St Pier, that needed looking into and I understood had been under review and question really for quite some time. But I have never fully understood why, never fully understood what the issues are.

Now, I have had to go back through some *Press* reports, in order to find a little bit more information, but still it is pretty obscure. I found that a quote was given by a P&R spokesman to say that the working group have identified the jurisdictional, legal and practical matters that need to be addressed to enable a transfer of probate function and that it is intended that a policy letter will be submitted to the States in 2019 to effect the change of jurisdiction.

However, what we are not told in the policy letter is why. We are not told what the actual problems are. It has been alluded to that governance would be better if it has been transferred over, but it is still not clear or transparent as to what the actual issues are that we are trying to remedy. I remain unconvinced and, again, I will reserve my right on the vote at the moment, but it is looking as if I will not be able to support his policy letter.

Thank you very much.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I cannot understand why Deputy Le Tocq would be fronting this change for P&R as, given his church ministerial activities outside of Government there may be a conflict of interest in this matter and I would like that clarified. I also, when looking at the review by P&R, particularly in 1.4 there, the point is made very clearly that the current service and operation are considered to be of high quality and efficient.

Efficiency in Government is not always considered to be as efficiently controlled as matters in the private sector and I am concerned that the cost could rise and the benefits to society in general may reduce through this transfer of customary jurisdiction in relation to grants.

I note that there is no substantial matter of fundamental concern arising from the current funding arrangements associated with the Ecclesiastical Court. So it all makes me a little uneasy, particularly with respect to the good work that has been done with the funds in the past and I am not wanting to support this jurisdictional change at the current time.

Thank you, sir.

The Bailiff: Deputy Graham, to be followed by Deputy Roffey.

Deputy Graham: Thank you, Mr Bailiff.

All the points I wish to make, really, have been made by others, in particular by Deputy Ferbrache, most comprehensively. I am only speaking because I just wanted to add emphasis to the

reservations about this policy letter. I think the worst that can be said about the current system is that it is anachronistic.

855 The easy rhetoric, of course, is what on earth is an Ecclesiastical Court doing getting involved in the fate of personal property? And it is an easy rhetoric. But if the present system is being judged on the basis of its anachronistic nature then we might as well take on a few other targets, because it is no more anachronistic, for example, than our jury system that works perfectly well in my view. It is no more anachronistic than our unicameral form of Government. And it is certainly no more
860 anachronistic than our status as a Crown Dependency, which in my view works unequivocally in our favour.

So I think this charge of anachronism, particularly it is an easy one to make in an age that is increasingly secular, just does not stand up. Deputy Gollop, I thought, made a very good speech as to why one should vote against this policy letter but he then concluded that he was going to vote
865 in favour of the policy letter and his get out, really, was that he was going to vote with caution.

Well my respect for Deputy Gollop is considerable but using all that considerable respect, I have to tell him through you, sir, that I do not think we can cast our votes with caution or even with reluctance. They are votes, either one way or the other, unless one goes for a *je ne vote pas*. I personally will vote without any caveat at all against this policy letter from P&R.

870

The Bailiff: Deputy Roffey, to be followed by Deputy Oliver.

Deputy Roffey: Thank you, sir.

Deputy Ferbrache started by saying he might be in a minority of one in opposing this policy
875 letter, I am beginning to believe that I might be in a minority of one, or maybe two with Deputy Le Tocq, in actually supporting the thrust of this policy letter. Can I just say at the start, my brother and I are currently seeking probate from my mother's estate, but as that will happen in the next few weeks, it will be well before any changes, so I do not think I have any interest to declare, but I just want it to be absolutely transparent.

880 I think, really, my concern at the moment, is that if the fees for probate are more than the cost of the administration and it generates a surplus, who should distribute that surplus? While I do not deny that the Church of England may well have some very well motivated grants to very good organisations. I am not sure that it should be in the current, as Deputy Graham says, more secular world, their right to take a little bit out of every bit of personalty that is left to heirs and decide what
885 to do with it.

I felt more strongly about that, actually, when Deputy Gollop was talking about that it went far beyond charity and maybe some of the churches that were not parish churches, some of the monies might be used in this way to support the Anglican churches that did not fall into that category.

890 So I actually would prefer, I am not sure we should be turning a trick, actually, on inheritance but if we are I think that it should be a more neutral way of actually distributing that to good causes. Where I do have some concerns about this policy letter is in line with Deputy Dorey's comments earlier on in Proposition 2. It does look as if it is a way of bringing in a new tax on inheritance that we will be able to up the fee levels in future, in order to use it for whatever purpose we see fit.

895 Now, there may be a philosophical argument for that sort of tax, I am not convinced of it myself. But if there is it should be brought in through the front door and not through the back door. So the way I feel about it at the moment, I am likely to vote for this policy letter, but I think I will vote against Proposition 2. I think making this a part of the budgetary process makes it ... it is the chicken test. It looks like a tax, it feels like a tax, can be varied like a tax, is taken into account as part of whole financial package for the Island and I think that is a slippery slope.

900 So I will support the thrust of this policy letter. It is not moving things from the Ecclesiastical Court to Government, it is moving it from the Ecclesiastical Court to a secular court in the form of the Royal Court, and I have no reason to believe that would be any less efficient. I thank the Ecclesiastical Court and everybody that has been connected with it for the good and efficient way that they have carried out their role over the years, but I do think that the nature of society has

905 changed and it is time to change the way we do this, particularly in relation to how any surpluses are actually distributed and the judgement in that respect.

So I do support this but, unless I can be persuaded by Deputy Le Tocq that I am seeing ghosts in the machine, or reds under the bed, or that I am getting spooked by something that is not really there, then I am very concerned about Proposition 2 and am likely to join Deputy Dorey in voting
910 against it.

Thank you, sir.

The Bailiff: Deputy Oliver, to be followed by Deputy Smithies.

915 **Deputy Oliver:** Thank you, sir.

Deputy Roffey actually kind of stole what I was going to say, but I had come to a different conclusion, that I will not be voting for this. What I did agree with him on was Proposition 2, I just think that whether you say it is going to remain the same now, at later dates I have a feeling that people will be like, 'We are in a bit of a tight spot here, we will increase the tariff on this.' To me it
920 just looks like an inheritance tax through the back door, so I will not be voting for it.

Thank you.

The Bailiff: Deputy Smithies.

925 **Deputy Smithies:** Thank you, sir.

I shall be very brief. To me this is just another example of chipping away at what makes Guernsey different, for no advantage. I am going to vote against it and, just in passing, I would comment on the choice of word at 17.1. To me, 'appropriate' can mean suitable, but 'appropriate' can also mean steal. So I shall be voting against.

930

The Bailiff: Deputy Mooney, to be followed by Deputy Brouard and then Deputy Paint. So Deputy Mooney please.

Deputy Mooney: Yes sir.

935 My main concern is that when Government gets their hands on it, red tape will significantly increase, costs will increase and most definitely the flexibility will be gone. So, therefore, I will not be supporting this.

Thank you.

940 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I am going to be joining the minority of one with Deputy Roffey. I think it has been helpful over the years that, as more of a light has been shone on the Ecclesiastical Court so, very slowly, more
945 items have been revealed. It was not clear where the profits used to go. It has now become a lot clearer. My mother, I think, would be turning in her grave if she realised that the profits from her estate were used to run the Dean's motor car and other such like of his assistants. I do not think that was a particularly good use of funds because, in effect, they do become a public fund as such.

I think it is far more appropriate that they are managed in a much more open and transparent
950 way. I have no problem with the Royal Court doing that administration. I think the profits, if there are any, then go to the wider community on a whole host of projects, not only those that are supported by the Church and I believe, as part of the new arrangement, that the Dean is one of the members who sits on the commission that will decide where the funds actually are used, but for the benefit of the whole community, not just those with a church affiliation. I think it is time that we
955 modernised. It would be a real shame if we missed the opportunity today because we will just put it back another 10 years, because this item will return again.

I appreciate some of the arguments are saying it should not be a Budget matter. I think more the arguments were that it was an opportunity to use the budget as a place to report it rather than having separate reporting of what the rates are going to be. It was just an easy tag on but I have not seen no argument, and there have certainly been no discussions that I have heard about of Policy & Resources raising this or making it a taxation. It is meant to be basically covering the cost of service and a little bit more. So I would strongly recommend to Members, please support this. It has been a long time in its gestation and it would be a great shame if we missed this opportunity.

Thank you, sir.

The Bailiff: Deputy Paint, to be followed by Deputy Langlois.

Deputy Paint: Thank you, sir.

The face of Guernsey has changed and changing a great deal all the time, not always for the best advantage. I was executor of my sister's will in 2014, so I had to deal with the Ecclesiastical Court and I found them very helpful and not too expensive. I believe that by moving it, it will become much more expensive. They have done an extremely good job in the past. It is not broken, so do not fix it. I will be voting against it.

Thank you, sir.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

I have been surprised by some of the speakers. Deputy Graham seemed to be almost explicit that people would be voting in favour of this because they are against the anachronistic nature of the Ecclesiastical Court. As somebody who has experienced the Ecclesiastical Court and, as others have said, it is informal, it has been efficient but, on the other hand, I have not had to deal with any very complicated probates. It has all been a very pleasant experience.

But it is a matter of principle. At the moment we have one church of ours, which is levying a charge on Islanders for a secular service. I do not understand why people would object to that charge becoming a part of the Budget decision taken by the States rather than just one of our churches. That does not seem to me to be an acceptable way of conducting business in the 21st century. It has got nothing to do with anachronism or the fact that the Ecclesiastical Court has been longstanding or is efficient, it is simply a matter of principle.

Islanders should not be being charged for a secular service by just one of our churches. That should be a decision, the charging, taken by the States in the Budget debate. So, I will be supporting all the Propositions.

Thank you.

The Bailiff: I am just pausing briefly, Members of the States, to see if anyone else wishes to speak. Deputy Trott.

Deputy Trott: Yes sir, I will be brief.

I think sometimes Members forget that we have a primary industry and that primary industry is financial services and it serves an international client base. Many of those clients are non-Christian. I am sorry to say it, particularly for those that have strong religious beliefs, but many of our clients come from the Middle East and they are by definition Islamic. For many of these clients a regime that has not only a somewhat anachronistic feel to it but is one that benefits exclusively one part of our religious complexities is something that turns them off from a business perspective.

We have received much evidence of this during the evidence-gathering phase and they are matters I think that we need to take into account. Deputy Dudley-Owen says she does not understand this. Well Deputy Dudley-Owen tells us that she understands financial services so I am

sure, having reflected on what I have said, her vote will alter as a consequence. Let us hope so, sir, let us wait and see.

1010 Thank you.

The Bailiff: As nobody else wishes to speak in this debate, I will turn to Deputy Le Tocq, on behalf of the Policy & Resources Committee, to reply to the debate. Deputy Le Tocq.

1015 **Deputy Le Tocq:** Thank you, Mr Bailiff.

Not surprising, I think, the comments that have been made. The strength of feeling, perhaps, in some areas, is perhaps a little surprising, but I think it is fair to say that, as far as the Committee is concerned, P&R was concerned, there was a variety of strengths of feeling around the table as well.

1020 So we did, as I mentioned in my opening comments, look at the issue as it has been investigated for a number of years and even previously in the 1980's. I think I need to just address first and foremost some comments made by Deputy de Lisle and, to a certain degree, alluded to by Deputy Gollop in terms of conflict of interest. Sir, if I have got a conflict of interest here as a non-conformist then certainly all those who are of no faith and other non-conformists also have a conflict of interest and indeed sir so do those who are members of Anglican commune as well, because there are both
1025 sides to it.

I do not think I have a conflict of interest but I will say this, aligning myself with those who said that their experience of personalty probate through the Ecclesiastical Court has been a good one, it has exactly been the same for me. I am a supporter of the church of Jesus Christ in all of its expressions, including the Anglican Church, the Church of England.

1030 But I am not in favour or a supporter of disestablishmentarianism, and I do not use that word just to get the longest word into *Hansard*; I would not engage in floccinaucinihilipilification either, for that reason. But nevertheless sir, in more serious nature, I think certainly sir, we are living in an age particularly where transparency, and a number of my colleagues alluded to that, is paramount for most people.

1035 I am certainly a believer that, in terms of faith and particularly as a follower of Jesus, nothing should be done in terms of compulsion or law but through volition and grace, otherwise I think it is counter-productive to the very mission that personally I feel called to. That is just a personal address to those who might think that I am conflicted here.

1040 I want to try and address some of the questions that have not been addressed by my colleagues at P&R. First of all, Deputy Merrett asked about the Sark situation and whether there was any update to the information in the policy letter. Yes, to a certain degree there have been some developments since the policy letter was written. Sorry if there is a background noise, there seems to be somebody drilling in the road at the moment, but hopefully you can still hear me.

1045 In terms of Sark, we have heard from the Chief Pleas of Sark that they are wanting to engage and to move forward in a direction. They have suggested some ways, which technically could not be done because of the issues that would apply to Guernsey and Alderney but, with the help of the Law Officers, we are very hopeful to come to an agreement. But, in principle, it looks that they will be joining in with a scheme that is appropriate.

1050 Deputy Ferbrache raised a number of issues. He questioned, as did other speakers, why are we doing this. I think Deputy Trott has alluded to that. It is certainly true that there have not been many complaints but I remember during my time as Chief Minister, I remember talking to a potential investor in Guernsey that was based in Istanbul and his concerns being particularly as to what the Ecclesiastical Court was doing getting involved in probate, or what it did involve.

1055 I do not know whether in the end he did do business with Guernsey. I tried to persuade him that it was something that applied equally, a question that I could have raised myself, equally, as a Christian. I think the difficulty has been that for many years in terms of the income, the accounts, the surpluses and the charitable donations, given either at one time through I think the Dean personally but then through the Guernsey Deanery Fund, there was not any transparency and there was not any clarity.

1060 But as this review came about, obviously some reforms were put in place. Whether that was as a result of the review or a decision by the changing personalities involved, I do not know. All I can say is that in 2018, there were some significant changes which enabled us and a discreet number of people to be able to see the monies that were involved and, as Deputy Ferbrache mentioned, there is a variable income, depending on the types of transactions and personal property that is involved.

1065 Obviously, the number of deaths per year is roughly the same in Guernsey, but their assets can differ quite considerably, which means that they fluctuate up and down and that has become clearer. Also, what has become clearer is the gifts that we are given and, in recent years, only very recent years, the considerable reserves that the Court has accumulated and we are not too sure how that looks going back, because we have not got access to those things, but it is certainly true that in terms of just the running costs of this function of the Ecclesiastical Court, and indeed the charges, there is no intention by these Propositions to change those.

Indeed in terms of transferring, the same staff, if they wish to continue, will be able to continue in the system. But what it does do is it makes more public and more transparent the transactions that are happening and that is something that I would imagine most people in the Assembly want.

1075 A lot of people like Deputy Ferbrache have criticised this because there is a fear that with Government getting involved, with the States getting involved, that this will turn into some form of taxation, which at Budget time can be ramped up where necessary, and that is certainly not the intention of the current P&R Committee; but I understand that. We have to then question, sir, who should be making these decisions, because when the charges and fees were less transparent a few years ago in terms of obscurity, there was the issue that we had no control whatsoever over it.

1080 There was no way of dealing with it because it was a matter for the Ecclesiastical Court. This way at least, the democratic Assembly in this Island will have a say. Whether that is through the Budget, in terms of Proposition 2, or not, will be dependent on how people vote on that. Personally, I have not got a strong view on that, but P&R did feel that at the moment that was the appropriate place for the Assembly to deal with fees and charges as appropriate.

1085 In terms of the actual grant given to the Social Investment Fund, there were a number of questions as to why this amount. Again, it is an amount that can be changed, but it is a rough starting figure. We know that those sorts of monies, if you include, particularly the reserves up from years where there has been more rather than less, were the sorts of money that were able to be given in grants by the Guernsey Deanery Fund in the past. So, out of this particular activity of the Ecclesiastical Court.

1090 So, sir, I think from that point of view, we are saying this is a starting point, it is a first step. Obviously, there are further reforms that could be made. Deputy Tindall questioned that. She said she was not going to vote for it because it did not reform as much as she would like to see, effectively. Well, you know, we have come thus far, it seems to me that we take the first step and if that is successful then further tweaks can be made. If it is not successful in any way, we can revise it, as necessary. But the first step needs to be effectively that there is some degree of democratic control and transparency over these funds.

1100 Deputy Dorey asked a number of questions. I would like to try and address them if I can. He starts off with the issue of whether this is becoming a tax and not a charge, because it looks as if we would be raising more money than the cost of the service. That is correct but we do that with other charges as well and for example private hospital treatment, the charges are greater than they actually cost.

1105 But similarly, sir, in the way that the court currently operates, it is true to say and I have been privy to some of these, that the Court has used discretion and in the cases where the charges have been way less than, quite clearly, the cost of administration would have actually entailed. I am personally conscious of the fact we are living in an age where this degree of discretion, which the Court has certainly had in my experience in the past, has to be balanced with the degree of transparency and fairness that others want to see.

1110 I am for one disappointed often that we want to go in that direction because I think in terms of trust it does not say very much. But that is the nature of the culture around us and I think that is the

nature of the reform that we want to bring in here. The primary reason for it is for transparency and less obscurity in what is happening here.

1115 The second question that Deputy Dorey asked was regarding this issue of the Budget. I think, sir, I have already alluded to the fact that it would have to sit somewhere. It does not necessarily need to be the Budget but it is a matter for the States rather than the Royal Court, to set the fees and charges, it is a matter of a democratic decision. I think there is no intention, certainly, at the moment, to change the rates but if the States wants to do that they will be able to do so.

1120 That is important sir because if, for example, the costs of the Ecclesiastical Court were to rise substantially, and at the moment it was left with the Ecclesiastical Court and probate was not paying that, then there would be problems in the current system. So we need to balance that risk as well.

1125 As referred to in the policy letter, and Deputy Dorey alluded to this, he asked the question in terms of charges and specifically when the Court would have that degree of appropriate leeway to change those things, and I think sir again it is a matter for who makes a decision now and whether Members think the current system, whilst it works fine in many people's including my own experience, whether it is as clear and transparent as it should be in the modern age.

1130 So I hope that addresses Deputy Dorey's points. I think in dealing with the other matters that I dealt with right at the start I have addressed all the other main points that were raised and I cannot see any particular questions here so unless someone can remind me sir, I will leave it at that and ask people to vote for the Propositions.

1135 **The Bailiff:** Members of the States, there are five Propositions. There has been a request for a recorded vote. What I am going to ask you to do first is to vote solely on Proposition 1, because I understand from a number of Members who have spoken that their votes might be different in respect of Propositions 2 and 3, assuming that Proposition 1 first carries, because is Proposition 1 does not carry, then the other four Propositions, as far as I can work out, do not need to be put.

So it will be a vote and a recorded vote solely on Proposition 1, whether or not you are minded to approve the transfer of the customary jurisdiction in relation to grants of representation from personal property from the Ecclesiastical Court to the Royal Court. Greffier.

There was a recorded vote.

Carried – Pour 21, Contre 17, Ne vote pas 1, Absent 0

POUR

Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater *
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey

CONTRE

Deputy Ferbrache
Deputy Tindall
Deputy Gollop
Deputy Mooney
Deputy Le Pelley
Deputy Meerveld
Deputy Lowe
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dudley-Owen
Deputy de Lisle
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon

NE VOTE PAS

Deputy Lester Queripel

ABSENT

None

* denotes Member who voted by proxy.

1140 **The Bailiff:** Members of the States, the voting on Proposition 1 was there voted Pour 21, Contre 17, with one abstention and therefore I declare Proposition 1 duly carried. Is there a request for a recorded vote on Proposition 2?

Several Members: Yes please, sir.

1145

The Bailiff: Can I take Proposition 2 and 3 together or are 2 and 3 to be taken separately?

A Member: Separately, please sir.

1150

The Bailiff: Separately? I think in the circumstances we will take Proposition 2 discreetly because I recall that Deputy Dorey commented on that in particular, so we will have a recorded vote on Proposition 2 now please, Greffier.

There was a recorded vote.

Not carried – Pour 17, Contre 21, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Brehaut	Deputy Ferbrache	Deputy Lester Queripel	None
Deputy Tooley	Deputy Tindall		
Deputy Parkinson	Deputy Gollop		
Deputy Le Clerc	Deputy Mooney		
Deputy Leadbeater *	Deputy Le Pelley		
Deputy Trott	Deputy Meerveld		
Deputy Merrett	Deputy Inder		
Deputy St Pier	Deputy Lowe		
Deputy Stephens	Deputy Laurie Queripel		
Deputy Fallaize	Deputy Smithies		
Deputy Hansmann Rouxel	Deputy Graham		
Deputy Le Tocq	Deputy Green		
Deputy Brouard	Deputy Paint		
Deputy McSwiggan	Deputy Dorey		
Deputy Langlois	Deputy Dudley-Owen		
Deputy Soulsby	Deputy de Lisle		
Deputy Roffey	Deputy de Sausmarez		
	Deputy Prow		
	Deputy Oliver		
	Alderney Rep. Roberts		
	Alderney Rep. Snowdon		

* denotes Member who voted by proxy.

1155 **The Bailiff:** Members of the States, the voting on Proposition 2 was as follows: there voted Pour 17, Contre 21, with one abstention, and therefore I declare Proposition 2 lost. Is there any request to take Proposition 3 discreetly? (**A Member:** Yes please, sir.) Yes. So we will take Proposition 3 discreetly and is that to be a recorded vote or can I go *aux voix*? (**A Member:** Recorded.) Recorded vote. Alright, Greffier, a recorded vote on Proposition 3 and then we will get to Propositions 4 and 5.

There was a recorded vote.

Carried – Pour 25, Contre 13, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Brehaut	Deputy Ferbrache	Deputy Lester Queripel	None
Deputy Tooley	Deputy Tindall		

Deputy Gollop	Deputy Mooney
Deputy Parkinson	Deputy Le Pelley
Deputy Le Clerc	Deputy Meerveld
Deputy Leadbeater *	Deputy Lowe
Deputy Trott	Deputy Paint
Deputy Merrett	Deputy McSwiggan
Deputy St Pier	Deputy de Lisle
Deputy Stephens	Deputy Prow
Deputy Fallaize	Deputy Oliver
Deputy Inder	Alderney Rep. Roberts
Deputy Laurie Queripel	Alderney Rep. Snowdon
Deputy Smithies	
Deputy Hansmann Rouxel	
Deputy Graham	
Deputy Green	
Deputy Dorey	
Deputy Le Tocq	
Deputy Brouard	
Deputy Dudley-Owen	
Deputy Langlois	
Deputy Soulsby	
Deputy de Sausmarez	
Deputy Roffey	

* denotes Member who voted by proxy.

1160 **The Bailiff:** Members of the States, in respect of Proposition 3, there voted 25 in favour, 13 against, with one abstention and therefore I declare Proposition 3 duly carried. Finally Propositions 4 and 5, I will put to you together and I will put them to you *aux voix* if I may and invite you to vote in the Chat column.

Members voted Pour.

1165 **The Bailiff:** Members of the States, I am satisfied that those who voted Pour outnumber the number of Members who voted Contre and therefore I declare Propositions 4 and 5 duly carried *aux voix*, which means that Propositions 1 and Propositions 3, 4 and 5 have been carried and Proposition 2 was lost.

POLICY & RESOURCES COMMITTEE

**X. Amendments to the Legal Framework Relating to
Beneficial Ownership of Legal Persons –
Propositions carried**

Article X.

The States are asked to decide:

1.1 To agree to amend the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, so as to:
i. remove the reference to "no beneficial owners" of a legal person;
ii. clarify the circumstances in which a legal person is subject to the administrative enforcement powers of the Registrar of Beneficial Ownership or to those of the Guernsey Financial Services Commission;
iii. specify the particulars that must be recorded in respect of corporate beneficial owners;
iv. set out the criteria that must be applied by the Registrar of Beneficial Ownership before making a disqualification order;
v. confirm the application of the Registrar of Beneficial Ownership's powers to nominee relationships;
vi. widen the Registrar of Beneficial Ownership's information gathering powers to include matters relating to risk and to extend the application of those powers to third parties such as liquidators of a legal person; and
vii. permit the Director of the Revenue Service to inspect the beneficial ownership register.

1.2 To agree to amend the Foundations (Guernsey) Law, 2012 so as to:
i. ensure consistency of language with other commercial legislation on matters relating to resident agents and beneficial ownership;
ii. introduce information gathering powers that correspond to those outlined at paragraph 1.1.vi above.

1.3 To agree to amend the Limited Partnerships (Guernsey) Law, 1995, the Companies (Guernsey) Law, 2008, and the Limited Liability Partnerships (Guernsey) Law, 2013 so as to introduce information gathering powers that correspond to those outlined at paragraph 1.1.vi above.

1.4 To agree to amend the Income Tax (Guernsey) Law, 1975, to permit the Director of the Revenue Service to share information with the Guernsey and Alderney Registrars of Beneficial Ownership.

1.5 To direct the preparation of such legislation as may be necessary to give effect the foregoing, including any necessary consequential and incidental provision.

The Deputy Greffier: Article X – Policy & Resources Committee – amendments to the legal framework relating to Beneficial Ownership of Legal Persons.

1170 **The Bailiff:** Again, if I have got this right, it is going to be Deputy Trott, the vice-president of the Policy & Resources Committee to open debate on this matter. Deputy Trott, thank you.

Deputy Trott: Thank you, sir.

1175 The Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, has been in operation for two and a half years and has been instrumental in the implementation of Bailiwick measures for combating financial crime. Following a review, a number of amendments to the Law and related enactments are recommended.

1180 These amendments relate to the information to be recorded in the Record of Beneficial
Ownership by Resident Agents, to certain definitions in the Law, to the functions, enforcement and
information gathering powers of the Registrar of Beneficial Ownership, to the provision of
information to the Registrar or to the Alderney Registrar of Beneficial Ownership under Income Tax
legislation, to the ability of the Director of Income Tax to inspect the Register of Beneficial
Ownership and to aspects of the Foundations (Guernsey) Law, 2012, and other commercial
legislation to ensure consistency across the legal framework.

1185 I have received no advance notice of any questions on these technical matters and, with the
expectation of a short debate, I so move.

The Bailiff: Deputy Prow, to be followed by Deputy Lowe.

1190 **Deputy Prow:** Thank you, Mr Bailiff.

I speak to support wholeheartedly the majority of this P&R policy letter but both challenge and
express some concern on certain specific elements. Dealing with the aspects I agree with, I thank
P&R for responding promptly to the recommendations of the OECD Global Forum, with regard to
requests for exchange of information on tax. Deputy Trott has explained the need to make
1195 refinements to the interpretations of the corporate structures and the sharing of information with
the Director of Revenue Service in his capacity as a statutory independent officer, responsible for
the exchange of information on tax matters.

I also support the need to clarify the important powers of the Registrar and those of the
Guernsey Financial Services Commission. But, sir, I do worry deeply about the granting of powers
and an apparent lack of joined up Government, both operationally and politically, which this policy
letter seeks in relation to two linked but crucially important sections, which are sections 2.9 and
1200 2.14.

Starting at 2.14, under the title of Collaboration, the policy letter refers to:

The recent process of assessing the money laundering and terrorist financing risks to the Bailiwick (referred to as the
National Risk Assessment) ...

1205 I am worried by what the letter both says and what I believe it omits to say. The crime of money
laundering and combating of terrorist financing falls squarely in the operational mandate of Law
Enforcement and it comes under the political oversight of Home Affairs. I note at 4.4, no
consultation is recorded with the Committee *for* Home Affairs.

Just as concerning, is that there is no reference whatsoever in the policy letter of the vital and
leading role that Law Enforcement has to play. In particular, the Bailiwick's financial investigation
unit. I inquired to the Chief Secretary of Home Affairs and I was told, 'it is not immediately apparent'
1210 that the Committee *for* Home Affairs was consulted on this.

As the policy letter does not elaborate on the scope and the purpose of the money laundering
risk assessment referred to and which is given as the justification of increased powers sought, I will
try and give States' Members some background, which is absent from the matter before us. If I have
1215 not got this right, I welcome any Member of P&R to come up with a point of correction.

The international body known as the Financial Action Task Force recommends that jurisdictions
evaluate the money laundering and terrorist financing risks in their jurisdiction. The UK has an
assessment, which was led by their National Crime Agency who, like Guernsey, have a Financial
Investigation Unit. It is adopted at government level by the Home Office and HM Treasury.
1220

Guernsey, more recently, has followed suit and I am happy to say that it appears on the gov.gg
website. It is sponsored at a political level by both Home Affairs and P&R. This is important as, when
the Bailiwick is assessed by Moneyval against the FATF or the AML/CFT recommendations that, as
a jurisdiction, we understand the risks and are, at an operational level, responding to those risks
1225 identified.

In that evaluation it will be Law Enforcement who will be put on the spot, regarding
investigations leading to money laundering prosecutions, and the number and quality of money

laundrying confiscation orders. It is vitally important to the finance industry, as Deputy Tindall often rightly reminds us, that we need to be found compliant with the AML/CFT recommendations and FATF.

I believe that we are due such an evaluation in 2021 or 2022. I find it really concerning that in a section which majors on collaboration in the title, that Law Enforcement does not get any recognition and only talks in terms of the registrar, who is also the Companies Registrar, and the Revenue Services who, whilst having an important supervisory role with regards to Beneficial

Ownership have other busy, unrelated day jobs and do not, and neither should they, have major crime investigation, in this case money laundering and terrorist financing, which is the subject of the risk assessment.

During this term we have been lectured about good governance and to avoid working in silos. I hope I am wrong but from the information or lack of it in this paper, there appears to be a lack of consultation. No evidence of a collaborative effort. A mission creep by P&R over the money

laundering and terrorist financing mandate.

If we treat Law Enforcement and Home Affairs as Aunt Sally we are, as a jurisdiction, doing so at our peril. I ask, when summing up, that P&R provide this Assembly with an absolute assurance that Law Enforcement are the leading partners and that P&R are not trying to edge primacy to the detriment of the collaborative approach led by Law Enforcement, in close co-operation with the GFSC.

My final angst is contained in section 2.1. Here I really do need some persuading. The relevant recommendations, as far as I can see that we would be asked to consider are contained in 1.1(vi) and 1.2(ii). I quote from 2.9, it says this when talking about granting additional powers to obtain

This power should be capable of being exercised not only by the Registrar independently but also at the request of another authority ... in this area such as the Policy & Resources Committee, the Revenue Service or the GFSC.

Sir, I cannot agree that it can be at all appropriate to grant operational powers to a political Committee. The other two authorities named are independent statutory bodies. The political Members of P&R, who have many talents, are unlike Law Enforcement officers, not trained to evaluate AML/CFT risk. More than that, how could it be right for a political body with no direct strategy enforcement or direct risk assessment roles, to have rights of access to beneficial ownership details, only discoverable by Law Enforcement and this specifically nominated strategy and regulatory bodies, which would if this submission is successful, include the Revenue Service.

This also seems to fly in the face of the strongly made case by the Registrar to be totally confidential and only discoverable when it is justified to do so, to Law Enforcement and those designated authorities.

Sir I ask the person to respond to my concerns, unless he can persuade me to the contrary, I cannot support the Propositions that I referred to, 1.1(vi) and 1.2(ii), and depending on any assurances given or not given, I would request a separate recorded vote on these.

Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

If it had been consulted, I am confident that the Committee *for* Home Affairs would have confirmed its support for the proposals in this policy letter. They appear to be logical steps in the strengthening of the Beneficial Ownership Law. I do however wish to echo one or two of the points, which Deputy Prow has picked up on.

First, it is unfortunate that the Committee *for* Home Affairs was not consulted in the development of these proposals. It is very much P&R working in silos. While appreciating that P&R has a key role in international sanctions and liaison with GFSC and others, it is fair to say that much of the investigation and actions against terrorism, financial crime and related issues, sit primarily with Law

Enforcement, which falls under the mandate of Home Affairs, and it keeps the Bailiwick safe and secure.

1280 Second, and perhaps equally unfortunately, paragraph 2.9, which Deputy Prow has also pointed out, talks of the Policy & Resources Committee and the Revenue Services, or Income Tax as we commonly know it, being amongst the authorities that can seek and obtain information about beneficial ownership in the context of risk assessments.

1285 I completely accept why Income Tax needs to be able to find out the true beneficial ownership of a business but P&R, as a political Committee, just does not sound right. Helpfully, I understand from officers that while P&R may be the competent authority in relation to sanctions, it is absolutely not the intention that political Members of P&R would be granted access to beneficial ownership information. Such access must be reserved for the enforcement of the Law.

1290 The concern here was that the unfortunate use of wording might inadvertently send out a message that our beneficial ownership structure was somehow open to political eyes, which I am pleased to hear is not the case, something I trust the vice-president of P&R will confirm when he is summing up, because that clarity is definitely needed.

Thank you, sir and I will be supporting the proposals.

The Bailiff: Deputy Tindall.

1295 **Deputy Tindall:** Thank you, sir.

1300 I am pleased I followed Deputy Prow because I thought his speech was excellent. It covered a wide range of concerns, primarily aimed at Proposition 1.1(vi) and the extension of the power to the Registrar. The Guernsey national risk assessment issued at the beginning of this year emphasised the need and ability for relevant authorities to work together and reciprocal provisions should be in place to share information. But Deputy Prow's excellent points on the lack of consultation, as followed up by Deputy Lowe, goes against the principle of good governance, let alone the message in the national risk assessment.

1305 I am too very concerned, for the reasons that are given, for widening the Registrar of Beneficial Ownership's information gathering powers to include matters relating to risk and to extend the application of those powers to third parties, such as liquidators of a legal person. Fairly recently we had the ability for information gathering powers to be extended by the FIU in respect of third party notices when there was no SAR or suspicious activity report or disclosure, as some call.

1310 That caused some consternation at the time. In fact, since then the number of notices that come to finance industry companies in the trust and companies sector, in particular that I am aware of, are very numerous and problematic. They are complex enough coming from the different sectors on-Island, let alone the fact that there are many types of order that come from off-Island from the various different jurisdictions and, as always, it results in more work for the advocates.

1315 For me, I was originally interested in commenting on this, pointing out the concerns of the section two notices and the complexity, but when I hear about the lack of consultation, despite Deputy Lowe's reassurance, I feel that I would not wish to grant the Proposition 1.1(vi) until such discussion has taken place and feel that this can await a better review.

1320 On a lesser point, as mentioned by Deputy Prow with regard to the anti-money laundering requirements, I still feel it is a great shame that the original promise that there would be an alignment between the AML requirements for establishing beneficial ownership and that under the beneficial ownership regime, has not been aligned, because the companies and trusts fiduciary sector and indeed other licensees, the company side certainly, are often the resident agent and they are dealing with the AML as well and they have two different processes, which can be confusing, and therefore alignment that was promised would have been in my view highly beneficial.

1325 So I ask for a recorded and discreet vote on Proposition 1.1(vi), if possible please, as I say because I do believe strongly that there should be an ability to consult. Thank you, sir.

The Bailiff: I am pausing briefly, Members of the States, to see if any other Member wishes to speak on this matter before I turn back to the vice-president of the Committee. As nobody is giving any indication then I will invite Deputy Trott to reply to the debate. Deputy Trott.

1330

Deputy Trott: Thank you, sir.

I start by expressing my gratitude to staff within the St James' Chambers, who have been extremely helpful as always. As a starting point I should stress that the reference to P&R is only in the context of obtaining information to assess risks of economic crime. As was the case in the recent

1335

NRA, the national risk assessment process, obtaining information relevant to risk does not generally involve getting information on specific individuals, but rather getting high level information, for example the proportion of companies that have beneficial owners from high risk countries.

The amendment is intended to ensure that the Registrar can obtain this kind of information, either for his or her own assessment of risk, or if it is needed for another authority to assess risks. It

1340

is envisaged that this would probably be done in practice via high level surveys.

The second point to stress is that the reason why P&R is included alongside the GFSC, the Revenue Service and so on in the list of authorities who may need information to assess risk, is because, and this is directed specifically towards Deputy Prow's point, unlike any other committee of the States, P&R has an operational function in the sphere of economic crime, as the competent

1345

authority for targeted financial sanctions.

In fact, under schedule 2 of the Beneficial Ownership Law, the Registrar already has the power to disclose information on the register to P&R, although it is not named as such, because he or she can disclose information to any personal body in the Bailiwick whose functions include implementation of sanctions and measures.

1350

The amendment would simply mean that, in addition to the information P&R can currently get from the Registrar, it will be able to get information to help it to assess risks to the Bailiwick from sanctions breaches, particularly sanctions related to terrorist financing, or the financing of proliferation of weapons of mass destruction, as these are covered by the FATF recommendations.

For example, by requiring the Beneficial Ownership Registrar to find out whether there any BOs from a particular part of the world. However, as is the case now, with all sanctions issues, this would be dealt with in practice at officer level rather than by politicians and will be treated as confidential. The Policy & Resources Committee is very grateful, very pleased to have at its disposal in one of its officers the only person, I believe, in Guernsey who is qualified to undertake these sorts of assessments on behalf of global regulatory authorities at Civil Service level.

1355

The legislation will be drafted to reflect this and will in no way permit general access to beneficial ownership information by politicians. Now I finish by confirming something that Deputy Prow and I think Deputy Lowe asked me to do and that is that all Members of P&R are delighted to be able to confirm the vital role that Law Enforcement plays. But I repeat, unlike any other committee of the States, P&R has an operational function in the sphere of economic crime as the competent authority for targeted financial sanctions. I hope that clears it up, sir. It should do, we will wait and see.

1360

1365

The Bailiff: Members of the States, we come to the vote on the Propositions and I am going to ask for some advice, if I may, from HM Procureur, on the basis that there is a request from various Members for a separate vote in respect of Proposition 1.1(vi) and 1.2(ii) and a recorded vote on that basis. That was raised by Deputy Prow and supported, at least in part, by Deputy Tindall.

1370

Of course, procedurally the way of dealing with that would have been to have an amendment to remove those parts of the two sub-divided Propositions. But Madam Procureur, can I have your assistance please as to whether I should permit a discreet vote on those particular parts of the Propositions?

1375 **The Procureur:** Sir, I agree that, ideally, to make it expressly clear, we could have an amendment but I do not feel that there is anything which would prohibit a flexible approach to this on the basis that they are dealing with separate issues but we have done so previously and there is precedent to do something similar, previously, sir, and I do not see why we could not take a flexible approach in this instance.

1380 **The Bailiff:** Thank you very much, Madam Procureur.

I am very happy to be as flexible as I can, particularly in the circumstances and I certainly do not want to delay the sitting by inviting Members to go off and move an amendment to try and remove these aspects. Deputy Tindall has drawn to my attention it is also Proposition 1.3 as well.

1385 What I propose to do, Members, is to put to you first, by way of a recorded vote, whether you will agree to amend the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, so as to widen the Registrar of Beneficial Owners' information gathering powers to include matters relating to risk and to extend the application of those powers to third parties such as liquidators of a legal person, which is Proposition 1.1(vi), but that would also mean that if you voted Contre in respect of Proposition 1.1(vi) it would have the effect of also being a vote Contre to 1.2(ii) and also 1.3.

1390 So the three elements of this set of Propositions will be taken together but in a recorded vote. We will wait for that and then we will see what is left and I will put the remaining Propositions to you *aux voix*. I hope that is sufficiently clear. It is a recorded vote at this stage in respect of those matters that start with Proposition 1.1(vi). Greffier.

Carried – Pour 30, Contre 8, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Brehaut	Deputy Ferbrache	None	Deputy Le Tocq
Deputy Tooley	Deputy Tindall		
Deputy Parkinson	Deputy Gollop		
Deputy Lester Queripel	Deputy Mooney		
Deputy Le Clerc	Deputy Merrett		
Deputy Leadbeater *	Deputy Dudley-Owen		
Deputy Trott	Deputy Prow		
Deputy Le Pelley	Deputy Oliver		
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Brouard			
Deputy McSwiggan			
Deputy de Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Alderney Rep. Roberts			
Alderney Rep. Snowdon			

* denotes Member who voted by proxy.

1395 **The Bailiff:** In respect of Propositions 1.1(vi), 1.2(ii) and 1.3, taken together in the recorded vote, there voted in favour 30, against 8 with one absentee. Therefore those Propositions were duly

carried. Therefore I will invite you to vote in the Chat function in respect of all the other elements of these Propositions, 1.1, 1.2, 1.4 and 1.5.

Members voted Pour

1400 **The Bailiff:** Thank you very much, Members of the States, in respect of the Propositions that have just been dealt with *aux voix*, it is clear to me that there has been a vast number of you voting Pour. I did not see anyone voting Contre. That means that the entirety of the Propositions have been carried.

POLICY & RESOURCES COMMITTEE

XI. Minor Changes to the Document Duty (Guernsey) Law, 2017 – Propositions carried

Article XI.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Minor Changes to the Document Duty (Guernsey) Law, 2017' of the Policy & Resources Committee, they are of the opinion:

- 1. To approve the proposals to introduce two further exemptions to the requirement to pay document duty under the Document Duty (Guernsey) Law, 2017 as set out in Section 3 of the policy letter;*
- 2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The Bailiff: Greffier, we will just get started with the next matter, I think.

1405 **The Deputy Greffier:** Article II – Policy & Resources Committee, minor changes to the Document Duty (Guernsey) Law, 2017.

The Bailiff: And once again, as I understand it, it is the Vice-President, Deputy Trott – I am working you hard today, Deputy Trott, so I will invite you to open debate.

1410

Deputy Trott: Thank you, sir.

1415 In May 2017, the States considered a policy letter entitled Document Duty and Anti-Avoidance Duty and approved the introduction of a regime parallel to the existing Document Duty regime, which imposes a duty on transactions, which have an effect comparable to the transfer of an interest in real property but which do not involve a conveyance or other registrable document, so do not attract Document Duty.

1420 The new regime came into effect on 15th November 2017 and it introduced anti-avoidance provisions, to discourage the use of artificial transactions designed to avoid Document Duty. Now exemptions under the 2017 Law include family transactions, transactions conveying real property to or charging real property owned by charities, friendly societies, affordable housing providers or the States and other specified transactions such as transfers by will between co-heirs and by order of a court.

1425 The list of exempt transactions also includes, a, the transfer of real property owned by a company to the beneficial owner or owners of all the shares in the company, but not a transfer from the beneficial owner or owners to a company in which the beneficial owner or owners owns all the shares; and, b, the transfer of real property from the settler of the trust to a trustee of the trust, or from a trustee to the beneficiary of the trust.

1430 The first proposed additional exemption is where an individual or more than one individual conveys a property owned by that individual or individuals to a company of which that individual or individuals is/are the owner of all the shares. Now such transfers are commonplace in family structures, for example, and given the enactment of the Document Duty (Anti-Avoidance) (Guernsey) Law, 2017, which imposes liability to tax on the transfer of property by share transfer, there is no reason to discourage such transfers as a subsequent sale of the company would not result in the avoidance of Document Duty. So I hope that is clear to all Members.

1435 Under the previous regime these transfers were not treated as subject to Document Duty if the company was in the beneficial ownership of the individual or individuals who were conveying the property and the proposal would merely formalise the former discretionary exemption under the regime.

1440 The second proposed additional exemption concerns the transfer of property within trusts where the trustees do not own the real property directly and the transaction is a conveyance between an underlying company owned by the trustees and the beneficiaries of the trust, or between such an underlying company and the trustees.

1445 Now, there are many reasons, including the personal liability of trustees, conveyancing issues, each time a trustee retires or dies, the desirability of separating real property assets from personal estate among others, while it might be considered desirable that an underlying company should hold the trust property rather than it being owed by the trustees directly.

1450 In many cases where family trusts were involved, such transactions would have been treated as exempt under the previous regime. This was not taken into account when the original exemption was drafted – sorry, we missed it – to exempt transfers to and from trustees and it is considered appropriate that the exemption should be extended to cover such transactions. I hope the States is happy, sir.

The Bailiff: I am going to call Deputy Gollop next. Deputy Gollop.

1455 **Deputy Gollop:** Thank you, sir.

1460 Deputy Trott ended quicker than I expected. He gave us, I think, a good overview based upon the policy letter, of what is proposed and I am supportive of this as far as it goes. I have in a past life been a beneficiary of the exemptions in a certain context, when I transferred a property from a company to a joint partnership and so on and so forth, so it can work in certain circumstances and on occasion Document Duty's full imposition has been a burden for people, I know, when perhaps a quick divorce or separation in the past has been had.

1465 It is a fairly technical matter, as Deputy Trott has indicated, but it does raise a few problems for me. I did not speak in the previous debate but I kind of abstained from the final vote because, for example, I was not clear from the policy letter, why we were removing the reference to no beneficial owners and how that was explained within it.

1470 I choose that example because the same kind of problem occurs in this report because it comes back to a question that I have often discussed with Deputy Tindall, Deputy Green and Deputy Laurie Queripel and Deputy de Lisle, amongst others, about how we do legislative scrutiny in Guernsey, because although the Legislation Select Committee and now the Scrutiny Panel work very well and they have expert advice and guidance from senior officers and Crown advocates, the difficulty is it is not necessarily that open and it is not transparent and it is the kind of minutiae that we perhaps leave to the Assembly, or we do not seen in the Assembly on occasions, is discussed.

1475 I think Deputy Prow gave us a masterclass, amongst other Members, in that kind of scrutiny today. My issue with this is first of all Deputy Trott identifies on page three of the short policy letter that in many cases where family trusts are involved, such transactions would be treated exempt under the previous regime. This was not taken into account when the original exemption was drafted to exempt transfers, and he said sorry about that.

Sometimes these matters are difficult and I sometimes find myself, after 15 or 16 years on the Legislation Committee and its successors, that it can be quite frustrating, because I will want to put

1480 in an anecdote, or an example, or a parallel, or maybe even look to advising either the policy behind it, the rationale behind it or the outcome of the legislation and I will be told quite correctly, that really is not our job. We are there to see is it in conformity with what the States decided upon at the time that they met and we always get a copy of that.

But we cannot be soothsayers and define the spirit of legislation. We can only really work on what the text was and, to a certain extent maybe, *Hansard*, and correct legal interpretation of the text. Here is an example where we will get legislation that comes out of this where we will have to go in, the preparation of such legislation as may be necessary, and we will then, as a scrutiny process have to say it conforms or otherwise with what the States wanted.

But we do not necessarily know what the States wants because, much as I support the proposed exemptions because they appear on the face of it to be sensible in terms of family structures or transfers of properties within trusts, no indication is given in this policy letter of how sensible this is within the overall policy context. What is the financial implication to the States for a potential loss of revenue?

Thirdly, I think some Members, Deputy Dorey springs to mind, have for some time considered whether Document Duty is an appropriate method of taxing people and whether it would be better applied, let us say for the sake of argument, higher TRP.

Given the fact that we will have to look at not only fiscal strategy but every aspect of our economy in the context of a recovery programme, it begs the question how far are we going to adapt Document Duty to all kinds of complicated exemptions, which may grow in the fullness of time with perhaps changes to the Supported Living and Ageing Well Strategy and other things.

We really do need, I think, a clearer policy of what Document Duty does. Is it effective, is it far and does it strengthen our tax offer and our economy and our access to affordable housing and property? Or does it actually act as a burden to effective transfer of estates and legal business in relation to acquisition and transfer of property and bonds and perhaps equity release and so on?

So I actually think this piece of work, although incremental in itself, really is insufficient to give us a solid basis, tinkering around yet again with Document Duty. But, with all those reservations, I think I will on balance approve the proposals, but I think this has just flagged up to me two gaps: firstly what is the purpose and outcome to Document Duty and how can we ensure more effective scrutiny of these proposals and their practical effect upon society.

Thanking you, sir.

The Bailiff: Members of the States, it is lunchtime but if no other Member wishes to speak in debate on this matter, and I am really looking for an indication as to whether anyone is minded to speak, we could perhaps just turn back to the vice-president to answer anything that has been raised by Deputy Gollop and go to the vote and then break for lunch and start the next matter afresh this afternoon. Because nobody is indicating a wish to speak, if it is convenient Deputy Trott, then can I invite you to reply to that short debate?

Deputy Trott: Thank you, sir.

It most certainly is convenient. Deputy Gollop made some points, which I would address, but he was generally supporting the policy letter – whilst frustrated I think in the manner that sometimes the legislation is scrutinised – but did ask a specific question and it is that that I shall address.

He said what is or are the financial implications of the States of any lost revenues? In the first exemption, as I said in my opening remarks, the first exemption would not result in the avoidance of Document Duty and therefore as a consequence there would be no negative impact. With regard to the second proposed exemption, it did not used to be captured beforehand and what one is being asked to do is to restore that position for reasons that I explained.

The impact on lost revenues is, as far as I can see, nil. Bearing in mind the existing regime and the explanation that was given earlier. With that, sir, I would hope that Members are able to support this policy letter and its Propositions unanimously.

Thank you, sir.

1535 **The Bailiff:** Members of the States, there are two Propositions in respect of this matter on minor changes to the Document Duty (Guernsey) Law, 2017 and I invite you to vote in the Chat function, either Pour or Contre.

Members voted Pour.

The Bailiff: Thank you very much, Members of the States. There was an overwhelming shout out for Pour. I did not spot any Contre as I was scanning them and I therefore declare both Propositions duly carried.

1540 I am now minded to adjourn, as we have been going for just over an hour and a half, until 2.30 p.m. and we will resume after lunch. Thank you.

Deputy Oliver: Sir, Deputy Fallaize said could we maybe just stay an extra half an hour and just finish the Meeting off?

1545 **The Bailiff:** Deputy Fallaize, do you wish me to put a motion to the Members that we do that?

1550 **Deputy Fallaize:** It just seems to me, unless I am underestimating the length of time that will be taken to deal with the other items, that we may end up reconvening at 2.30 p.m. and sit only for 30 or 45 minutes and if that is going to be the case it might be better just to carry on. But I know it is difficult to predict how long it would take to debate. It would help if the Policy & Resources Committee withdrew their *sursis* on the next item, but I do not suppose they will do that. If you feel able to, I would be obliged if you would put the proposal that we just continue to sit?

1555 **The Bailiff:** It is my preference, not that that is going to dictate much, that we do not sit for longer than just over an hour-and-a-half at any one time without a break, the reason being that concentrating on a screen is a different experience from sitting in a room, which is what I had said at the outset. But because Deputy Fallaize is inviting me to put to you that we continue to finish the Meeting's business, can I have a fresh vote, rather than people voting at the moment, because I am missing out on who is going to say what. So, starting again with the Deputy Greffier.

Members voted Contre.

1560 **The Bailiff:** I am satisfied from what I have seen so far that there is a much louder shout for having a lunch break now, with the Contre, and those who voted in favour were quite muted in comparison. I take the point Deputy Fallaize, it was a fair one to ask Members to consider, but we will now resume at 2.30 p.m. please, so we will adjourn.

*The Assembly adjourned at 12.46 p.m.
and resumed at 2.30 p.m.*

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**XII. Diffuse Mesothelioma Payment Scheme –
Propositions carried**

Article XII.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Diffuse Mesothelioma Payment Scheme', dated 2nd April, 2020, they are of the opinion:

- 1. To approve the introduction of a Diffuse Mesothelioma Payment Scheme as set out in that Policy Letter.*
- 2. To direct the preparation of such legislation as is necessary to give effect to their decision.*

1565 **The Deputy Greffier:** Article XII – Committee for Employment & Social Security – Diffuse Mesothelioma Payment Scheme.

The Bailiff: I invite the President of the Committee, Deputy Le Clerc, to open the debate. Deputy Le Clerc.

1570 **Deputy Le Clerc:** Thank you, sir. I am having a few IT problems; I think I will turn off my camera, it is just easier.

Sir, in November 2019, approving an amendment lodged by Deputy Fallaize, the States resolved to introduce a statutory scheme of compensation for residents of Guernsey and Alderney who have been diagnosed with a diffuse mesothelioma following exposure to asbestos locally. The scheme was to be along the lines of a scheme recently introduced in Jersey. The States also directed the Policy & Resources Committee to make provision for the estimated cost to the Employment & Social Security's budget for 2021 onwards. The Committee policy letter set out background information on asbestos and its association with serious diseases. Of these diseases, diffuse mesothelioma is certain to have been caused by exposure to asbestos, and it is always fatal.

1580 The use and management of asbestos is now strictly controlled, but it was in use commercially for about one hundred years up to the mid-1980s. It was used in a wide range of industries and buildings due to its resistance to heat and chemicals. As a result, it was added to thousands of everyday products. It was decades before the link between asbestos and respiratory disease was established and accepted. For many, the damage was already done; as increasing evidence of the link with serious disease emerged, voluntary bans on using asbestos began to reduce exposure, but it was not until the mid-1980s that most jurisdictions began to impose statutory bans and controls. Guernsey introduced an approved code of practice in 2013, providing practical advice on how to meet the legal requirements for asbestos, as set out in 1987 health and safety legislation.

1590 Sadly, the use of asbestos locally and elsewhere has led to people being exposed to asbestos fibres. For a very unfortunate view, this has resulted in the serious disease now known to be associated with its use. Although much of this has been through exposure in the workplace, there are a significant number of people who have been exposed to asbestos in other ways, such as being in contact with someone's contaminated workclothes or because they have been living close to an area where asbestos was being used and fibres had been released into the environment. The disease processes associated with asbestos take many years to develop; this time delay means that evidence of the use or source of asbestos can be lost or unclear, and in many cases, it is difficult to prove where and when an affected person was in contact with asbestos.

1600 At a time when someone's health is rapidly deteriorating, civil litigation for compensation can be difficult, if not impossible. This is one of the reasons why many countries have introduced statutory compensation schemes for asbestos-related diseases. The schemes take many forms: some provide varying levels of compensation for different asbestos-related disease; some are linked to employment, and others to more general environmental contamination; others concentrate

specifically on compensation for mesothelioma, the one condition known to always be caused by asbestos and which is always fatal.

1605 Following the debate in November 2019 on Deputy Fallaize's amendment to our annual Operating Report, the States resolved that a compensation scheme for individuals suffering from mesothelioma from any source of exposure within Guernsey or Alderney should be introduced and should be modelled on the scheme recently introduced in Jersey. The Jersey scheme is administered under their income support law but without it being subject to any means test. It is intended for the
1610 Guernsey scheme also to be administered under the income support law, but in order to do so, an amendment to the legislation is required; the necessary Proposition is before the States with this policy letter.

However, in order that a mesothelioma payment scheme can be introduced on 1st January, 2021, which was the clear wish of the States, it is proposed that the scheme should start on an extra-statutory basis until such time as necessary legislation is in place. As I have said, the States have
1615 already resolved that the Policy & Resources Committee should make the necessary provision in the Committee's general revenue budget for 2021. The proposed level of one-off compensation payments is based on the Jersey rate, which currently ranges from a maximum of £92,259 to a minimum of \$14,334, depending on the age at which a person is diagnosed as suffering from
1620 mesothelioma. There are expected to be two or three cases a year, at a total cost of around £100,000.

Mesothelioma is a terrible disease. It is always fatal, usually within months of diagnosis. The introduction of a financial payment to ease the plight of the sufferer or their family is widely recognised in developed countries as reparation, to a degree, for a life cut short in this way, and I
1625 ask Members to support these proposals.

Thank you, sir.

The Bailiff: Deputy Le Tocq, you have submitted a sursis motivé to be seconded by Deputy Stephens. Is it your wish to place that sursis motivé now?
1630

Deputy St Pier: Sir, I believe Deputy Le Tocq might be temporarily indisposé. It is Deputy St Pier speaking. –

The Bailiff: Yes. Do you happen to know, Deputy St Pier – or Deputy Stephens, perhaps –
1635 whether the intention is that the sursis will be placed?

Deputy St Pier: I am happy to place it in Deputy Le Tocq's absence, sir, if that would assist.

The Bailiff: If it is your wish to substitute, Deputy St Pier, for Deputy Le Tocq, if Deputy Le Tocq
1640 is currently unavailable, then I suggest we proceed that way.

Sursis

To sursis the Propositions until the States of Deliberation is in a position to consider the Diffuse Mesothelioma Payment Scheme in context with other funding priorities in the post-COVID era through an agreed process to be established following approval of the States of Guernsey Recovery Strategy.

Deputy St Pier: Thank you, sir; in the interests of time, we will do that, so thank you.

I will not seek to argue, obviously, the merits of the case in relation to the compensation scheme, because clearly, that was argued in January this year and the States did make a decision in that regard. The question, simply, is in relation to the sursis which is before Members today.

1645 Sir, the Policy & Resources Committee has absolutely no criticism whatsoever of the Committee for Employment & Social Security in discharging the resolution which proposed the statutory scheme coming into effect on 1st January; they have absolutely done what the States of Deliberation

sought from them. Our concern, really, is that with the impact of the COVID-19 pandemic upon the States of Guernsey's public finances, some consideration ought to be given to understanding the full impact on both our revenues and our expenditures before the States commits to further recurring general revenue expenditure. We are not seeking to argue out the commitment that the States has already made: merely that it ought to be viewed in the context of all the potential calls upon the States, and we feel it is a little premature in that journey, in the context of understand all of those impacts.

I am therefore presenting this sursis motivé with that in mind. It is, really, simply, a matter of principle as to whether it should be debated now or later. I hope that the debate on this sursis itself can be clipped relatively short and the States can make a determination quite quickly as to which way it wants to go. I know, sir, you will obviously seek to keep the debate to the sursis itself, rather than the contents of the policy letter.

Thank you, sir.

The Bailiff: Deputy Stephens, do you formally second the sursis motivé?

Deputy Stephens: I do, sir, and I reserve my right to speak, thank you.

The Bailiff: Thank you very much.

Deputy Dorey is raising a procedural motion under Rule 24(4), and that, under the temporary Rules that we have for remote meetings, means that I have got to invite you to indicate – forgive me, I am trying to find the relevant piece of paper for the moment – to indicate, using the Chat function, I think, because we are going to indicate via electronic communications, or 'telecommunications,' those Members who support debate on this matter. So if you support the debate, can you vote Pour in the Chat function?

Members voted Pour.

The Bailiff: Thank you, Members of the States – I am satisfied that the number of Members indicating that they wish debate to continue on the sursis motivé exceeds seven, and it was the threshold of seven that is necessary for Rule 24(4) to be successful, and therefore, Deputy Dorey's attempt as invoking Rule 24(4) has failed.

As Deputy St Pier has already pointed out, by virtue of Rule 24(5), once the sursis of a matter has been proposed and seconded, debate shall be strictly limited to the sursis. I simply remind you of that, please, Members of the States.

I will call Deputy Fallaize to speak first, to be followed by Deputy Lester Queripel.
Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I think, in a way – this is just a personal view – but I think it is slightly unfortunate the States will want to debate this sursis, but since the States have voted that way, debated it we must. It is also quite difficult to divorce the sursis from the original Propositions, because the case for the scheme is because of the suffering of people with mesothelioma and their families, and that is exacerbated by any delay in the introduction of the scheme. So the case for the scheme, in a sense, is very similar to the case against the sursis, because obviously, if the sursis is successful, the States will not be able to vote in favour of the proposals, the original proposals, and that will necessarily delay the scheme and prolong the period without a compensation scheme, which should, in my view, have been introduced many years ago.

I, in one sense, understand the logic of the amendment, which I suppose is laid on behalf of the Policy & Resources Committee, but I think it is one of those occasions where what may have appeared logical in the rarefied atmosphere of the Policy & Resources Committee meeting room, really, when it is applied in practical terms, is not just unnecessary, but really, quite a destructive

and, frankly, quite cruel sursis, the effect of which would be to kick the compensation scheme into the long grass. When Deputy St Pier says that consideration of the compensation scheme should weight reprioritisation as part of the Recovery Strategy, I think that is very likely to be many months away. The Recovery Strategy that is expected to come to the States this side of what would normally be the summer recess is going to be so high-level that there will not be any surface developments or projects in it at all; that will have to await the next States, the development of various Recovery Plans. But even they, I expect, will be relatively high-level.

We are talking here about a scheme which the Committee estimates will cost in the region of £100,000 a year. Given the hundreds of millions of pounds spent by the States annually, how long will it take before the States are debating prioritisation or reprioritisation of services which would cost perhaps *tens* of thousands of pounds per year. I think the effective of this sursis really is to kick this scheme into the long grass. I do not think the States is going to vote in favour of the sursis; I really do not. The vote on the proposal to direct the Committee *for* Employment & Social Security to establish the scheme was quite overwhelming, and I am sure it is still the wish of the States to get this scheme up and running.

The other thing is, I do not think the Policy & Resources Committee's argument is consistent. Before the lunch adjournment, they themselves laid Propositions before the States about the Ecclesiastical Court, which, at least initially, required the States to agree revenue funding, a means to fund the establishment of the new arrangements, and it is not certain, but it is possible, that the new arrangements will, at least in some years, be costly, or will cost more than that they raise, and the Policy & Resources Committee appears not to have applied the same principle of reprioritisation to that proposal that it laid before the States. I do not think that they are really arguing consistently in laying their sursis.

When the Policy & Resources Committee laid before the States, recently – we have met so often lately that I cannot remember how many meetings ago it was, but it was recently – laid proposals before the States to borrow, in two tranches, £500 million, some of us supported their proposals very reluctantly; I take Deputy Graham's point from earlier that it is not really possible to vote reluctantly, but you know what I mean when I say that with a healthy dose of scepticism, some of us were prepared to support those proposals. They were promoted by the Policy & Resources Committee on the basis that the alternative to their proposals was austerity. Since then, principal Committees have received two letters from the Policy & Resources Committee requesting the identification of expenditure cuts, and the first time the States has been faced with a service development for a very modest amount of expenditure annually, which was overwhelmingly endorsed a few months ago, the Policy & Resources Committee wants to kick it into the long grass. I am concerned, as somebody who reluctantly went along with their fiscal policy proposals a few weeks ago, that in fact, the other side of the coin, as it will emerge in the weeks and months ahead, is, indeed, going to be austerity. I think if this very essential scheme is kicked into the long grass in the way they suggest, it risks being the beginning of an approach to fiscal policy which I certainly do not want to see.

Deputy Le Clerc said when she opened debate: many other jurisdictions have introduced schemes of financial assistance for sufferers of mesothelioma years ago; a scheme was established recently in Jersey, many Western democracies have had schemes in place for a long time. I think it is unimaginable that the States should want to delay it any longer, when the case for a scheme is so clear and when it could be set up, as set out in the proposals, reasonably easily, inexpensively, and, I think in practice, at no detriment to other services.

The arguments against deferring debate and not setting up this scheme today need to be seen in the context of what happened historically in Guernsey. There is no question that, in Guernsey, workplace legislation trailed workplace legislation in some other jurisdictions. There is clear evidence that when the dangers of working with asbestos were already apparent, it was still being permitted in Guernsey; the workplace legislation was some years behind in Guernsey. Workers in Guernsey went on casually being surrounded by asbestos without knowing the risks, although the risks were known to those in this field of expertise, and I think that strengthens the obligation on

1750 the States to establish a scheme without delay. We cannot put right the lax regulations of the '70s and '80s, but we can provide those suffering at least partially as a result of the lax regulations of years gone by with some peace of mind, and it is peace of mind for their loved ones left behind which is what sufferers with terminal mesothelioma have in mind.

1755 Sir, I do not believe the States are going to vote in favour of this sursis. I think it will send completely the wrong message. I find it ironic when so many of us, collectively as an Assembly, are talking in terms of 'building back better' and have led the community in recent weeks in the deprivation of liberty for the purpose of maintaining health. I find it extremely unfortunate that the Policy & Resources Committee is, in effect, proposing that the first casualty of the financial measures necessary as a result of the COVID pandemic should be kicking into the long grass a compensation scheme for sufferers of mesothelioma, which is already years overdue. So I plead with the States to reject this sursis and to back the Committee's proposals.

1760 Thank you, sir.

The Bailiff: I am going to call Deputy Lester Queripel next, to be followed by Deputy Gollop, Deputy Tindall, and then Deputy McSwiggan.

1765 Deputy Lester Queripel, please.

Deputy Lester Queripel: Sir, thank you.

1770 Sir, there is a huge contradiction going on here: the irony is of being asked to agree to withhold a fund of up to £100,000 per annum via this sursis until such time as the States has agreed its priorities, and yet the majority of the States agreed to tens of billions of pounds being spent on a direct cable to France earlier on, even though we have yet to decide on our priorities. There is a huge contradiction going on here. I am not concerned about that Proposition being an agreement in principle, subject to consideration of the business case. The States' intention was to support a direct cable to France.

1775 I think it would be extremely commendable if P&R were to withdraw the sursis motivé. I ask them, sir, through the chair, to do that, please; there is no shame at all in changing one's mind, especially on sensitive issues such as this.

1780 I realise that in laying this sursis motivé, P&R are doing what they are mandated to and it has been laid with the best of intentions, in their view – I get that – but I completely disagree with the stance they have taken on this issue, because in times of crisis, Government should be employing and displaying some much-needed compassion. Of course, it is not possible for any of us to put ourselves in the place of anyone who has been forced to endure the horrors and the indignation of this dreadful condition, so we really do need to listen and take notice of those who have become victims of it.

1785 Why should it go ahead? The sursis motivé is to put it on hold until such time. Deputy Fallaize has already said he thinks it is going to evolve into kicking it into the long grass. What I am saying against the sursis motivé – hopefully, sir, you will not consider it to be going off-theme, but everything I am saying and I am going to say, in my view, is against the sursis.

1790 There was an article on Page 3 of *The Press* last Friday headed up 'Sufferers vow to battle for asbestos cancer compensation,' and the article focused on Mr Ian Goodwin, who said in the article:

It should have been brought in years ago and we were promised that it would happen. They agreed a date, they agreed the principle, and now some want to renege on the deal, it's a real kick in the teeth for other sufferers. The scheme would give a better quality of life, it's a terminal disease, there's nothing that can be done once you've been diagnosed with it [...]

1795 That was an article, sir, speaking against the sursis, which is why I am quoting from it. Mr Goodwin put it very calmly and very simply: 'The States made a promise, and now they are being asked to renege on that promise,' and that sursis motivé, in Mr Goodwin's words, is a 'kick in the teeth.' The first two points are facts and they cannot be disputed; the third point is the view of the sufferer: 'The sursis motivé itself is a kick in the teeth due to the uncertainty it has now caused.'

Sir, there is a horrible feeling of possibly being put on hold and maybe being abandoned altogether once the States have decided on their priorities. Of course, if the sursis motiv  succeeds, as Deputy Fallaize has already alluded to, this scheme might not even make it onto that list of priorities, and I think that would be mean-spirited. If the sursis succeeds, it will result in several unintended consequences, and every single one of those consequences will be detrimental to our community.

Sir, the crux of the sursis motiv  is to withhold the funds, so getting onto the funds issue: the Development & Planning Authority, with the blessing of the majority of this Assembly, has just spent £100,000 on a development framework for Leale's Yard, which I hasten to add is only the first stage of an extremely long-winded process, because there is still a lot more work that needs to be done to get it to the stage where the lists of ideas and suggestions actually have any substance attached to them, because that is all the development framework is: it is a list of ideas and suggestions for what can be done on this site. The eventual cost will be a lot more than £100,000 by the time the list of ideas and suggestions is complete. And here we are, being asked to withhold £100,000 from Islanders' families who have been forced to endure the horrors and the indignation of this terrible condition. If we can spend well over £100,000 on a list of suggestions and ideas, which can all be completely ignored by any developer, then surely, we can deliver on a promise of compensation to our fellow Islanders right now and not renege on that promise. As I said, I realise the sursis motiv  seeks to put the decision on hold, but I have grave concerns that if the sursis motiv  succeeds, once that happens, this compensation scheme will never see the light of day. Surely the issue here is to actually deliver on a promise made to our fellow Islanders.

£100,000 is a mere drop in the ocean in the great scheme of things when we bear in mind the enormous amount of money the States recently agreed to borrow, which by my reckoning comes to £435 million. Seeing as some of my colleagues have disputed my figures, sir, in the past, I need to back that up: there was a commitment to borrow £250 million from an outside source; there was a commitment to, in effect, borrow £50 million via Deputy Roffey's successful amendment; there was a commitment of £100 million from the Rainy Day Fund; there was a commitment of £30 million we agreed upon at St James; and there was also a commitment of £5 million being put into a hardship fund that we also made at St James. Now, sir, that comes to £435 million. But of course, we also need to bear in mind the other £250 million we have waiting in the wings. That brings, potentially, a staggering total of £685 million, the vast majority of which will have to be paid back. And here we are, being asked to withhold, or possibly withdraw altogether – that is my grave fear – a mere £100,000 that has already been promised to Islanders. That £100,000, sir, is peanuts in the grand scheme of things, and yet it will mean so much to our fellow Islanders who receive it.

The Bailiff: Deputy Lester Queripel, Deputy Trott wishes to raise a point of order.
Deputy Trott.

Deputy Trott: It is actually two points of order, sir, because Deputy Queripel has misled the States twice.

First of all, he has sought to compare the Guernsey Electricity borrowing, a loan that will be repaid, to fund a second cable against a piece of revenue expenditure for which there will be no recovery. That is misleading statement number 1.

Misleading statement number 2 is: despite attempts from myself and others to explain to him that the aggregate numbers with regard to borrowing are woefully inaccurate, he continues to state these figures, sir. With regard to the issues around our revenue, sir, this is money that we are not borrowing; this is money that we had in reserve. With regard to the contingency reserve, this is money that we have saved and money that is being spent from a savings position, not from a borrowing perspective. The borrowings that have been agreed by the States so far are simply to cover the fact that these assets are invested elsewhere, and it is a timing issue.

I do not know what Deputy Lester Queripel's intention is; if it is to scare the listeners, sir, he may be achieving that, but he is doing it from a particularly inaccurate basis.

1850 **The Bailiff:** Deputy Trott, although you wrote 'point of order,' I am going to treat those as points of correction, and you have had the opportunity to correct misleading or inaccurate statements.

1855 What I thought you were going to do – and I would have been reasonably amenable to it if it had been raised – was to invite me to direct Deputy Lester Queripel to speak more specifically on the sursis, rather than straying into what might or might not be a speech in general debate, if we were to get that far. Members of the States, it really is a binary choice at the moment: do you want to debate this substantively, or do you want to defer that debate and the taking of a vote on it? Once you have made your point, Deputy Lester Queripel, you do not need necessarily to go into the level of detail that you are as to the sursis side of it, because if the sursis fails, you will get a chance to say that again in due course.

1860 **Deputy Trott:** Can I seek your guidance, sir?

The Bailiff: Deputy Trott.

1865 **Deputy Trott:** Yes. If I am correcting an inaccurate statement – and on the previous occasion, I was correcting two – they are, in fact, points of order, because the Member was misleading the Assembly and any listeners. Those are, then, clearly, points of order, because it is incumbent upon all Members not to mislead the States.

1870 **The Bailiff:** Deputy Trott, I understand what you are saying, but when you look at Rule 17(11b), it talks about a point of correction in respect of 'an inaccurate or misleading statement made by that other Member,' which is why I said what I said. But you were able to correct Deputy Lester Queripel.

Deputy Lester Queripel, do you have anything further you want to say on the sursis?

1875 **Deputy Lester Queripel:** Sir, on your advice, I will dispense with three pages of my speech. I have got a couple more things I would like to say.

In response to Deputy Trott, sir, it is borrowing, in my view, because at some time, the public will be expected to pay it back.

1880 On the sursis, the questions we all need to ask ourselves are these: do we want to renege on a promise made to Islanders? Do we want to send out a message that the States are mean-spirited? Do we want to become known as a States of compassion, or do we not? Do we want to support this sursis motivé and continue kicking sufferers of this horrendous condition and their families in the teeth? Bearing in mind that our number one objective as a Government is to improve the quality of life of Islanders, and that includes improving the quality of life of disabled people and people who are suffering in any way, shape, or form, how is supporting this sursis motivé actually going to achieve our number one objective? Sir, the ultimate question, of course, is: do we want to progress and fulfil a promise, or do we want to renege on that promise that we have already made?

1885 Sir, moving towards a close, could I plead to my colleagues? I ask them to please, please, please, fulfil the promise we have made to our fellow Islanders; please do not abandon sufferers and their families and continue to kick them in the teeth, as Mr Goodwin said in a recent press article; please employ some much-needed compassion, reject the sursis motivé. I am reminded of the time, sir, the former Lieutenant Governor, the late Peter Walker – I asked him whether he ever felt like standing up during a States debate and saying anything, and he said, yes, he did; he said he often felt like standing up and shouting at the top of his voice, 'You are all missing the point!' It seems to me, sir, that P&R and any Member of the Assembly who intends on voting in favour of this sursis motivé is most certainly missing the point.

1895 In closing, sir, I ask for a recorded vote when we go to a vote.

Thank you, sir.

1900 **The Bailiff:** Thank you very much.
Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

1905 You are, of course, quite correct in saying we should stick to the point of the sursis, and not really talked about the merits of the scheme. I could argue that the scheme is not as generous as it could be and it exists in different formats elsewhere, but that is not the point of whether to debate it now or not.

1910 My arguments for rejecting the sursis are, firstly, despite – or maybe, perhaps, because of – the COVID emergency situation we have been in, the States has actually had a much better following from the public: not necessarily ourselves as an Assembly, sadly, but the leading political statesmen of our Assembly and their officials have, generally speaking, had a really significant show of support. And I would think that to be dissipated by a feeling, perhaps, in some quarters, today that we are not as socially committed, or as compassionate, or as focused on avoiding the worst aspect of austerity, by, perhaps, a misunderstood vote in supporting the sursis today. I think, in terms of public
1915 relations and message-sending – if you like, ‘dog-whistle politics’ – that supporting the sursis today would be negative on that level of Guernsey together.

My other reason for rejecting the sursis is that, as Deputy Fallaize has already gone into – and he was a great loss when he left the Economic & Social Security department, even though we gained Deputy Roffey, who has contributed enormously, because it meant I had to earn my place even
1920 more, in a sense, because Deputy Fallaize was very much a powerhouse of various projects, including this one. One of the reasons why his message was so strong is that he has identified people who need the support now, and the more we delay it, the more people are let down who have been expecting the support, who have been campaigning for the support. That is the second reason not to delay.

1925 The third reason is to be consistent with other things that we have done, from the debate earlier today to support last week, where there has been – only a fortnight ago, we vowed to spend millions on the electronic records, from a different pot. I think we cannot stop governance and government practically just because we have a much bigger strategy of looking at our prioritisations again.

My other and final reason for opposing the sursis is quite simply this: we should not have had a States meeting, unfortunately, in June of 2021, because in normal circumstances, we would either
1930 be retiring from politics or campaigning for re-election, or very possibly both, and I would be interested to hear what Deputy Inder or members of SACC might consider about this. We have had our term, effectively; it has been extended in a purely caretaker, transitional kind of way. I think it is important that outgoing Committees leave a legacy of work that they were doing. This was a project
1935 that had been in the pipeline; it would have been through the system already, had it not been for the understandable transfer of resources to the coronavirus. As an aspect of the last four years that was slightly delayed, we should support it now for that reason, and not delay it for, perhaps, six months, a year, however.

1940 So I would urge the States, given the context of it, from the comparatively small sum of money of an estimated £100,000 a year, to the circumstances of supporting the stakeholders and the process afforded to us, to very much reject the sursis today. Thank you, sir.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

1945 I will not start by correcting the inaccuracies of Deputy Lester Queripel regarding development
frameworks, as that can wait another day. But I will speak only on the sursis, sir, because that debate
cannot wait. This matter has taken too long to be debated; the time is now to make a decision,
whether for or against the scheme, for the sake of the few who are really suffering and may not be
1950 able to wait for all the necessary steps to be taken by P&R to be satisfied for the right time. The
time is now. I urge Members to reject this sursis.

Thank you, sir.

The Bailiff: Members of the States, I am going to do something that I still think I am entitled to
do, even in a virtual meeting, and that is, before I call Deputy McSwiggan – although she may be
1955 somebody who is going to do this for me anyway – I would invite anyone who wishes to speak in
favour of the sursis motivé to indicate that, because I want to try and get some balance into the
debate on the sursis motivé at the moment, and that is in accordance with Rule 17(7).

I will call Deputy McSwiggan first, but if anyone does indicate that as well, then I will call them
before I move on to other speakers.

1960 Deputy McSwiggan.

Deputy McSwiggan: Thank you, sir. I am afraid I am certainly not going to speak in favour of
the sursis motivé.

I am mindful of your directions on – sorry, is it your wish to call someone else before me?

1965

The Bailiff: No, I have not called you now, Deputy McSwiggan, I will; I was getting myself
confused, and do forgive me if I gave the wrong impression as to which way you might be speaking.
I will call you and then I will call anyone who speaks in favour. Thank you.

1970 **Deputy McSwiggan:** Thank you.

Sir, I am mindful of your direction that we should constrain our speeches to the sursis itself and,
as far as possible, not to the subject of the debate; I will try and be helpful, but if you rule that I
have gone beyond the sursis, then naturally, I will forfeit my right to speak in general debate.

1975 The reason why I consider it important to speak on this particular sursis brought by this particular
Committee is because it gives some indication of what the Policy & Resources Committee think our
recovery from the coronavirus will look like; that is given in justification of the sursis, and so it is a
factor that I and others have to take into consideration. Because we know we are expecting the
Recovery Strategy, whatever that might look like, to emerge within, possibly, the next few days,
certainly the next few weeks, it is possibly my only opportunity to inform the shape of that thing
1980 before it is published. My real concern, sir, is that the combination of this sursis motivé, the move
to defer the debate on abortion, on sexual offences, and so on, all that taken together gives me the
impression that there is going to be nothing humane, nothing real, nothing compassionate in the
Recovery Strategy that is coming forward. As Deputy Lester Queripel did, I would urge the Policy &
Resources Committee to reconsider and to withdraw this sursis before it is voted on.

1985 We are asked to support this sursis because we do not currently know what our priorities are
beyond the pandemic, but sir, I would argue that that is absolutely not the case. The events of the
past few weeks and months have demonstrated that we absolutely do know what our priorities are
and that they are in tune with the priorities of our community, and that, above all, the health, the
safety, and the survival of those we love, of our families, our communities, our neighbours come
1990 before anything else, and that, for weeks now, we have been willing to put even the economy on
hold to safeguard that health and that survival. That is true of the coronavirus pandemic, but it must
also be true in the case of other conditions, not least in the case of diffuse mesothelioma.

So, sir, I ask Members to apply the same values that they have been consistently applying over the past few weeks in determining what actions we should take as a Government to the vote that they will take on this sursis motivé, and in doing so, sir, I would ask them to recognise that, while we know coronavirus is a widespread and often deadly threat – we do not know with any accuracy current fatality rates, but possibly, if you get it, you have got between a one-in-four, one-in-five chance of not surviving; possibly it is much less than that, because we do not know the lower rates, the undetected rates of the cases in the community – but if you get diffuse mesothelioma, your chances of survival are virtually nil. This is a much rarer, but a much greater, threat to the health of the individuals who get it, and with that in mind, sir, I would ask Members to respond with the appropriate level of compassion and, really, with that sense of reparations to people who were very poorly served by our employment legislation back in the day and who are now facing an absolute death sentence.

So, sir, I ask people to reject the sursis.

The Bailiff: I am going to call the seconder of the sursis motivé, Deputy Stephens, to speak next. Deputy Stephens.

Deputy Stephens: Thank you, sir.

I am going to begin by thanking ESS for the work they have done in preparing the policy letter. I acknowledge the amount of work that they have done and I am really grateful for it.

Deputy Fallaize thinks that P&R are trying to kick the compensation scheme into the long grass. This is not the case. In some measure, like Deputy Fallaize and Deputy McSwiggan, it is how to achieve the security of the compensation scheme that is the challenge for me. Deputy Fallaize is a much more articulate politician than I will ever be, but he and I both know, just as two swallows do not make a summer, two votes do not secure the perpetuity of tenure of any decision that an Assembly makes. Deputy Lester Queripel talks about breaking promises; the Assembly can approve these Propositions today and maybe still not achieve the compensation scheme. Today, we do not know what that next months are going to bring, and this scheme will not begin until January 2021.

P&R does not dismiss the need for the scheme: it is how to achieve the security of the scheme; as I have said, that is the challenge. This is purely a matter of political judgment. The sursis motivé will give us more information, this is a route to more security, in my view. Members may dismiss that route, but again, I challenge them to find a way to make this scheme as secure as possible.

Thank you, sir.

The Bailiff: It is going to be Deputy de Lisle, followed by Deputy Green, then Deputy Inder, and then Deputy Trott.

Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I find this P&R sursis laid by Deputy St Pier incredulous, sir, and hypocritical, to say the least, to lay such against this particular policy letter and yet not do so against the £20 million electronic patient record system that was only passed a few days ago. I want to ask P&R, through Deputy St Pier: cancel this sursis against such an important health issue that we have to deal with today.

Thank you, sir.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you very much, I can be brief.

I will not be supporting the sursis. I think most of the key points against the sursis have already been made, which are, really – first, we are talking about a relatively modest sum in respect of this scheme; the policy letter tells us that at paragraph 1.4: 'a total cost of around £100,000 annually'; that is a relatively modest sum of money. We know that the scheme is time-critical, for reasons that

are obvious and I will not elaborate on. I just think the case for the scheme and debating it today and for passing it today is absolutely clear and clearly made out.

If there is an argument in favour of this sursis, it is, really, around the desirability of having a proper corporate mechanism for the prioritisation of general revenue streams; I can sort of understand where Policy & Resources are coming from on that, in light of the effect that the COVID-19 pandemic is having and will continue to have on our public finances, I can understand that from a public health point of view. But the reality is, sir, we have been waiting for years for this States, for P&R and this States, to develop a proper system of prioritisation for general revenue; I can remember Peter Harwood, when he was Chief Minister, going back to about 2012, 2013, talking about the absence of a proper mechanism to prioritise general revenue, and we are still in that position now.

It might be that the effects of COVID are, in effect, going to force the States to actually develop a mechanism that will work in this regard, and I will be supportive of that. But to do it by way of the vehicle of this sursis on this particular scheme, I still cannot quite get my head around why P&R have singled out this particular scheme to launch this particular sursis and to make this particular political point. I do not want the Assembly to make a political point on the backs of the potential beneficiaries of this particular scheme, notwithstanding the fact that there is a case for proper prioritisation going forward, but we need to do that in a much more systematic and reasoned way, and as Deputy Gollop and Deputy de Lisle just referred to, there was no mention of the need to reprioritise before we signed off on the Health & Social Care electronic records policy letter; I know that is concerning capital, but why single out this point on this particular policy letter? I do not understand that.

I will absolutely reject this sursis; I want this policy letter to be debated today, I think we need to debate it today, and we need to pass it today to honour and to give justice to those people who need the money.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, thank you.

I voted for the sursis to be debated for a simple reason: I wanted to tell Policy & Resources what a miserly and mean-minded Proposition it is. We spend millions a year on consultants, our procurement process and capital allocation is probably in the millions, the cost of the organisation is largely out of control, and I have seen nothing in the last three years that looks anything like public service reform. How much has this Government spent *not* delivering a university? How much has it spent *not* delivering a seafront enhancement? In terms of resources, what we do – shuffling paper around year after year, doing nothing – is absolutely incredible, or as Deputy de Lisle points out, nodding through an EPRS system with little or no scrutiny. We agreed an £800,000 consultancy process to look at St Peter Port and St Sampson's because our planning processes are so shot to pieces that we have to get some consultants in to tell us where we can have a harbour! Every year the cost of Government goes up and Policy & Resources, not for the first time, tell us 'Look over there and never over here.'

These victims, sir – and I read up on Mr Goodwin, who wrote to us, and it did strike a chord – and I am really surprised with Deputy Trott, actually: I know he has worked, I know he has used his hands. These victims are, in all likelihood, blue-collar working men of Guernsey; they were doing their jobs, normally employed by people that would not be able to lift a finger to do any of the work themselves, sent them into buildings – some of them could well have been working in Government buildings – knocking out walls and rooves that were effectively toxic.

Not for the first time, P&R have picked the wrong place for a fight. Please, Members, reject the sursis and let us get on to the debate and, hopefully, when we get to it, we will nod it through comprehensively.

Thank you.

The Bailiff: Deputy Trott, to be followed by Deputy Tooley.

Deputy Trott: Thank you, sir.

2100 Sir, P&R knew when it placed this sursis that it would be an inconvenient truth for many in the
Assembly, P&R knew that many would try to paint us as miserly old so-and-sos who do not care,
and P&R knew where those voices would come from, and I have not been surprised so far, sir. But
this is the reality, okay? A bit of a reality check: in the absence of an agreement on any additional
2105 borrowings, we will need to live within our means. The borrowings that we agreed to a few weeks
ago have a finite term of a few years and will be repaid, as I said earlier in my intervention, primarily
from existing resources, in the absence of any alternative decision by this Assembly. We have a
setup at the moment, sir, where we borrowed a sum of money – or in principle, we borrowed a sum
of money – and that sum of money is effectively covered by existing reserves. Yes, the gap is the
2110 interest amount that we are paying, but that should easily be exceeded by the capital appreciation
of those assets in the longer term, or at least, that is the advice of professional advisors.

The alternatives of widespread austerity or significant tax rises are not desirable by P&R and its
advisors, and I, for one, have made that position clear during the debate a few weeks ago. So any
suggestion that I welcome the sort of prioritisation process that we would need to go through that
sees people like these sufferers compromised is simply not true. However, that is the position as
2115 things stand, sir.

A bit more of a backdrop before I go on to the substantive point: the Eurozone economy is
expected to shrink by 9% this year; that figure was out just a few moments ago from Madam
Christine Lagarde, the Managing Director of the IMF. The UK's is expected to shrink by at least
double figures, according to Andrew Bailey, the Governor of the Bank of England. We believe that
2120 our own economy here, sir, is likely to shrink by double figures; these are very material amounts –
in our case, a potential contraction in our economy by 2020 of maybe £350–400 million.

Since the principle of this scheme was agreed in 2019 and the policy letter was prepared in the
first quarter of 2020, the States' financial position has been significantly affected by the impact of
the COVID-19 pandemic; no one would disagree. When you are the primary custodians of the public
2125 purse, however difficult it is, however much criticism you may receive, it is P&R's job to be consistent
and to remind the States of the decisions that it has currently made. Undoubtedly, sir, there will
continue to be an impact on the States' financial position in future years; a 'V'-shaped recovery is
by no means certain, and a 'U'-shaped is much more likely, which means that a fundamental
examination of all States expenditure and the reshaping of the delivery of public services to ensure
2130 that those services are prioritised and delivered as economically and as resiliently as possible will
be needed. That will include this sort of expenditure.

But the States is doing what it does, sir: it has decided today that this is a priority and will
undoubtedly support it. Tomorrow, it will decide on another set of priorities, when the stark reality
of the situation we are in comes home to roost, and at that stage, this may not get the support that
2135 it is going to get today. What we are trying to do is manage expectations and ensure that these
sorts of issues that are not *currently* being expended are given a fair crack of the whip alongside
other priorities.

This is fundamentally important, sir, and I do hope that if there is to be any reporting of this by
the newspaper, these comments are emphasised: the Policy & Resources Committee *supports* the
2140 principle of introducing a payment scheme of this nature for this condition, but it is of the view that
the States should not be approving any *additional*, any *new*, expenditure commitments until such
time as the full impact of the COVID-19 pandemic on the *overall* financial position is known. Sir,
that is an entirely reasonable, that is an entirely mature, that it is an entirely pragmatic, and that is
an entirely sensible way of approaching this. But as is so often the case, P&R are sought to be
2145 painted as 'the ogres,' 'the bad guys,' simply for telling the States what an incredible mess it got
itself into when it did not support the policy letter that was brought before it a few weeks ago. And
it is clear, sir, from previous debate around this and other subjects that some Members weeks later
still have absolutely no idea what they voted for!

2150 **The Bailiff:** Deputy Tooley, to be followed by Deputy Ferbrache.

Deputy Tooley: Thank you, sir.

I am going to be charitable, I think, to P&R, and with that in mind, I am going to judge that what this sursis does is test the water on whether in a post-, or indeed during, COVID world, this remains a priority. I am not in the least naïve to the notion that our cloth may need to be cut differently in the future. We are, indeed, looking at a more utilitarian fashion going forward. But this scheme is not a frill or furbelow which is expendable: this is *not* where the knife should fall. Let us send a very clear message today that this is indeed a matter for political judgement, and the judgement is that this compensation scheme is a priority.

2160 Please vote down this sursis.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

2165 **Deputy Ferbrache:** Sir, the only reason I am speaking is because Deputy Trott spoke of consistency, and he said, 'Let us be consistent from one States meeting to another.' Well, it would be helpful if Policy & Resources were consistent from the morning to the afternoon, because this morning, they supported unreservedly, when dealing with the transfer of functions of the Ecclesiastical Court to the Royal Court, a guarantee of a payment of £400,000 a year to a social investment fund for two years. So they guaranteed, knowing that the revenue might not be there, £800,000. As Deputy Inder said, we are seeking to penalise blue-collar men – not too many of them, sadly, because most of them died many years ago – from having some kind of miserly compensation. The consistency is not with P&R. This is the worst sursis and most insensitive sursis that anybody could have brought, and it discredits all those who vote for it.

2175 Thank you very much.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

2180 Sir, I am glad that Deputy Tooley went before me, because she articulated, really, why I was – again, I have used that word very many times in recent months – reluctantly in favour of this sursis motivé. I think, whilst it is uncomfortable, the States as an Assembly needs to realise – and as a result, P&R would have been remiss in activities if it had not done that, and its mandate – has to realise that, very often, our timing of looking at particular issues and costs, and as Deputy Stephens
2185 rightly mentioned, sustainability, we look at things individually and not in the round. I am certainly in favour of the scheme and the idea that it would be begun next year; I think delaying so that it is put into the context where we can see that it is properly funded and properly prioritised needs to be done, particularly so because, as Deputy Trott clearly articulated, our financial position is unlikely to be even as good as it has been in recent years – and it has been good compared to elsewhere.
2190 But this would not necessarily delay the scheme, from what the proposals indicate, but it would mean that it is put into a context.

I do think, whilst awkward, it is too easy to do the popular thing; by doing so, P&R are fully cognisant of the fact that we are not going to win votes by laying sursis such as this. But I think it is only right to make the States aware that, so often, we are making decisions and not seeing them in the round.

2195 Bearing that in mind, sir, I certainly am still open-minded as to whether I will support it or not. I think it is very clear that the support in the Assembly is against the sursis motivé, but I do think that is very short-sighted, in terms of some of the comments that have been made, because we are going to have to make some far more difficult decisions than this in due course, in terms of our
2200 revenue expenditure.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

2205 Unfortunately, my screen has frozen, so I cannot double/triple-check this, but I am fairly confident, sir, that what the States agreed – by one vote, I believe, sir – was that *if* there is a need for future borrowing, that P&R would return to the States telling us what for, how it would be repaid, etc., so I am a little confused by some of the comments that have been made so far in debate.

2210 I will not be supporting this sursis motiv  ; I try to use my language appropriately, sir, but I am so disappointed in this sursis motiv  . We have the impression, sir, that social policy and the health of our community going forward is something that we have to sacrifice in lieu of sacrificing our liberties and sacrificing our community's economic activity over the last 11 or 12 weeks.

2215 It is just so – I have lost the word, but I think it is absolutely disgraceful, to be honest, sir. I will not be supporting it, I wish we had not even had to debate it, because I do not think it pulls the States into any light at all. It is £100,000, potentially; this makes a massive difference to people, sir. We should be ashamed that we did not move on legislation in a timely manner when asbestos, etc., was a problem; as with many other parliaments, many other communities, there is a real risk. We did not do it then, we still have not done it, sir. We have asked for a recorded vote; can we please just kick this one out and move on to main debate, sir?

2220 Thank you.

The Bailiff: As no other Member is indicating a wish to speak on the sursis, I am going to turn to the President of the Committee, next, Deputy Le Clerc, to speak on the sursis motiv  , before turning to its proposer, Deputy St Pier.

2225 Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

2230 Sir, for me, this sursis is all about timing and money, and I will comment first on money, and I would like whoever sums up on behalf of P&R – I have heard the message that this needs to be prioritised along with other spending, because we do not know what the financial impact of COVID will be, and it made me think about the resolutions that the States have made about the NICE funding of drugs, which was going to be close to, I think, about £40 million in total. I would ask whoever sums up to say, will that also have to go through reprioritisation? Because it seems to me that everything is back open for debate. That is my comment on the money.

2235 With regard to timing, Deputy Stephens said, 'We are unclear about what the next few months will bring.' Well, I am very clear what it will bring to mesothelioma sufferers, and that is: they will be a few months closer to death. I apologise for being blunt, but the reality is that when people are diagnosed with this awful disease, they usually pass away within 12 months. So I just want to finish by saying that the one thing that sufferers do not have is time, so we cannot put this on the backburner; these sufferers cannot afford to wait for a Recovery Strategy when they have no chance of recovery.

2240 I ask people to *not* vote in favour of the sursis. Thank you, sir.

The Bailiff: I now turn to the proposer of the sursis, Deputy St Pier, to reply to the debate.

2245 **Deputy St Pier:** Sir, there really is very little debate to respond to; all those that have spoken, other than those from P&R, have expressed a similar view. My colleagues from P&R have articulated P&R's position far more clearly than I did when opening, for which I am grateful. We have felt an obligation to bring a sursis on this matter to the States. A number of Members have suggested that the sursis be withdrawn; that seems rather pointless, the matter is in the hands of the States to determine whether they wish to proceed with it or not.

2250 With that, sir, I suggest we move to the vote on it.

The Bailiff: Thank you very much.

2255 Members of the States, there has been a request for a recorded vote on the sursis motiv   to this Article of business, proposed by Deputy St Pier and seconded by Deputy Stephens.
Greffier.

There was a recorded vote.

Not carried – Pour 18, Contre 22, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	Deputy Ferbrache	None	Deputy Gollop
Deputy St Pier	Deputy Tindall		
Deputy Stephens	Deputy Brehaut		
Deputy Le Tocq	Deputy Tooley		
Deputy Brouard	Deputy Parkinson		
	Deputy Lester Queripel		
	Deputy Le Clerc		
	Deputy Leadbeater *		
	Deputy Mooney		
	Deputy Le Pelley		
	Deputy Merrett		
	Deputy Meerveld		
	Deputy Fallaize		
	Deputy Inder		
	Deputy Lowe		
	Deputy Laurie Queripel		
	Deputy Smithies		
	Deputy Hansmann Rouxel		
	Deputy Graham		
	Deputy Green		
	Deputy Paint		
	Deputy Dorey		
	Deputy Dudley-Owen		
	Deputy McSwiggan		
	Deputy de Lisle		
	Deputy Langlois		
	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Roffey		
	Deputy Prow		
	Deputy Oliver		
	Alderney Rep. Roberts		
	Alderney Rep. Snowdon		

* denotes Member who voted by proxy.

2260 **The Bailiff:** Members of the States, the voting on the sursis motiv   proposed by Deputy St Pier and seconded by Deputy Stephens was as follows: there were 5 votes in favour, 33 votes against, one absence, and therefore, I declare the sursis motiv   lost, and we move into debate on the Propositions.

If no Member wishes to speak – Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

Sir, I ran my own business in construction for almost 30 years, and when I first started in the industry as an apprentice in the 1960's, everyone I worked with did exactly what their employer told them to do for two primary reasons: if you did not do what you were told, you got the sack; and secondly, we trusted the materials we were working with were safe to use – and I am going back to the early 1960's, here. This condition has been forced upon those who have fallen victim to it; they have not brought it on themselves by overindulging in drink or drugs or tobacco.

I had the horrendous experience of watching a friend die of this dreadful condition, and it was a long, slow, and painful death; he was completely stripped of all his dignity and his pride, and he said to me on more than one occasion, 'I have lived long enough with this now, this is really cruel, I hope I die soon' – and that came, sir, from a man who had a tremendous lust for life. Through no fault of his own, his life was taken from him, and he was taken from his family and his friends, and he had only just become a pensioner.

Sir, I have said on many occasions in my speeches that I would like this States to become known as a States of compassion, and we have an opportunity to display that compassion here today, and I am sure we are all going to vote in favour of the Propositions. I have nothing but the utmost respect and admiration for my colleagues on the Committee *for* Employment & Social Security. I have nothing but the utmost respect and admiration for all the staff in the office at ESS; I have worked with them on dozens of cases over the years, and never once have they failed to deliver. In fact, on several occasions, they have bent over backwards to help, so they more than live up to their motto, which is, 'We are here to help.' Once again, they have done their utmost to comply with the wishes of States in laying this policy letter in front of the States. I urge my colleagues to support it, and I ask for a recorded vote, sir, when we go the vote.

Thank you.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I approve this policy letter and the merit of taking this action for immediate compensation to those unfortunate people who have contracted this disease. The fact is, sir, that the States are very often late in acting on public health and environmental damage and disease caused by exposure to chemical substances. I have been very proactive with regard to glyphosate – 'Roundup' – calling on the States to ban these substances so that we may avoid such a statutory compensation scheme in the future on these other chemical substances. I would like to call on Members to all support this policy letter and, in the future, to guard against this type of thing occurring again in our society and causing so much damage to individuals through disregard early of the possibilities of such chemicals causing disease to individuals and the environment in future.

Thank you, sir.

The Bailiff: At the moment, nobody else wishes to speak in respect of this matter, and therefore, I am going to invite the President of the Committee, Deputy Le Clerc – oh, Deputy Tindall.

Deputy Tindall: Apologies, sir: I genuinely expected more speakers on the matter, although obviously, the sursis did bring about several comments that could be taken as general debate.

I just want to make two points: I was actually going to mention in general debate the point that Deputy Ferbrache made in respect of the resolution that was passed, I believe, this morning and request that, as it is general revenue funding for this scheme – because I do support the scheme – that in the third year of the monies coming in to the Royal Court in respect of probate, that perhaps, some monies from that source could be used to fund it, because that was one of the points made by P&R in the sursis debate – to guarantee the source of funding – and as Deputy Ferbrache said, and I agree, that is clearly one of them, assuming, of course, that there is indeed sufficient funds coming from that source.

2315 I also would like to ask for Deputy Le Clerc just to mention – and apologies if she said this in her opening speech – in order to avoid the cliff edge, and bearing in mind the effect of the COVID pandemic which may mean a delay in diagnosis, could she advise, please, if an extension will be considered to the March 2021 deadline? – I do apologise for that phrase; I tried to come up with a better one – because I do think that we should have that extended in order – obviously, the delayed debate and, as I say, the delay in potential diagnosis.

2320 In all, sir, I urge people to support these Propositions. Thank you, sir.

The Bailiff: Once again, Members of the States, as nobody else seems to be indicating that they wish to speak on this matter, I will now invite the President of the Committee, Deputy Le Clerc, to reply to this short debate. Deputy Le Clerc.

2325

Deputy Le Clerc: Thank you, sir.

I have not got very much to add. Deputy Lester Queripel is always a strong supporter of ESS and is always complimentary to staff, and I thank him for that, thank him for his support on the policy paper.

2330 Yes, I agree with Deputy de Lisle that very often we are slow to implement necessary legislation or rules and guidance around certain dangerous substances.

Deputy Tindall asked about an extension to the March – I think it was '2020,' I did not quite catch it – I think that is something that we will look at and understand if there have been delays in diagnosis.

2335 But apart from that, sir, I would just urge everyone to support the policy paper, and if we could have a recorded vote, as requested, please.

The Bailiff: Members of the States, we come to the vote on two Propositions in respect of this Article of Business. There has been a request for a recorded vote. Greffier.

There was a recorded vote.

Carried – Pour 39, Contre 0, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Ferbrache	None	None	None
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater *			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			

Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowden

* denotes Member who voted by proxy.

2340 **The Bailiff:** Members of the States, the voting in respect of those two Propositions was that there voted 39 in favour, no one was against, nobody was absent, nobody abstained, unanimity, and therefore, I declare both Propositions duly carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

XIV. Proposed Amendments to the Preferred Debts (Guernsey) Law, 1983 – Propositions carried

Article XIV.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Proposed Amendments to the Preferred Debts (Guernsey) Law, 1983,' dated 12th March 2020, they are of the opinion:

1. *To approve the proposals to amend the Preferred Debts (Guernsey) Law, 1983 (the "PD Law") so that where the Guernsey Banking Deposit Compensation Board (the "Board") has, in respect of a qualifying deposit, exercised its right of subrogation pursuant to the provisions of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 the total, capped, amount paid by the Board as compensation under the Guernsey Banking Deposit Compensation Scheme takes priority (in the winding up of the defaulting bank) over all other preferred debts within the meaning of the PD Law (the "Super Preference").*
2. *To agree that any amounts recoverable in respect of a qualifying deposit in excess of the Preference, should rank behind the Preference and current preferred debts in the PD Law but above any remaining ordinary unsecured creditors.*
3. *To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

2345 **The Deputy Greffier:** Article XIV – Committee for Economic Development – Proposed Amendments to the Preferred Debts (Guernsey) Law, 1983

The Bailiff: I invite the President of the Committee, Deputy Parkinson, to open debate.

2350 **Deputy Parkinson:** Thank you, sir.
The Preferred Debts (Guernsey) Law provides for the order of priority in which debt should be paid from the property of a party whose affairs have been declared to be in a state of disaster, or on the winding up of an insolvent company. The Guernsey Banking Deposit Compensation Scheme

Board has responsibility for ensuring, *inter alia*, that in the event that a licensed bank defaults, qualifying claimants are compensated up to a maximum of £50,000 within three months of a declaration of default, or the date of receipt of an application for compensation – whichever is the later.

In light of international developments, the Committee *for* Economic Development wishes to amend the Preferred Debts Law so as to protect the interests of the Bailiwick's depositors. The proposed amendments set out in the policy letter will ensure that the amounts paid by the Scheme Board as compensation under the scheme will rank as 'Preferred Debt,' ahead of: 1, other debts which are currently preferred debts under the Preferred Debt Law; and 2, unsecured creditors on the default of a licensed bank. These amendments would put the Scheme Board in a better position to recover monies from a licensed banking default, repay monies drawn from existing facilities from the licensed bank if it is not in default, and respond to another default in the following five-year period.

The Committee recommends amending the Preferred Debts Law so that amounts paid by the Scheme Board as compensation to a qualifying claimant are the highest rank preferred debts, such amounts effectively becoming a 'super-preference.' Any amounts in respect of qualifying deposits in excess of the super-preference – i.e., in excess of the £50,000 scheme cap – will rank behind the super-preference and remain preferred debts in the Preferred Debts Law, but above any remaining ordinary, unsecured creditors.

These proposals are intended to protect the interests of the Bailiwick's depositors and the Island's economy, and I commend this policy letter to the States.

The Bailiff: Does any Member wish to speak in respect of these Propositions in this policy letter? If there is no debate, as appears to be the case, Members of the States, I would invite you to vote on all three Propositions together *au voix*, using the chat function.

Members voted Pour.

The Bailiff: Thank you very much, Members of the States. I am satisfied that there was a loud shout in favour of 'Pour'; I did not hear anyone saying 'Contre.' Accordingly, I declare all of those Propositions duly carried.

POLICY & RESOURCES COMMITTEE

XV. Schedule for Future States' Business – Approved

Article XV.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 17th June 2020 and subsequent States' Meetings, they are of the opinion to approve the [Schedule](#).

The Deputy Greffier: Article XV – Policy & Resources Committee – Schedule for Future States' Business.

The Bailiff: Deputy St Pier, do you wish to say anything about the schedule in opening debate on this matter?

Deputy St Pier: Only briefly, sir.

I think the schedule speaks for itself. What the Committee have sought to do is balance the workload between the June and July meetings, because obviously, there has been a considerable amount of business that has built up and that needs to be considered by the state, and that is the rationale for what is presented to Members today, sir.

The Bailiff: Members of the States, there have been two amendments submitted in respect of the Schedule for Future States' Business. We are just going to take them in the order that they are numbered.

[Amendment 1:](#)

To insert the following wording at the end of the Proposition:

"subject to inserting "P.2020/42 – Committee for Health & Social Care – Modernisation of the Abortion (Guernsey) Law, 1997" immediately after "P.2020/32 – States' Trading Supervisory Board – Guernsey Airport Hold Baggage Screening System Update" in paragraph (g) of the items for the States Meeting commencing on the 17th June, 2020, and deleting the same where it is listed in paragraph (g) of the items for the States Meeting commencing on the 15th July, 2020."

The Bailiff: Therefore, I invite Deputy Soulsby, if she still wishes to move her amendment, to move her amendment. She gets to speak for a maximum of two minutes.

Deputy Soulsby: Yes, sir, I do. Okay?

The Bailiff: Yes, please, continue.

Deputy Soulsby: This amendment restores the policy letter on the modernisation of the abortion law to that which the States had originally supported on 17th June. However, it should be remembered that it had already been delayed a month before that; the policy letter was published on 2nd March, 2020, and members of the public therefore had an extended period, over three months, to make their views known to States Members. And a considerable number have; even before publication, we received a glossy brochure from a pro-life group in London; whether a coincidence or not, just before this schedule was published, we had a flurry of emails via the gov.gg contact form from those requesting a delay; and since publication, we have had a number of more considered responses from those expressing their views, either for or against our proposals in more detail.

The policy letter was informed by consultation, including the professionals responsible for providing abortion-related care, and with people who might require access to abortion services prior to publication. The Committee has and will continue to take steps to raise awareness of the proposals ahead of the June debate date.

The Bailiff: Thank you very much.

The rule says that the President of the Committee can also speak, but on the basis that the President of the Committee is proposing the amendment, I will simply invite Deputy Tooley next formally to second Amendment 1.

Deputy Tooley: Sir, yes, I second this amendment.

The Bailiff: Thank you very much. And then I will turn to the President of the Policy & Resources Committee, Deputy St Pier, to speak on this amendment for a maximum, again, of two minutes.

2430 **Deputy St Pier:** Sir, a majority of the Committee are of the view that the matters should be debated in July, again, just in terms of the workloads between the two months; a minority of the Committee are supportive of the amendment. The matter is for the States to determine, sir.

The Bailiff: Thank you very much.

2435 That concludes debate on Amendment 1, Members of the States, and I invite you to vote in the Chat column whether you are in favour of approving the amendment proposed by Deputy Soulsby, seconded by Deputy Tooley.

Some Members voted Pour, other voted Contre.

2440 **The Bailiff:** Thank you very much, Members of the States. I am satisfied that there was a clear majority voting Pour; there were some Members who voted Contre, but their voices were far quieter in total than the Members who voted Pour, and therefore, I will declare Amendment 1 duly carried.

Deputy Lester Queripel: Sir, could we have a recorded vote on that, please?

2445 **The Bailiff:** Deputy Lester Queripel, you asked for a recorded vote, as you are entitled to under the Rules. Do you really want a recorded vote on Amendment 1?

Deputy Lester Queripel: Yes, please, sir.

The Bailiff: Very well.

Greffier, we will have a recorded vote on Amendment 1, then, please.

There was a recorded vote.

Carried – Pour 30, Contre 8, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Ferbrache	Deputy Merrett	Deputy Oliver	None
Deputy Tindall	Deputy Stephens		
Deputy Brehaut	Deputy Laurie Queripel		
Deputy Tooley	Deputy Graham		
Deputy Gollop	Deputy Paint		
Deputy Parkinson	Deputy Dorey		
Deputy Lester Queripel	Deputy Le Tocq		
Deputy Le Clerc	Deputy Brouard		
Deputy Leadbeater *			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy St Pier			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Green			
Deputy Dudley-Owen			
Deputy McSwiggan			
Deputy de Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			

Alderney Rep. Roberts
Alderney Rep. Snowdon

* denotes Member who voted by proxy.

2450 **The Bailiff:** Members of the States, the voting in respect of Amendment 1 to the Schedule for Future States' Business proposed by Deputy Soulsby, seconded by Deputy Tooley, was as follows: there voted Pour 30; Contre 8; 1 abstention; and therefore, I declare Amendment 1 duly carried.

Amendment 2 is to be proposed by Deputy Lowe. Is it your wish still to move that amendment, Deputy Lowe?

2455

Deputy Lowe: Yes, please, sir.

The Bailiff: In that case, I will call you to put your amendment, remembering you get two minutes maximum. Deputy Lowe.

[Amendment 2:](#)

To insert the following wording at the end of the Proposition – "subject to moving "P.2020/52– The Sexual Offences (Bailiwick of Guernsey) Law, 2020" from the items listed for Special / Ordinary Meeting of the States commencing 15th July 2020 to items listed for Special / Ordinary Meeting of the States commencing 17th June, 2020".

2460 **Deputy Lowe:** Thank you, sir.

The subsequent focus has been on bringing this new Sexual Offences Law, which is the subject of this amendment. The actual policy letter was considered and approved earlier this year. The Committee for Home Affairs considers it important to put this new law in place as soon as possible. It has widespread support and is considered by many to be overdue already. It could have been before this Assembly last month, but the Committee agreed to hold it back time for Deputy St Pier to meet with us on 30th March and discuss an amendment he wished to make. The Committee was therefore puzzled to find that P&R was recommending it to be kicked yet further down the road.

2465

The States has already expressed its overwhelming support for this legislation and it is not expected to be a long debate, and therefore, the Committee feels strongly that it would be remiss to delay further its approval, be that amended or not. There will always be more pressing matters to consider, but this one we just need to get on with and introduce. I therefore ask that Members agree to this amendment and allow the Sexual Offences Law to be considered for approval at the next States meeting, sir.

2470

Thank you.

2475

The Bailiff: Deputy Leadbeater, do you formally second that amendment?

Deputy Oliver: Deputy Leadbeater is not here, sir.

2480

The Bailiff: Deputy Oliver, you are substituting for Deputy Leadbeater? Fine.

Deputy Oliver: Yes, I am, sir.

The Bailiff: Thank you very much.

2485

Deputy Lowe: Sir, I meant to mention that at the beginning. Sorry, sir.

The Bailiff: That is alright.

Now I turn to Deputy St Pier, as the President of the Policy & Resources Committee, to speak on this amendment. Deputy St Pier.

2490

Deputy St Pier: Thank you, sir.

2495 Sir, the Policy & Resources Committee remains of the view that this should be dealt with in July, rather than June. I think the reality is that it will make no difference in terms of when it reaches the Privy Council between the two months. I do also have the vested interest of moving an amendment on this legislation, sir; for that reason, it is the view of the Committee that July would be better than June, but once again, of course, sir, it is a matter for the States to determine for itself.

The Bailiff: Thank you very much, Deputy St Pier.

2500 There is a request for a recorded vote in respect of Amendment 2 to the Schedule for Future States' Business proposed by Deputy Lowe and seconded, now, by Deputy Oliver. So we will have a recorded vote, please, Greffier.

There was a recorded vote.

Carried – Pour 29, Contre 10, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Ferbrache	Deputy Tindall	None	None
Deputy Brehaut	Deputy Tooley		
Deputy Gollop	Deputy Trott		
Deputy Parkinson	Deputy St Pier		
Deputy Lester Queripel	Deputy Stephens		
Deputy Le Clerc	Deputy Laurie Queripel		
Deputy Leadbeater *	Deputy Dorey		
Deputy Mooney	Deputy Le Tocq		
Deputy Le Pelley	Deputy Brouard		
Deputy Merrett	Deputy Langlois		
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dudley-Owen			
Deputy McSwiggan			
Deputy de Lisle			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Roberts			
Alderney Rep. Snowdon			

* denotes Member who voted by proxy.

2505 **The Bailiff:** Members of the States, the voting on Amendment 2 to the Schedule for Future States' Business proposed by Deputy Lowe and seconded by Deputy Oliver was as follows: there voted Pour 29 and Contre 10, and therefore, I declare the amendment duly carried.

Does anybody wish to speak on the Schedule for Future States' Business as it has been amended?

2510 What is currently unclear to me is where in the schedule for the items for the ordinary meeting of the States commencing two weeks yesterday, on 17th June, 2020, this item is expected to be inserted, because it is not clear from the amendment, unlike Amendment 1. Does anyone have a suggestion for that? Deputy Lowe? Deputy St Pier?

Deputy St Pier: I would have thought, logically, sir, it would go with the other legislation, would it not? *(Laughter)*

2515 **The Bailiff:** You are absolutely right, Deputy St Pier; logic would dictate that it would come in probably after the regulations and before the Income Tax Independent Taxation (Guernsey) Amendment Ordinance 2020. If you are content that I put it in there for now, for the purposes of when it comes to issuing the Billet –

2520 **Deputy St Pier:** I could express indifference, sir, and leave it as a matter for you to determine.

The Bailiff: Ultimately, it will be a matter for the States to decide, what order they are going to do business in, once it is published, because we are still waiting for the additional item from the Policy & Resources Committee, as I understand it, Deputy St Pier; is that right?

2525 **Deputy St Pier:** That is true, sir.

The Bailiff: Shall we put it there for now? Just so that I know where I am going to insert it. Members of the States, I am going to put to you the Schedule for Future States' Business, as is amended now, so that P.2020/52 gets inserted immediately before P.2020/87, and the other amendment means that after P.2020/32, you have got P.2020/42, as a result of the two successful amendments. I will invite you to vote in the Chat function, *aux voix*, whether you are in favour of the schedule as amended.

Members voted Pour.

2535 **The Bailiff:** Thank you all very much, Members of the States. I am satisfied that everyone who has voted *aux voix* approves the Schedule for Future States' Business as amended, and therefore, I declare that duly carried.

Procedural – Thanks to community for response during ongoing pandemic

The Bailiff: It will be time in a moment, Members of the States, to close this current meeting. What I am going to do is to comment very briefly, in the way that I have been each time we have risen for a break, and that is to invite you in a moment to join with me in expressing our gratitude to the members of the community who continue to comply with the rules that have been put in place as a result of the pandemic. The relaxation, if one can call it that, to Phase 4 from the weekend, at least generally, seems to be going very well, and that is only because members of our community respect the fact that there is a phased process to getting to whatever the new normality is going to be. That is important because the way in which the community responds ought to be positive, because that is showing proper respect and support for all those who are working so hard to ensure that this public health crisis emergency that has been acknowledged by the Civil Contingencies Authority and the Committees of the States working under the regime continues to be one where it is important. I hope you agree that everyone does their best to enter into the letter and the spirit of what is being done so that further relaxation can be brought about sooner rather than later. They are all doing a wonderful job; it is a shout out for them, and it is a shout out for everyone, and if you want to join me in applauding them, please do. *(Applause)*

Thank you very much, Members of the States; I am sure that everyone out there will appreciate your ongoing support.

I now invite the Greffier to close this meeting.

The Assembly adjourned at 4.23 p.m.