



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 28th March 2019

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

Volume 8, No. 7

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2019*

Present:

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Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

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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, J. S. Merrett, G. A. St Pier, T. J. Stephens, C. P. Meerveld

The Vale

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

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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. Yerby,
D. de G. de Lisle, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy M. P. Leadbeater (*relevé à 9h 50*); Deputy P. R. Le Pelley (*indisposé*);
Deputy N. R. Inder, (*indisposé*); H. L. de Sausmarez (*relevée à 9h 50*);

Business transacted

Evocation	505
Billet d'État V	505
V. Treatment of persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016 – Proposition carried	505
Billet d'État VI	529
I. Referral of UK Acts of Parliament and Orders in Council to the States of Deliberation – Propositions carried	529
Billet d'État V	548
VI. Schedule for Future States' Business – Approved	548
<i>The Assembly adjourned at 12.41 p.m.</i>	<i>548</i>

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

Billet d'État V

COMMITTEE FOR HOME AFFAIRS

V. Treatment of persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016 – Proposition carried

Article V.

The States are asked to decide:

Whether, after consideration of 'Treatment of persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016' dated 11th February 2019, they are of the opinion:

1. To ratify the policies of the Committee for Home Affairs in relation to the treatment of those persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016 as follows:

a. That a person wishing to relocate to Guernsey for the purpose of education/training/employment under the policies set out below from Alderney or Sark must:

(i) have eight consecutive years' ordinary residence in the Bailiwick of Guernsey immediately prior to application; and

(ii) have been first resident in the Bailiwick of Guernsey as a minor, in the household of their parent(s); and

(iii) be (or have been in the case of employment-related policies) under 29 years of age when they first relocate(d) to Guernsey.

b. That those looking to access education/training in Guernsey must demonstrate that they have secured a place in an educational institution or on a training course prior to a Permit being granted.

c. That those who have relocated to Guernsey for the purpose of employment and cannot hold a further Short or Medium Term Employment Permit due to residency restrictions, can generally expect to be granted a Discretionary Resident Permit to enable them to continue living and working in Guernsey, subject to an application for an employment permit from their employer.

d. That those looking to live in Guernsey for the purpose of education/training must be accommodated by a householder.

e. That a Permit holder who has relocated to Guernsey for the purpose of education/training must remain in education/training on a full-time basis.

f. That a person who has relocated to Guernsey under these policies relating to the treatment of young people from Sark and Alderney under the Law, should be able to benefit from an Agreed Absence of up to 12 months to enable them to travel on the condition that they have been continuously resident for 3 or more years directly before the period of absence.

The Greffier: Billet V, Article V, Committee for Home Affairs – Treatment of persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016.

5

The Deputy Bailiff: Members of the States, I invite the President of the Committee, Deputy Mary Lowe, to open debate on this item.

Deputy Lowe: Thank you, sir.

10

As directed by this States' Assembly, the Committee for Home Affairs is returning today to share its policies to support young people from our neighbour Islands in the context of the Population Management Law to access education, training and employment opportunities that may not be available on their home Islands.

15

These policies have been developed with the views expressed by this Assembly in previous debates and consultation with key stakeholders, particularly the Governments of Alderney and Sark both during policy development and following feedback subsequent to the policy letters publication.

Guernsey, Sark and Alderney have each adopted differing approaches to the management of their Islands' population and housing stock based on the needs of their community and economy.

20

Under Guernsey's Population Management Law, residents of Sark and Alderney, dependent on their previous connections to Guernsey, are treated equitably to persons coming to live in Guernsey from outside the Bailiwick.

25

It is recognised that as the larger Island in the Bailiwick Guernsey is able to offer a wider variety of opportunities for training and development than its neighbours. Access to such opportunities has benefits both to the individuals concerned and their home Islands by retaining young people within the Bailiwick as opposed to losing them to the UK or further afield.

30

With this in mind the Committee has developed policies that it hopes strikes the right balance between facilitating young people from Alderney and Sark accessing wider opportunities and ensuring the appropriate mechanisms remain in place to enable the management of the size and makeup of Guernsey's population to achieve our strategic goals.

I thank the Deputy Bailiff for agreeing that I may open the debate on the policy letter and introduce the amendment to be laid by myself and Deputy Prow as the seconder and I pause at this stage to ask that I may now lay the amendment please, sir.

35

The Deputy Bailiff: Yes, Deputy Lowe, do you want to read the amendment or do you want to request that the Greffier read it?

Deputy Lowe: If the Greffier would like to read it for me, please, sir. Thank you.

40

The Deputy Bailiff: Greffier, can you read the amendment, please?

The Greffier read out the amendment.

The Deputy Bailiff: Thank you very much.

Deputy Lowe.

Amendment

To replace the Proposition with the following Proposition:

"1. To ratify the policies of the Committee for Home Affairs in relation to the treatment of those persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016 as follows:

a. That a person wishing to relocate to Guernsey for the purpose of education/training/employment under the policies set out below from Alderney or Sark must:

i. have eight consecutive years' ordinary residence in the Bailiwick of Guernsey immediately prior to application; and

ii. have been first resident in the Bailiwick of Guernsey as a minor, in the household of their parent(s); and

iii. in the case of employment-related policies only, be or have been under 29 years of age when they first relocate(d) to Guernsey.

b. That those looking to access education/training in Guernsey must demonstrate that they have secured a place in an educational institution or on a training course prior to a Permit being granted.

c. That those who wish to relocate or who have relocated to Guernsey for the purpose of employment can generally expect to be granted a Discretionary Resident Permit subject to the provisions of the Law and at the discretion of the Administrator to enable them to live and work in Guernsey.

d. That those looking to live in Guernsey for the purpose of education/training must be accommodated by a householder.

e. That a Permit holder who has relocated to Guernsey for the purpose of education/training must remain in education/training on a full-time basis.

f. That a person who has relocated to Guernsey under these policies relating to the treatment of young people from Sark and Alderney under the Law, should be able to benefit from an Agreed Absence of up to 12 months to enable them to travel on the condition that they have been continuously resident for 3 or more years directly before the period of absence."

Deputy Lowe: Thank you, Greffier.

45 The Committee's primary intention in developing these policies is to support the young people from Alderney and Sark to access opportunities within Guernsey and we have been pleased to reflect upon the proposals in light of feedback since the policy letter's publication last month. Discussion and consultation were a key element of policy development and the development of the amendment, and will continue to be central policies future application.

50 The Committee has sought to develop a clear criteria in respect of accessing the policies based on residency as minor within the Bailiwick and continuous residency over eight years to ensure that such individuals are established as a Bailiwick resident.

55 The Committee has further sought to provide confidence and security to both individuals and employers by ensuring young people coming to our Island to develop their skills and experience and to contribute to our economy should have security of residence beyond the five years gap on some permit types.

60 In developing its proposals the Committee liaised with the Governments of Sark and Alderney. The Alderney Policy & Finance Committee broadly welcomed the changes that were being put forward as these offered increased flexibility for young people seeking to work in Guernsey, understandably when some politicians in Alderney who spoke with Deputy Tindall and saw the opportunity to have even further restrictions than Home Affairs had originally proposed, they were further encouraged and prior to Deputy Tindall finalising her amendment, which she has informed me today she will not be placing, along with the Administrator of Population Management to ensure the Committee had a good understanding of its intent, and in light of the

65 constructive discussion from this meeting the Committee was able to agree its support for the
intent behind the amendment and considered it possible to achieve this in a way which does not
undermine the spirit of the Population Management Law and could balance and facilitate the
career development of young people within the Bailiwick in managing Guernsey's population.

The Committee recognises the similarities between its amendment and the amendment that
70 Deputy Tindall was prepared to put forward with Alderney Representative Snowdon. The
differences are subtle but important. There are two key differences. First is that the Home Affairs
version asks the States to ratify the policies of the Committee *for* Home Affairs as opposed to
directing its implementation. As stated in the explanatory note, there is every possibility the
policies will need to be adapted and adjusted in light of experience. The Committee regularly
75 needs to adapt and refine its published policies and it will be singularly unhelpful if there was a
need to bring any and every adjustment found necessary in respect of these policies back to this
Assembly for a decision.

The second difference is that the Home Affairs amendment puts beyond doubt that individuals
who meet the criteria can generally be confident that they will be granted a Discretionary Resident
80 Permit, but stops short of stating they will be granted a permit. The Committee is aware that every
once in a while applications arrive where there can be sound reasons such as a serious criminal
record which would mean a Discretionary Resident Permit would not be granted.

The Committee does not consider Guernsey would be best served by requirement to issue
such permits automatically or for an expectation to be created that it would. Of course if the
85 individual feels strongly they have been treated unfairly they have the right to appeal any decision
by the Administrator of the Population Management.

Finally, we are aware that a query has been raised about the rights of children brought up in
Herm. The Housing Control Legislation did not include Herm and this position was carried over
into the new Population Management Law. We do, however, recognise that children who have
90 lived most of their life in Herm need to have reasonable rights to live and work in Guernsey. While
the Administrator of Population Management already has the necessary discretionary power to
ensure a Herm child is not disadvantaged, the Committee has been in liaison with the Law Officers
over the extent to which the Law might need to be adjusted in future. However, as a first step the
Committee will be looking to extend the same policy provisions to Herm children as we are
95 proposing for Alderney and Sark children. This is a good example of where the Committee needs
that flexibility to adjust its policies to address situations as they arise for the benefit of the
Bailiwick and without the need to return to this Assembly for direction.

In summary the Committee *for* Home Affairs lays this amendment before the Assembly and
invites Members to support it, or failing that to support the original Propositions unamended.

100 Thank you, sir.

The Deputy Bailiff: Deputy Prow, you are down as seconding the amendment.

Deputy Prow: Yes, I do, sir.

105

The Deputy Bailiff: Thank you very much.

Does anyone want to speak on the amendment?

Deputy Roffey.

110 **Deputy Roffey:** I was waiting for you to ask if anyone wanted to speak in general debate, sir.

The first thing I want to do is welcome this policy letter and welcome the amendment. As the
person who laid the original amendment which led to this report – I think it was exactly two years
ago we discussed the Population Control Law in the March 2017 – I am delighted that we have
finally got it back. I confess I would have thought it might have been able to come back as a
115 relatively small matter slightly more quickly than two years, but better late than never as they say.
So I very much welcome the proposals before us.

I also welcome the fact that Home Affairs, the Office of Population Control, had the courtesy to consult me on their first draft as the layer of that original amendment and it has reformed as a result of the feedback I gave, because originally somebody would have had to be, who was brought as a minor was going to have to live for 14 years in the Bailiwick before they benefited from this. I pointed out that if they had been brought say as a 10-year-old that would mean they would be 24 before they could take advantage, by which time they would probably have moved to Hampshire or somewhere and we would have lost them to the Bailiwick. So it is now going to be eight years, which I think is far more appropriate and far more effective. So thank you very much for doing that.

Really what I was after was I think just the de minimus impact of the number of people that would actually take advantage of it was basically for young people either born or brought as children as brought up anywhere in the Bailiwick to be able to live in pretty much the same way as the Guernsey child would in all respects, not to be advantaged over the Guernsey child in any way but certainly not to be disadvantaged. Unfortunately we do have to have population controls between Guernsey and Alderney and Sark, it cannot be free movement of people because for reasons of their own, and absolutely valid reasons, Alderney, for example, are worried about a shrinking population. They do not want to put up barriers to people moving from the UK, but if we then allow those people to move into Guernsey freely ... obviously not everybody agrees with this these days, there is quite an interesting debate going on, but I still believe that we need population controls in Guernsey and therefore we cannot have that backdoor. But obviously when you are talking about people who were born in Alderney or Sark or brought there as children and brought up in Alderney and Sark we are not talking about people in that category and therefore there is no fear with these proposals of it becoming any kind of backdoor.

As I have said, I do not think there is any real risk of floodgates being opened here, there is probably no Member of this Assembly that is more worried than me about the need to control Guernsey's population. I am almost I think in a minority. I think 20 years ago I would have been a big majority of thinking that Guernsey is probably overpopulated and the last thing we want to do is to see a significant step change in that population, so that is where I am coming from, but even with that there needs to be proportionality and here the degree of risk is so small that I think it would be perverse to actually prevent this from happening.

There is a converse risk and it is one that Deputy Lowe has pointed out from time to time which is that this could in theory aggravate the demographic situation in Alderney or Sark by allowing more people who might have stayed there as young adults to come and be attracted by the bright lights of Guernsey and the better employment opportunities. When I say better I mean wider – the wider range of jobs here. That is quite true but on the other side if we do not do that people who cannot find their career satisfaction within the limited range of jobs in Alderney and Sark are highly likely to actually just go further afield having been educated paid for by the Bailiwick and just end up going to the UK.

It is interesting if you go to Paxos they are worried about the number of young people they lose to Corfu, if you go to Syri they worry about the number of people they lose to Rhodes, but they always say well at least if they go to the neighbouring bigger Island they tend to actually come back eventually. They tend to realise the attractions of the Island of their birth, whereas if they did not and they disappeared off to Athens or the Greek mainland we would probably never see them again. So I think there is some risk here but the risk is very small and I think on balance it is absolutely the right thing to do.

So I am going to support the amendment and I am going to support the amended Propositions assuming the amendment passes, with one exception, sir, and I do ask if the amendment is passed and becomes the substantive Proposition could we have 1(d) taken separately? It is a very minor point but I am just not convinced that it is proportional to insist that Alderney or Sark people coming here to study have to live *en famille*. Now in 90% of cases that is exactly what they will do because a 16-year-old or 18-year-old coming to do a course over here, frankly, that is all they are going to be able to afford to do anyway and it is going to happen, and

170 therefore the control is not necessary. But one of the principle changes that this amendment from
Home Affairs brings in is to say that the opportunity to come and study in Guernsey should be
available at any age throughout your career – *any* age throughout your career. So if somebody is
coming from Alderney in their 40's, for instance, to do a one-year course at the Guernsey Institute
which we hope in the future will be the University College Guernsey, and if they have the means
175 to take a one-bedroom flat or perhaps share a two-bedroom flat with another student from
elsewhere in the Bailiwick is it reasonable to say that in really rare circumstances – I mean it is not
going to make an impact on the housing stock, we would be talking about one or two
occasionally – that you have to go and live as a part of a household of a Guernsey family?

I understand why it is there; it is almost historical. Basically when Alderney people came down
here it was for the Grammar School or it was to take a course age 16 at the College of FE, but this
180 is going to be slightly a new world. I think 90% of the time that will happen but I do not think we
should say that is the only way it can happen, because I think when you have got people in their
30's and 40's which are deliberately being facilitated by the Home Affairs amendment to allow
them to do that we should just show a little bit more flexibility and actually even if they wanted to
show flexibility, if we pass 1(d) it does not allow the Office of Population Control to have that
185 flexibility because we will have voted that the only way it could happen is as part of a household.

So thank you to Home Affairs, you got there in the end. I am delighted with these proposals
but with that one wrinkle I intend, if we are allowed to vote separately on the section, to vote
against 1(d).

190 **The Deputy Bailiff:** Deputy de Sausmarez and Deputy Leadbeater, do you both wish to be
relevéd?

Deputy de Sausmarez: Yes, please, sir.

195 **Deputy Leadbeater:** Please, sir.

The Deputy Bailiff: Thank you very much. Then we will do that.
Deputy Gollop.

200 **Deputy Gollop:** I know we have had interesting debates about a boat to Alderney as well as
notwithstanding excellent aeroplane service but I feel – oh, I do not want to rock the boat today
really because I think Deputy Lowe is very much sailing with the tide, and I agree actually with not
only most of what she has, especially the amendment, but Deputy Roffey's point of view about on
the one hand managing the nature of very small Island economies so that you do not get a brain
205 drain and a disproportionate population whilst ensuring that people who live on the Islands
especially of long standing origin are not disadvantaged ...

I too think I will follow Deputy Roffey in being wary of voting for 1(d) because I think there
could be circumstances that might be about special needs or personalities or being a mature
student or whatever which would not make (d) a mandatory policy.

210 I understand Home department's concern that we would continually have population policy
debates in the Chamber and I think that point is well made, but some of us would probably like to
see those policies from time to time debated, not just about Alderney and Sark but about things
perhaps more relevant to the majority of local businesses here relating to permits, for example, in
the hospitality and transport and care industries. So I think from time to time policies may need to
215 evolve in order to ensure we have a buoyant economy and all the services that we need.

I suppose a recent well-known and well-loved commentator who perhaps is not 100 miles
from here was suggesting that this States has been one which has wanted to present a unified
front at times rather than digging in to individualistic debate. I am not sure that it has always felt
that way but here is an example where actually I think we do need to turn over the coals a little
220 bit, because what has been suggested is the right thing to do. I think it is the right thing to do for

individuals and it is a logical extension of the new Population Management framework but it does raise a few questions, and then I was surprised, maybe I missed it but I do not remember or recall seeing within Population Management, despite the quality and calibre of a very detailed amendment that Deputy Tindall and Mr Snowdon were putting forward, any comments on it from Policy & Resources. That surprised me because Policy & Resources have five Members who have all been very interesting in the Bailiwick affairs, and Deputies Trott and Brouard and St Pier have raised a number of issues about the Alderney relationship of 1948 – admittedly, Sark is a different entity.

But of course one of the reasons why perhaps it has taken so long to get to this point has been concerns that Alderney has a very different employment and population policy from Guernsey. For example, Alderney requires work permits for many jobs but has an open door policy to renting or settling there and that is probably the main justification why successive Housing Authorities in the past were so unsympathetic to the genuine needs of Alderney residents who wished to come here.

Because I look at it from two different ways. I think if you look at it from a States of Guernsey perspective you can see why the restrictions have been in place: inequality of policies; concerns about over population, as Deputy Roffey says; concerns about backdoor entrances and anomalies. If you look at it from an Alderney perspective or a Sark perspective – but let's stick on Alderney, because Alderney and Sark are not the same – I think the case for Sark is mostly based on its historic membership of the Bailiwick and its smallness. Alderney has more of a common purse arrangement and some services and political situations in common, and in that context how would you feel if you were a child born in Alderney in, let's say, 1955 of Channel Island historic population origins, which we protected of course in our Housing Law for Guernsey, and you have never been allowed to live in Guernsey except of course on the more expensive and relatively rare Open Market situations, so effectively 85%-90% of properties in Guernsey are legally closed to you and you are a local person who has paid Social Security to Guernsey all your life and social insurance.

Deputy Roffey pointed out that maybe there is a lesser range of jobs, for example, on Alderney, I would argue there is also a lesser range of incomes because generally speaking jobs do not carry the salaries that they might in Guernsey. So I think the argument to go beyond the age of 29 is manifestly fair and when you think about it, persons like myself who were children of Open Market people and who have been settled here for 45 or so years have actually been treated more fairly than Alderney or Sark people who have generations of Islanders behind them.

I do support this. I think it probably does not go far enough but on the other hand we have to ensure that we have a robust Population Management policy that is fair to everybody, local Guernsey people, Open Market community and many others, and it requires carefully thinking about. We also have to monitor the effects of this policy on the population demography and society that we want to protect and ensure robust survival of on both Alderney and Sark.

So I congratulate Home department for taking a difficult brief and also I think for adapting their thinking in the light of the useful Tindall/Snowdon amendment, and I think we have on this occasion reached a pragmatic compromise that we can all be happy with which is perhaps in contrast to a place 150 miles away.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, the debate has all been rather fluffy and nice so far but it will not be in a minute or two. I am going to support the amendment and I am also going to take the point that Deputy Roffey made about 1(d) because I had not spotted that; that is a very good point.

But this is a poor Law. This is a poor Law. We are building on something that I was ashamed when it was passed by the States all that time ago because it is divisive, it divides families, it divides circumstances, it reminds me of the Stone de Croze column in the States of Guernsey.

275 I look at the definition under the Law of how you can become a resident. If so-and-so begat so-and-so, who begat so-and-so, who begat so-and so, it reminds me of the Old Testament rather than the Guernsey in the 21st century. (A Member: Hear, hear.) It is a poor Law, it is divisive. I was born in the Maternity Hospital at Amherst My mother was born in a room at 32 Le Bordage. I do not know where my father was born – somewhere in Guernsey, he is not here to tell me now. (Laughter) My grandfather, my great-grandfather and my great-great-great-grandfathers go all the way back to Guernsey, but as a Guernseyman I am ashamed of this Law. (A Member: Hear, hear.)

280 But that said, and I am also a little surprised, but we may hear from the able representatives of Alderney in due course, but there is one provision that they've let go, everybody in this Assembly whether it is formally or informally, whether there is a Statute or not a Statute, whether it is in the train and we will get it in 25 years' time when it is drafted the Discrimination Legislation, but there is something here that is discriminatory. Deputy Graham has always, quite rightly, said you are not finished at 70, you are not finished at 80, you can carry on et permanenti, Our Queen is over 90
285 and still battling on and doing well for the United Kingdom.

We are in a position here where we are going to approve, and I am going to vote for it because something is better than nothing, but if you look at 1(a)(iii), that in the case of employment you have got to be under 29 years when you first relocate to Guernsey, why?
290 Because I thought, oh, it is going to be explained, it is going to be explained in the policy letter. Well, when I turned – and I appreciate this was written before the amendment so I accept that but the amendment does not pertain to employment in a material sense, the point I am making is 4.21 and 4.22 on page 11:

In addition to the strategic population objective, and mindful of Guernsey's ageing population, during the same debate in December 2015, the States confirmed:

Then there is that paragraph, and then 4.22:

Given that the States' focus is on Guernsey's working population, it seems prudent to impose an upper age limit on those seeking to relocate from Alderney to Guernsey for education/training/employment reasons, so as to ensure ...;

295 – and I appreciate that has been changed –

... so as to ensure that there is a long period of time over which any such person has the potential to contribute to the Island as a member of its working population.

Well, why? If you are a 40-year-old – Deputy Gollop touched upon it about people making social contributions and paying their Income Tax because it comes to Guernsey and we give some of it back. Well, we do not give any of it back; we are a community, we do not give it back, we are all one community, we live on different Islands but we are one community. But you get that
300 person who contributes, you have then got a 40-year-old carpenter, there is no work in Alderney at the particular time, he has got all the residential bits. Okay, he can come over and he can get a permit of some kind – a three- or a five- or a year-permit – but why should he? He comes over, he is a 40-year-old, his children are nine and 10 so they are just about in the next year or two to change from primary to secondary education. His wife can get a job in Guernsey because there
305 are more job opportunities here. He thinks, 'I am a middle-aged man. I want to relocate now because there are opportunities' – let's hope there will be – 'in the construction industry for me,' because all of a sudden we are going to build all these offices and houses and schools and everything else so therefore there is a shortage of carpenters.

Under this he would not be able to relocate, he would not be able to. I do not understand the
310 logic of that. But why have the Alderney Representatives not picked up on that particular point and said that should be – I thought should I bring an amendment? But no if the Alderney people and the Sark people are happy with it it would be presumptuous of me, and I do not want to be presumptuous. It would be presumptuous of me to seek to change it, but I honestly cannot see

315 the logic of it, and we are going to enact something, because we are going to pass this amendment, subject to 1(d), whether it is passed or not passed, but the bulk of the amendment is going to be passed. Why on earth –?

I give way to Deputy Roffey.

320 **Deputy Roffey:** I would hate to tell a lawyer how to proceed but if we are able to vote on the various parts separately Deputy Ferbrache could always vote against 1(a)(iii) little (iii) I think.

Deputy Ferbrache: I could do but I am not sure ... and I did think about that. I am very grateful and Deputy Roffey of course said that very much tongue in cheek – that he did not want to tell a lawyer how to proceed – but I am very grateful to him for saying that.

325 I thought about that but I think that would leave a gap in how we proceed, it would have actually needed an amendment, I think, to alter it. As I say, I was very much led by Alderney because I have not heard anything from Sark. They have gone along with it, I think, very much led by Alderney and if Alderney were content with this I thought it would be wrong of me to bring an amendment, but I was very concerned about it, I am very concerned about it and I think it is wrong. I think the whole precept of the first part of the Population Management Law is wrong.

330 I am very disappointed because we had no prior knowledge at all until it was said by Deputy St Pier yesterday that there is going to be a delay in the review. The review is due to be completed by the end of this week, just two days after the first Brexit day; it was due to be completed by the 31st. We have heard there is disagreement, what a surprise, between P&R and the Home department. I wonder who is the more conservative and I look at the Home department, but I may be wrong. I may be wrong in that regard because when we had this debate two years ago, as Deputy Roffey said, the idea of it was that we were concerned, a group of us were concerned, about these provisions. Therefore we were told ... and I am always concerned when the States says it is going to do something by a certain time, because it rarely does, and this is an occasion where it really has not.

340 But we are in a position whereby we do not know when this review is going to come through, we do not know what it is going to say. Deputy St Pier said later this year, he then said in answer to, I think, a question from Deputy Merrett yesterday that the divisions between the two are not that great. Well, if they are not that great why can't they sit down tomorrow because we are going to finish this States' meeting today and resolve it and then we have got the review completed by the end of March? Why can't they do that? Cross out your diaries, you are going to be here tomorrow, Members of the States, you are not going to be here tomorrow unless somebody speaks as long as I do! (*Interjections*)

350 But in relation to all of that, as I say, I am going to vote subject, and I will vote the same way as Deputy Roffey in relation to this but I wish we did not have this Law, I wish we had had something which was fit for the 21st century and made me proud to be a Guernseyman. I am not an English man, I am a Guernseyman instead and ashamed to have to build on something that I think has very poor foundations

355 **The Deputy Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Sir, I would just like to declare my interest as an Alderney resident. (*Laughter and interjection*) How do I follow Deputy Ferbrache in the eloquent manner that he can put things, but I will try?

360 I would like to thank Deputy Lowe for bringing this matter forward and I do support this amendment. This amendment removed some of the uncertainties and restrictions and I support the removal of these uncertainties and restrictions.

365 Young people, whether they are completing their education and training or starting out in their career, are the lifeblood of our communities in the Bailiwick. We need them and we need them to be successful. They are the ones who are going to contribute to economic growth as they

build their careers or businesses. So why do we make it harder than what it is? It makes no sense, we have a dependency ratio of 0.55% in Guernsey and it is much higher in Alderney.

Our populations in Guernsey and Alderney are ageing populations and we need to turn the tide. The amendment will not do that on its own but it is a start. We need young plants to ensure next year's crop. A young person in from Sark or Alderney who starts their working life in Guernsey is more likely to make a substantial contribution to the economy and the tax revenues of the Bailiwick. That same young person is more likely to return to Sark or Alderney in some part of their career if the Bailiwick has always been their home. We do not want to lose them to the UK.

I agree very much with Deputy Roffey and Deputy Ferbrache on their comments and there was an opportunity to bring an amendment and you are quite right and I wish I had done.

I believe also on Section 1(d), Deputy Roffey, and the age limit could be higher, perhaps even to 40 because as it says there is plenty of work, why not from within the Bailiwick for bringing in people from outside?

I would also like to remind all that Alderney and Sark children are born in Guernsey and hold Guernsey birth certificates. Now Sark do not have a representation today but I do have Sark's view. Conseiller Sam La Trobe has advised:

We believe any policy that helps Sark's younger people is positive for our community.

Thank you.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, Mr Deputy Bailiff.

Sir, following some of the feedback I have had from Deputies, could I just say what we are trying to do here this morning is fairly straightforward, but how we get there is not. I think the debate so far has not helped.

I want to return to the policy letter and to the amendment. Sir, I think the best way is to try and run through what we have in front of us and drill down to the crux of the matter, and to do that I will be reinforcing what the President of Home Affairs has ably said in her opening.

So I therefore apologise to Members for reiterating the most relevant parts of the policy letter and the explanatory note indicating where the amendment changes it. I start by referring to the first section of the policy letter. This tells us the Committee is required as a result of the successful amendment in March 2017, which Deputy Roffey has also alluded to, to return to the Assembly setting out its intended policy for children born or first resident as minors in Sark and/or Alderney who wish to relocate to Guernsey for employment education or training. The Committee acknowledges that following the publication of its policy letter an amendment has been submitted to H.M. Greffier which we are debating now.

So the Proposition in this amendment is identical to that within the policy letter, with the exception of the removal of the requirement for those assessing training and education to be under the age of 29, enabling Alderney and Sark and now Herm young people to be granted a Discretionary Resident Permit in order to allow them to live and work in Guernsey.

So, sir, the Committee supports in principle the second amendment that is not being laid but it is keen to avoid a precedent whereby the Committee could find itself directed to adopt a particular policy and be constrained in its future evolution. This might include or be able to deal with unforeseen circumstances or unintended consequences. Sir, this amendment, in common with the original policy letter, seeks the States to ratify rather than direct the Committee's policy approach thereby allowing future flexibility in case it is needed.

Such policies are developed and implemented without the involvement of the States' Assembly and are subject to regular review. They may be amended or revised in light of practical experience in order to ensure the regime continues to achieve the States' strategic population objectives.

Sir, if I could perhaps touch on the wider point that Deputy Ferbrache has raised, which goes beyond the policy letter and indeed goes beyond the amendment. Perhaps it might be useful to

point out that the Population Management Law is a Guernsey Law; Alderney have their own arrangements. It would be open to Alderney and to Sark to get into discussion to see if they wanted to become under the ambit of the Population Management Law if that is what they sought to do, but they have not. They are outside of this legislation which is Guernsey Law, which
420 interestingly is a different situation to the extended Immigration Acts which apply to both Alderney and Sark. So that I think is a factor that we need to consider. This is Guernsey legislation and we are allowing through the discretion of the Administrator of Population Management to allow these provisions to Alderney and Sark residents which others do not enjoy.

425 With regard to the points made by Deputy Roffey, I think I am right in saying that with regard to Proposition 1(d) this really is the historic situation which I believe was the position under the old Housing Legislation and I think that I would be nervous in this Assembly not going with that part of the amendment, because I think we need to be flexible, we need to see how this develops. If there does become a need to put aside that particular Proposition I think we need to do that in the light of experience.

430 So, sir, in summary, this policy sets out the way, it is intended to support children and young people from Alderney and Sark. The Committee recognises that over the course of time in the light of experience it may be necessary to refine the arrangements so it will continue to talk to both Islands on the matter.

I urge Members to support this amendment and policy letter.

435 Thank you, sir.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

440 I just wanted to clarify something that Deputy Ferbrache mentioned actually: if there was a shortage of carpenters in Guernsey and the 40-year-old carpenter from Alderney, for example, wanted to come over and bring his wife and kids then he would be welcome, sir, because that post would be added to the in-policy list, so he would be welcome to Guernsey to come and bring his wife and children because that would attract a long-term employment permit.

445 Thank you.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, thank you.

450 I wanted to clarify a point, a couple of points actually, with regard to 1(c), sir, and the amendment there. First of all, with regard to the point being erased from there:

... subject to an application for an employment permit from their employer ...

I would like to know why that has been struck out exactly?

Secondly, what is meant by 'subject to the provisions of the Law'? What regulations are implicit in this in the amended (c), there is the point:

... subject to the provisions of the Law ...

455 What regulations are implicit there?

The previous point being the old before amendment (c) contains:

... subject to an application for an employment permit from their employer ...

Why is that being struck out?

Thank you, sir.

460 **The Deputy Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you.

I just have a question regarding 1(c) but a different aspect of it. In particular for those:

... who have relocated to Guernsey for the purpose of employment ...

Then it says:

... can generally expect to be granted a Discretionary Resident Permit subject to the provisions.

And then:

... at the discretion of the Administrator ...

465 So I am interested to know for what reason such a permit might not be granted for someone who has already moved to here? That is all.

Thank you, sir.

The Deputy Bailiff: Alderney Representative Snowdon.

470

Alderney Representative Snowdon: Thank you.

I would just like to say thank you to Deputy Lowe and the Home Affairs Committee for putting this amendment forward and thank you to Deputy Tindall for the amendment that we were going to place and have now removed.

475 I was talking to Mr Jean in Alderney and he believes that he has been trying to get this through the States of Deliberation for the last 20 years which is quite a long time and he is very pleased that this has come here today.

480 Going back to the criteria there are some worries I think with maybe a backdoor that could be created with people going to Alderney and then trying to go into Guernsey. I think the criteria basically stops that and we do have some numbers that show that the uptake, if there was uptake, from Alderney would be very low for our young people moving over. So I hope that reassures some of the Deputies that there is not going to be a flood of people from Alderney and it will be a very low number because of the criteria.

485 The States of Alderney do support this, I believe Sark do as well. It helps our young generation and what we do not want to see is them going to the UK and not returning. If they are in Guernsey for education or training purposes or employment they will hopefully be relocated back to Alderney sometime we hope. Time and time again we see young people going to the UK and then unfortunately they do not come back; they start a family in the UK and then Alderney just becomes the Alderney week destination. So it is really important we try and get people to stay in the Bailiwick if possible.

490 I think this is an important step forward for future generations to be able to be working, educated and trained in the Bailiwick. Our Bailiwick is all one so it is really important moving forward.

495 Just picking up on some of the points from Deputy Ferbrache. Thank you for highlighting that it was very much appreciated. I do not know if there is something we can do in the future with this but I am quite keen for this to be hopefully passed today.

500 I do agree with the carpenter side of it but I am just a little bit cautious that I think there is that feeling of the backdoor that we want to try and avoid maybe for the Guernsey side of it, so I think maybe we could look at this and maybe talk to Home Affairs at a later date with Sark on maybe if there are other ways forward.

But I am very supportive of this item and I hope it gets the support of this Assembly today.

Thank you.

The Deputy Bailiff: Deputy Tindall.

505

Deputy Tindall: Thank you, sir.

Naturally when I prepared for this I wrote a rather longer speech than I intend to give today simply because obviously I am very grateful to Home Affairs for the fact that I do not need to.

510 However, the explanatory note to both amendments and also in the policy letter does explain quite a lot about why in fact the original draft amendment I prepared ... but there have been a couple of points which I will try and address, certainly from my perspective but obviously Deputy Lowe will no doubt cover if I am in any way misrepresenting the position.

515 The Committee *for* Home Affairs has taken on board all the points which I initially sought and then following discussions with my colleagues here in Guernsey, and then in both Alderney and Sark they too joined with my cause. Whilst there are differences in the wordings, I and Alderney Representative Snowdon are satisfied – more than satisfied – with the outcome. I hope Members will agree with us.

520 I should stress that there was never an intention for a permit to be granted automatically. The intention was always that the permit was subject to the policies of the Population Management regime. Deputy de Lisle mentions what policies they are, Deputy Lowe in her opening speech gave an example of criminal convictions. Also Deputy Prow and Deputy Lowe both referred to the importance of the Administrator's discretion. These are Discretionary Employment Permits and in order to ensure – and this was the main premise on which I approached this whole issue – I wanted to show not only that I did not need to change the Law but the actual Law was sufficiently
525 flexible to expand the policies in this way, and I hope that this is an example of working with a committee where the actual topic is under the mandate of that committee with joint collaboration, lots of discussion, we actually get a good outcome, and I think this is a prime example of it.

530 I was also enlightened this morning that Herm is not included in the regime. As a St Peter Port South Deputy which includes Herm, I asked before the 2017 debate about this and I was advised Herm was included in the regime. With that reassurance in mind I did not actually talk about Herm with regard to this draft amendment, but I am very pleased to hear Deputy Lowe's assurance that her Committee will now be considering that point.

535 I would also mention the point raised by Deputy Ferbrache regarding the age for employment permits is under 29 when first relocated to Guernsey. When I was first considering this I was concerned too but there was this need not to change the Law and not to treat children of Alderney and Sark more favourably than those that come in to Guernsey from elsewhere or indeed the children born on Guernsey.

540 With regard to 1(d) the need to live with a householder, I feel the same as others here today, but decided that the amendment that I and Alderney Representative Snowdon submitted was more likely to be approved allowing a separate vote on this in general ... if it was approved and then general debate so that we could actually vote against 1(d) if we felt the need.

545 As Deputy Prow mentions, if 1(d) is rejected then in the light of experience and it proves the need for refinement, this can be put back because it is within the mandate of the Committee *for* Home Affairs.

As I say, this need to show that the Population Management Law is flexible is very important, especially with my tourism hat and obviously the Economic Development Committee and points made with regard to hospitality.

550 Finally, sir, I would wish to thank the ... obviously I have thanked the committee. I cannot say much more in that regard, but I would very much like to thank the Administrator of Population Management, her team and H.M. Comptroller for assisting me with understanding the issues and enabling the first draft amendment to be submitted and this amendment we are debating now to be laid.

I therefore ask the Assembly to vote in favour of this amendment.

555 Thank you, sir.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

560 I cannot allow Deputy Ferbrache's comments about the Population Management Law to go unchallenged. The population ... and I read from one of the forewords of the consultation document on the Population Management Law and it says:

If Guernsey is to continue to succeed as an attractive place in which to live, work and do business it is going to have to take pragmatic steps to manage the sized and makeup of the population in future.

And that was the basis of the Population Management Law. The background was that Guernsey is one of the most densely populated communities in this world, and in comparison with other communities it comes out extremely high.

565 We have to protect our housing market to ensure that it is affordable to our own local people, and that is what has always driven me. We always talk about everybody who wants to come to Guernsey but I want to protect it for the local people who live in this Island and ensure that the housing is affordable. The more people that have access to it the more demand there is, and you either have to build more or prices increase.

570 The Policy Council, as then in 2008-12, set up a sub-committee which included Deputy Jones as Housing Minister, Deputy Flouquet as the Deputy Chief Minister, Deputy McNulty Bauer as the Commerce & Employment Minister, Deputy Mahy as the Home Minister and myself, and we did extensive research and consultation to look at all the various options and this was what we believed to be the best option and it was then supported by the Policy Council at that time and taken to the States. Yes, it has gone through a few amendments, but I do not accept his

575 comments about the Population Management Law.

In relation to this particular item I think the words on page 9 where it says:

... it is noteworthy that a more liberal approach to movement of young people from Alderney to Guernsey does have the potential to damage Alderney's economy.

I think that is important. People have spoken about people moving within the Bailiwick and they are more likely to come back to the Island, but we move a significant number of our local

580 people off-Island for education, for employment, experience, and many of them do come back to this Island. So I do not accept that just because you do not live in the Bailiwick you are not likely to come back to the Bailiwick. If that is the basis of what we believe then we are making a big mistake with educating our people because we then expect them not to come back and many of them do.

585 I will not support the amendment. I think we should take this step by step, the policy can be changed at any point in the future. But I think we need to be extremely careful that we do not do something which we might think is beneficial but at the end we damage the economy of Alderney and Sark. So I think we should take it very carefully before we make changes.

The original policy was based on what was in the Housing Control Law and has been in

590 operation for many years. So I would take it one stage at a time.

I will support the policy letter but I will not support the amendment. I urge States' Members to think about local people and their access to the local housing market and also the Alderney and Sark economy. Are we really doing what is best for those economies?

Thank you.

595

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

600 I just actually wish to seek clarity regarding 1(a)(iii), sir, because I am led to believe we can vote on that separately, and I am led to believe that if a separate vote is taken that there would simply be no age restriction on persons wishing to relocate to Guernsey but still for the purposes of education, training or employment. So you would still have to be coming to Guernsey to be educated, trained or employed, you would still have to have eight consecutive years' ordinary

605 residence in the Bailiwick of Guernsey immediately prior to application and you would still have to
be first resident in the Bailiwick of Guernsey as a minor in the household of the parent. So unless
Deputy Lowe can explain to me why this age restriction is pertinent, why we really need it, and
how they came to the decision of it being 29, why is it not 30, 28, 28½? I would really appreciate
confirmation of why it is 29. If there is a valid reason as to why it is 29 and not 30 or 28½, I would
appreciate really knowing that so I can make an informed decision on that particular point.

610 I also rise because I cannot allow Deputy Ferbrache's comments to remain unsupported. I am
absolutely in total agreement with everything Deputy Ferbrache has said, and I think I said it
during the debate on the Population Management Law in the first instance. This is divisive.

615 Using comments like 'local people', okay, well we now know how we defined 'local people.' I
believe that anybody that is in our community, paying their taxes, being part of their community,
and whether they are born in Alderney and they wish to relocate – and I repeat again – for the
purposes of education, training or employment that we should be welcome to them coming to
our Island to, in theory, actually help us to some degree because we need a working population,
we need a population that is educated, and we need a population that is committed to our
Islands. That is probably controversial but we are more than one Island, and therefore if I can have
620 clarity I would request a separate vote on 1(a)(iii).

Thank you, sir.

The Deputy Bailiff: Deputy Soulsby.

625 **Deputy Soulsby:** Sir, yes, I was just going to echo Deputy Merrett.

I said I was not going to speak in this debate but it was Deputy Dorey's comments in response
to Deputy Ferbrache's that made me do so.

630 Deputy Dorey reeled off a lot of names, from Deputy Flouquet ... these are people that ... this
review that he spoke about started before the last term and really it took ages for the Law to get
passed and when it was it was out of date the moment we passed it. (**A Member:** Hear, hear.)

So in terms of the current Law it is working well from an HSC point of view and it has been
quite flexible, but I do question the amount of administration and bureaucracy around the system
we have got at the moment, and I do echo Deputy Ferbrache. So we really want to see the results
of that review as soon as possible. So that is the reason I am standing.

635 Yes, and I will support the amendment.

The Deputy Bailiff: Deputy Fallaize.

640 **Deputy Fallaize:** Sir, just a very brief contribution also in response to something Deputy Dorey
said, which was in reply or retaliation to something Deputy Ferbrache said.

645 He went through the history of who was involved in shaping the Law and what he said was
accurate and was reasonable, but of course those people and that original Law had nothing to do
with the provision around locals and birth rights that was subsequently inserted by the States. All
those people he listed who came forward with various policy letters and green papers, as it were,
and then the people involved in drafting the original legislation did not try and persuade the
States to adopt all of this nonsense about birth right, that was inserted at a much later stage. And
I think although Deputy Ferbrache did not choose in his speech to point out that particular
provision, I think what he was saying was that in a Law which I know he does not agree with
650 generally anyway, but in the current Law that particular provision is the bit which is most
objectionable in the context of the criticism that he was making. As someone who has a surname
almost as local as Ferbrache, I feel exactly the same way he does about what I think is an appalling
set of provisions in the Law, irrespective of whether the Law generally is right, wrong or
indifferent.

655 **The Deputy Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Deputy Bailiff.

I rise merely to confine myself to replying to the question raised by Deputy Merrett, who seems otherwise engaged just at the moment but there we go. She asked why the age of 29 was selected. I happen to know the answer to the question because I asked it myself on Home Affairs because I personally could not see where the rationale was. I will do my best to explain it.

We are talking here about the policy applying to those who first come as minors, let's say, to Alderney as members of a family. A minor is a minor up until the age of 18. We then looked at the residential qualifications in order to acquire permanent resident status which was 14 years, add 18 and 14 and you come to 32. It was then decided that to insist on 14 years prior residence in Alderney before you had access to this policy was unnecessarily long and that if the purpose was, for example, to stop either Alderney or Sark being a convenient sort of first landing post to get access into a Guernsey a period of eight years would be sufficient. So instead of adding 14 to 18 one was then tempted to add 8 to 14, making *(Interjections)* 18 and 14 making 24 instead of – *(Interjections)* whatever the number is – *(Laughter)* 18 and eight, it is 26 isn't it. Now if I have not lost you already ... *(Laughter)* stay with this one. That on reflection was thought to be a bit low *(Laughter)* I am giving you the rationale, you may accept it or not, and it was thought that a compromise between 26 and 32 might be appropriate for the first step in introducing the change to the policy. Hence 29. You can dispute the logic of it if you want but I am merely giving it to you. *(Interjections)*

The Deputy Bailiff: Well, Members of the States, after that illuminating mathematics lesson *(Laughter)* – I will turn to Deputy Lowe as the proposer of this amendment in a moment to reply to debate on the amendment, but given the nature of the debate on it so far, I will indicate that, whether the amendment carries or not, when it comes to voting on Proposition 1 because this is indicative of what support there is in this Assembly for the policies that have been developed by the Committee for Home Affairs I will allow votes on each separate paragraph and in relation to (a) sub paragraphs. So that we will go through to see where there is support and where there is not support. Ultimately of course it is a matter for the Committee because these are policies of the Committee.

So Deputy Lowe to reply to the debate on the amendment please.

Deputy Lowe: Thank you, sir.

There is very little to reply to and I thank the Members who have spoken for their support. As has been said, the Population Management is very complex; nothing is actually particularly straightforward. It is a bit like dominoes, you move one part and the other part comes down so it has to be looked at in the whole.

But what we have before us today – and I thank my Vice-President for reading it out – is the result of the successful amendment, and the successful amendment asked us to go away and to come back at the earliest opportunity to look at the Population Management Regime of children born in Alderney and/or Sark and those taken to those Islands as a minor. Now that is what this is all about. It is not about adults, it is not about anything else to do with the rest of the Population Management Law and it is a policy, and as with all policies you are asked to ratify this policy. As with all policies they are flexible.

You will be aware of some of the policies we have already amended from feedback, from the trade, from employers, from indeed individuals. We review this on a frequent basis when we get feedback after which we think actually we need to sort out that policy. But added to all of that the Administrator, who is a statutory official, also has discretionary power that she can look at something and if it is about a particular individual she may use those discretionary powers to accommodate that.

Interestingly enough, we had a meeting this week where the Population Employment Advisory Panel attended with some of the representatives, and it was a delight to have them there because it is nice to hear feedback, but when you hear feedback of how well it is now working, it made it

even better to have them in the room, but that said, we are always there to listen so if there is any area that we feel that needs to be looked at or amended we certainly take that into consideration.

710 Sir, regarding the area, there was a question from Deputy Kuttelwascher who asked about why is it not automatic. I mentioned that in my opening speech. If they have got a criminal record then they will not be welcome in Guernsey. So we cannot say that it will be a given that that will actually happen, that people can actually move here or into the Island.

715 **Deputy Kuttelwascher:** Yes, I accept that but what I am really asking is: are there any other criteria. I know that is one but is there going to be a list of criteria and that will dictate the discretion, or will the discretion be exactly what discretion means – on the day they just might decide [*inaudible*] What are all the criteria where the discretion could be applied to?

720 **Deputy Lowe:** As you say, discretion is quite a word, isn't it, really? (**Deputy Kuttelwascher:** Oh, yes.) and you are more than welcome to come into the Population Management and they can actually give you some examples, and they are few and far between, there are not many, but there may be a particular individual who might not have a criminal record but actually does not fit the box for the type of job that they are actually after and want to do, so they have that discretion to say, 'Well, if you want go away and train or if you want to come back or you want to apply this
725 discretion is used on occasions.' But certainly if you want more expansion on that please do come in and they can give you examples, more than I can, I am not dealing with that on a regular basis or a daily basis, but we have no problem with any Member coming in to talk to us on any area to do with Population Management; you are all more than welcome because it is complex, and each
730 individual – I will give way in just two secs to a Member of my Committee there – it is complex and really often no two situations are the same and that is the flexibility of the policies that we have before us.

I will give way to my Member of Home Affairs.

735 **Deputy Leadbeater:** Sir, I thank the President for giving way.

It is just to clarify a bit on the discretion. As with all of the policies, the Administrator has got discretion but clearly there would have to be clear reason which merited departing from the policy and that also applies to 1(d). I think Deputy Gollop mentioned people that may have special needs or special circumstances that would not be able to be accommodated by a householder. The
740 Administrator can use her discretion in those situations too, it is right the way across all of the policies.

Thank you.

745 **Deputy Lowe:** Thank you, Deputy Leadbeater. You helped me out, I was just about to do that, to say for 1(d) for Members that are saying they would perhaps vote against 1(d) because 1(d) does have that flexibility. These are policies, it is right at the very beginning, it does say these are policies and that discretion may be available if needed.

750 **Deputy Merrett:** Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Merrett.

Deputy Merrett: Sir, 1(d) says:

That those looking to live in Guernsey for the purpose of education/training must be accommodated by a householder.

If they *must* be accommodated by a householder, I do not see how that can be discretion, sir?

755 **Deputy Lowe:** If you want to go to the very beginning of the amendment it actually says that we can amend policies and change policies, it is not set in stone. So if we see that there is a track record of ... or there are difficulties and it is reoccurring then that policy will be reviewed and could be changed. That is the idea where things are reviewed. We would be listening to the people in Alderney, we listen to people in Sark and if it is causing a problem then that will actually be looked at and be changed.

760 I give way –

Deputy Fallaize: I am grateful to Deputy Lowe and I apologise for interjecting her, as others have.

765 Is the real issue in relation to Deputy Merrett's point that actually these policies do not require the involvement of the States, it is that the policies made at Committee level so the standing position would be that the policy adopted by the Committee for Home Affairs which it is asking the States to ratify would read 'must' but the Committee would have the ability or scope to vary that policy if it chose without reference back to the States? Isn't it that that would basically be the position?

Deputy Lowe: Absolutely spot on, Deputy Fallaize, and that was the difference between Deputy Tindall's original amendment and ours, was that if we needed to make any changes under the Deputy Tindall amendment, if she placed it, meant we would have had to come back every time we wanted to actually change a policy and that is not making good use of States' Members time, it also would hold up the process completely and that is ... the States are not here to actually change every policy within a committee. So that was why we had to actually change the wording so we do have that flexibility, and I thank Deputy Fallaize for expanding on that.

775 So I ask Members to support the amendment, please.

780 Thank you.

Deputy de Lisle: Sir, can I ask for a reply to my question because in order to support or not support (c) I asked for a couple of things: first of all, what regulations are implicit and can I have a legal response please. What regulations are implicit in the phrase:

... subject the provisions of the Law ...

785 – in the amendment to (c)? And secondly, why –

... subject to an application for an employment permit from the employer ...

Why that has been struck off? I would just like some answers, sir.

The Deputy Bailiff: Deputy Lowe, are you minded to answer the questions that have been posed by Deputy de Lisle.

790

Deputy Lowe: Deputy de Lisle also asked for legal advice on this one, sir, so I could look at H.M. Comptroller if he wished to answer.

795 But I mean we have got the provisions of the Law are the Law, we have set the Law. The States set the Law, we put in the policies to go with that Law. So if you want to look back to the Law that you approved, Deputy de Lisle, this States approved the Law for Population Management Regime. We put in the policies to drop down underneath that, but if there is some area where you are looking at for some legal advice on that then I need to look to H.M. Comptroller to establish what you are trying to achieve with your question.

800 **The Deputy Bailiff:** Mr Comptroller, are you able to assist on if the amendment carries and Proposition 1(c) were to be approved, what it would mean?

The Comptroller: Sir, in relation to the phrase, '... subject to the provisions of the Law ...' I think Deputy Lowe has addressed that issue, I mean the discretion of the Administrator, everything is subject to the provisions of the Law.

805 In relation to the application for the permit, whilst I have not got the Law in front of me and have not looked at it, I suspect it is the requirement of the Law that you have to put an application in, so I think it has probably been omitted, I did not have a hand in drafting this Home department amendment but I suspect that it is a requirement of the Law that you have got to make an application to get to first base, so you do not really need to put that in a policy.

810

The Deputy Bailiff: Members of the States, the first vote will be on whether or not to substitute the original Proposition for the Proposition in the amendment proposed by Deputy Lowe and seconded by Deputy Prow. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: Well, I will declare the amendment carried.

815 Deputy Tindall, you had lodged with H.M. Greffier an amendment. Am I right in thinking you now no longer want to lay that amendment?

Deputy Tindall: Yes, sir, thank you.

820 **The Deputy Bailiff:** Thank you very much.

Is there anyone who wants to speak in general debate on the Proposition as amended? Deputy Roffey.

Deputy Roffey: Very briefly, sir.

825 When I first looked at the Propositions I felt that 1(a)(iii), that you had to be 28 years old or younger, that is probably being overly restrictive but I was not going to make a big issue of it because I thought we were moving in the right direction, it is evolutionary and that is fine.

I have to say that the Member of Home Affairs that spoke on this has convinced me to oppose it because the logic was just so sparse in their reason for coming up with this particular figure that I do intend now ... he has convinced me to vote against 1(a)(iii).

830

The Deputy Bailiff: Deputy Gollop.

835 **Deputy Gollop:** Two brief points. I would like to have individual votes on aspects of the amendment and it gets complicated because not only do you have 1(a), (b) and (c) but how far you can divide those I am not sure.

The second point is although I accept and I think I will take up the offer to meet with the Population Management Administrator, this is policy that is evolving, I kind of think that it still leaves Sark and especially Alderney people with limitation on legal rights as distinct from privileges. I think that is a point we have to consider because some of the arguments made about the discretion, that Deputy Kuttelwascher and others sought advice on, and might not apply to residents who move here as partners of a local person or who move into the Open Market and one needs to have a level playing field of discretion when it comes to dealing with lawful residents of the two other Islands.

845

The Deputy Bailiff: Deputy Brouard.

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

850 Just picking up some points some of the speakers have made this morning, I do not think these provisions are at all divisive; I think they have been created in an atmosphere of trying to be inclusive and helpful. We do not want to deprive Sark of their carpenters or Alderney of their carpenters; if they need them there we want them to be working there rather than bring them into Guernsey.

855 One other concept as well, we have got responsibility – and I think Deputy Dorey touched on it – for our local people; Alderney Representatives have got responsibility for their people; and people in Sark have got responsibility for people in Sark. We are not – and this is a concept I think it comes from the UK – we are not Scotland with Scottish Islands who are all one and the same and part of Scotland. We are three separate jurisdictions, and it is hard for some people to get
860 their heads around that, but it is three separate jurisdictions with a layering over the top called the Bailiwick and again if you can try and find out exactly what a Bailiwick is, good luck to you.

We have this concept that as Guernsey we are somehow the Scottish mainland and we have responsibility for our Islands. It is not like that at all, we are trying to work together with people in our Bailiwick as three separate jurisdictions and, as Deputy Prow made it very clear, this is the
865 Guernsey Law which we are trying to facilitate the other Islands to the sides of us.

I fully agree with what Deputy Dorey said in that the birth right provisions were perfectly right to have in our Law to protect our – and that was part of the reason why partly the Open Market housing came in the first place, to protect the local stock of housing.

So I just hope that gives some clarity.

870 Thank you, sir.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

875 I just have a point or a question to put about the words to ratify and what the actual purpose of the States voting in favour or against these Propositions would be.

One does not want to talk about indicative votes (*Laughter and interjections*) on today of all days, but it does appear to me that the States are in a sense being asked to cast indicative votes on this matter. So in the event that the States votes against some but not all of the provisions in
880 these Propositions what will the Committee *for* Home Affairs do with that information, because the votes cast by the States would not, as I understand it, of itself change the policies which in law are to be made by the Committee and not by the States.

So I think my question is, although the Proposition is set out with the technical term to ratify if the States vote against any of these Propositions, will the Committee *for* Home Affairs accept that that is the will of the States and therefore they will change their policies accordingly so that their
885 policies reflect the will of the States or is it possible that the Committee *for* Home Affairs will maintain the policies it has made despite or notwithstanding contrary votes cast in the States.

I think some clarity about that would be of some use. Not because it will affect the way that States' Members vote, but I do not want the impression to be created, either inside the States or
890 outside the States, that the States have voted a certain way and therefore the way the States have voted is now reflected in policy if actually that might not be the case. Because that kind of creates confusion, you could end up in a situation for example where the States, unwisely though ... but they did believe that is voting to ensure that development does not happen on a piece of land at Cobo and the next thing development has happened on the piece of land at Cobo. We want to
895 avoid all that sort of confusion or lack of clarity (**Several Members:** Hear, hear.) so some clarification I think from the President when she sums up about whether the Committee will ensure that the will of the States as expressed in these votes will be reflected in the policies of her Committee would be of some use.

Thank you, sir.

900

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I was up to exactly the point that Deputy Fallaize was concerned about – this technical point as to changing the words in respect of directing Home Affairs to adopt the policy or ratifying policies that I was not quite sure whether they have adopted anyway but I am informed they have not. So that was part and parcel and quite a bit of the discussion that we had and took advice on and basically I was reassured with the fact that actually the amendment that was laid and now being debated is very much in the spirit of what we wanted and very much something that I felt was such that was required for our amendment to be dropped to ensure that the policies are within the mandate and control of the Committee which was the intention of the States in the first place, because that is exactly what happened under the IDP and that is exactly what we were given direction by the States and we adhered exactly to what the States had given us and that is the point. I think under the Population Management Law, whether we like it or not, that is what we had delegated Home Affairs to be able to do and I felt that this amendment is consistent with that.

I will also for clarity ... and I am sure others in respect of the IDP are very aware of this that if anyone takes a dislike they can always lay a requête. (**A Member:** Hear, hear.)

Thank you, sir.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

I am supportive generally of these Propositions but I too am concerned by 1(d). I think, as has been suggested, this is largely historic and was brought about by the original consideration having been for teenagers attending the Grammar School or the College of Further Education.

But more has changed than simply the nature of available education and training. I spent a reasonable amount of time searching social media etc. and I cannot find a single 'Lodger wanted' advert. The tendency for people to bring somebody into their home for bed and breakfast while they live and work has shrunk massively, not just in Guernsey but across the world, and I am fearful that 1(d) would actually have the effect of making it impossible for anyone to access the available opportunity that we are trying to create here.

So I will be voting against 1(d) and may also vote against 1(a)(iii) – I am still thinking about that.

Thank you.

The Deputy Bailiff: Well, I turn to the President of the Committee, Deputy Lowe, to reply to the debate.

Deputy Lowe: Thank you, sir.

Right, there seems to be this concern which I tried to cover earlier on about this age of 29 and why we had 29 and I thank Deputy Graham for trying to explain why it was 29 and he got there, it was sort of half way between the age limit that had been put forward before. I mean the Committee considered that an age limit of 26 that is the eight years so we had to make sure as well that there was not going to be more of an advantage for people living in Alderney and Sark than we have for others that are living on the Island or have moved to the Island and are licensed a work permit.

So I mean the numbers are low but you have got to remember the starting point of this was about children and minors, it was not about adults. What you have got here is the result of the successful amendment. If the States had wanted us to look at other areas which included adults, well then fine, by all means, we are more than happy to do that; come and see us, talk to us, email us if there are problems that you see. But added to all of this we have worked with the States of Alderney, we have worked with Sark; and both Alderney and Sark were satisfied with what we actually had, with what they had before them and in fact we changed it after listening to Alderney

955 because originally it was 32. Listening to Alderney they asked us to make it 29, we put it down to
29 and then looking at it again we have actually sort of said, 'Look, there is more flexibility, this is
about children and young people.' So if we have just the eight years that is sort of pretty tight, so
we gave a more generous period for young people that they would not have if it had been the
other way round.

960 So I think there is a lot of apprehension here – unnecessary apprehension, I have to say. It is a
policy, it is certainly up for review as with all things. I think Deputy Fallaize actually asked the
question about, 'Will we accept the will of the States?' Well of course I have not heard from all 38,
sir, but I have heard from some probably four, probably five, but if there was the whole will of the
States of the 38 of course we would. But equally we would not actually totally dismiss the people
965 who are at the key ... the front end of it all, which is the States of Alderney and Sark. They are the
ones that are feeding through to us. They are the ones that actually have asked us to do this
following the successful amendment for children and young people. We have followed through
what the States have asked us to do, but if they actually want us to go down a different route, by
all means that flexibility is there.

970 So I would say to States' Members remember this is a policy, it is flexible and by voting against
it, that actually puts it into a box which is a little bit disappointing when we have actually gone out
and asked the very people what they actually want and we have got it before us. But if four or five
Members are not happy with that, that is their prerogative to do that, but if we are going to have
a separate debate in the States, well obviously, that would be another element that we will report
back to Alderney and Sark and say, 'Well we did listen to you. We did go out to consultation. We
975 did take the amendment that you actually asked us to do. However, the States have now thrown it
out even though they directed us to look at young children and minors.'

So I ask Members to please support the amended Propositions.

980 **The Deputy Bailiff:** Well, Members of the States, the Proposition on which you are now voting
is that contained in amendment No. 2 and, as I indicated a short while ago, what I am minded to
do is just to call each of the strands of the policy to you distinctly so the first vote will be on (a)
which is:

... a person wishing to relocate to Guernsey for the purpose of education/training/employment under the policies
[which follow] from Alderney and Sark must:
have eight consecutive years' ordinary residence in the Bailiwick of Guernsey immediately prior to application ...

Those in favour; those against.

Members voted Pour.

985 **The Deputy Bailiff:** Well, that has been ratified.
Then secondly:

... have been first resident in the Bailiwick of Guernsey as a minor, in the household of their parent [or parents] ...

Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that also approved and therefore ratified.
Then finally in relation to this paragraph (a) in the case of employment –

990 **Alderney Representative Snowdon:** Sir?

The Deputy Bailiff: Yes, Alderney Representative –

995 **Alderney Representative Snowdon:** Sorry, sir, could I ask for a recorded vote on this item.
Thank you.

The Deputy Bailiff: Yes, very well.
In relation to paragraph (a)(iii) which is:

... in the case of employment-related policies ..., be or have been under 29 years of age when they first relocate [or relocated] to Guernsey ...

There is a request for a recorded vote, please, Greffier.

There was a recorded vote.

Not Carried – Pour 18, Contre 20, Ne vote pas 0, Absent 2

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

1000 **The Deputy Bailiff:** Members of the States, in relation to Proposition 1(a)(iii) there voted Pour 18 Contre 20, 2 absentees and therefore that particular part of the policy put forward has not been carried, not been ratified.

So we now turn to Proposition 1(b), Members of the States, those in favour –

1005 **Alderney Representative Roberts:** Sir,

The Deputy Bailiff: – those against.

1010 **Alderney Representative Roberts:** I am sorry, sir, I was going to ask for a recorded vote on item (d).

The Deputy Bailiff: On (d)?

1015 **Alderney Representative Roberts:** I do beg your pardon –

The Deputy Bailiff: That is fine, we are on (b) at the moment, Alderney Representative Roberts, but thank you –

Alderney Representative Roberts: Sorry. I do come from the northern Isle! *(Laughter)*

1020 **The Deputy Bailiff:** Members of the States, can we go back to the vote on Proposition 1(b) please, which is:

... those looking to access education/training in Guernsey must demonstrate that they have secured a place in an educational institution or on a ... course prior to a Permit being granted.

Those in favour; those against.

Members voted Pour.

1025 **The Deputy Bailiff:** Well, that paragraph is duly approved. Paragraph (c) is one of the key amendments that was made. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that paragraph approved. Now (d) is:

That those looking to live in Guernsey for the purpose of education/training must be accommodated by a householder.

And there is a request for a recorded vote. Greffier, please.

1030 *There was a recorded vote.*

Not Carried – Pour 16, Contre 22, Ne vote pas 0, Absent 2

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

The Deputy Bailiff: Members of the States, in relation to Proposition 1(d) there voted Pour 16, Contre 22, the same 2 absentees and therefore that part of the Proposition has not been carried. So we turn now to Proposition 1(e). Those in favour; those against.

Members voted Pour.

1035 **The Deputy Bailiff:** I declare that duly carried. And Proposition 1(f). Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that part of the Proposition duly carried.
So the entirety of Proposition 1 has been carried, save for there is no ratification by the States of 1(a)(iii) and 1(d).

Billet d'État VI

POLICY & RESOURCES COMMITTEE

I. Referral of UK Acts of Parliament and Orders in Council to the States of Deliberation – Propositions carried

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter titled 'Referral of UK Acts of Parliament and Orders in Council to the States of Deliberation', dated 11th March 2019, they are of the opinion:

- 1. To approve the legislative proposals set out in paragraph 3.1 of the Policy Letter (an extract of a letter from Her Majesty's Procureur is reproduced therein); and*
- 2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

1040

The Greffier: Billet d'État VI, Article I, Policy & Resources Committee – Referral of UK Acts of Parliament and Orders in Council to the States of Deliberation.

1045

The Deputy Bailiff: I invite the President of the Policy & Resources Committee, Deputy St Pier, to open the debate.

Deputy St Pier: Sir, thank you.

This is a relatively brief policy letter but I think it requires a little bit of background and explanation as to why a change is being proposed to the Reform Law.

1050

The Constitutional Investigation Committee (CIC) – sir, you referred to it yesterday when speaking about the late former Deputy Perrot – was formed in January 2014. He was, as you said, a moving force behind the creation of that special committee and indeed sat on it. It was set up to investigate proposals for greater autonomy, looking at the legislative process, and our international affairs. It had a mandate which included looking at methods for extending UK Parliamentary Acts to the Island. It reported to the States in a policy letter in January 2016 and then the committee itself was dissolved at the end of that parliamentary term in April 2016.

1055

1060

I think it is probably worth briefly just updating Members on where we are in relation to some of those Resolutions and how that dovetails into this particular policy letter. In relation to the extension of international agreements and also the entrustment to the Island to negotiate agreements we have, as I referred to when briefing Members on this, this policy letter a couple of days ago continued the use of entrustments particularly for tax information or tax agreements generally. But more recently we have just obtained our first entrustment in relation to the negotiations of a Social Security – agreement something which we have been pushing for for some time.

1065 We also of course, this Assembly, only recently approved the Referendum Projet which began its journey through a requête back in 2002. That has now been approved by Her Majesty in Council and I understand was registered in the Royal Court earlier this week.

1070 We are still considering the process by which His Excellency could possibly approve some Guernsey or Bailiwick laws in the manner which happens in the Isle of Man. We do believe this will continue to take some time to progress, dealing with a number of interested parties, not least of course the Palace itself. But we believe there are significant advantages, in that in particular the ability to avoid specific meeting deadlines of the Jersey and Guernsey Committee of the Privy Council which currently fulfils that role. But it will obviously require the involvement of the UK in that process.

1075 Then in relation to this particular issue the States' Assembly & Constitution Committee was tasked with investigating the referral of certain matters relating to UK Acts of Parliament and which have direct effect or are to be extended to Guernsey by Orders in Council to the States of Deliberation, but that workstream was transferred to the Policy & Resources Committee as part of the Policy & Resource Plan.

1080 It is a fair question to ask why that work has not progressed more quickly since the Resolutions of 2016 and I think it is fair and obvious to say that other priorities have got ahead of it in the queue, not least of course the impact of the June 2016 Brexit referendum in the United Kingdom which has taken higher priority for the External Relations Team, which is the team that have been tasked or that are responsible for all of these areas of work.

1085 So what is it that is now being proposed? The changes are proposed to the Reform (Guernsey) Law, 1948 to fulfil the requirements of those previous Resolutions that I referred to. It would require that UK Acts of Parliament and Order in Council which seek to apply to Guernsey will be referred to the States of Deliberation for approval and consent before those Acts of Parliament or Orders in Council are registered in Guernsey's Royal Court giving democratic legitimacy from the elected representatives of this Island to those measures.

1090 It is in effect seeking to replicate a provision which exists in Jersey's Law and has done since 2005 and it is done on the back of advice from H.M. Procureur and an extract from that advice has of course been included in the policy letter.

1095 Why is the matter being brought forward now? The catalyst for this re-prioritisation, if you like, of the work of the External Relations Team began with the Sanctions and Anti-Money Laundering Bill last year, now an Act, in which attempts were made at that stage to introduce amendments which would purport to have direct effect through Orders in Council in the Island. Members may remember that in my statement last May following that Bill I said that we would take steps to bolster our constitutional defences and this is one such measure.

1100 For the avoidance of doubt, we should be under no doubt that we do have a very strong constitutional position, it is beyond doubt and the precedent is clear but nonetheless we believe that it makes sense to replicate the measure which is already extant in Jersey's Law.

1105 Then of course that brings us up to date with the Financial Services Implementation Bill which came before the House of Commons at the end of February and beginning of March that of course has now been withdrawn by the Government but new Clause 6 (NC6), which is the amendment which seeks to apply provisions to the Island through Orders in Council, nonetheless remains as likely to return either when that Bill returns or realistically could of course be attached to another Bill at some point in the not-too-distant future.

1110 So we are looking to protect our constitutional position and to ensure that the States can actively signify its approval or otherwise of an Act of Parliament and giving a statutory recognition to the fact that Guernsey does have autonomous capacity in respect of our domestic affairs. It does of course maintain our current constitutional relation and particularly also whilst we continue to develop our international identity following the 2008 International Identity framework signed when Deputy Trott was Chief Minister.

1115 The Financial Services Bill is a no-deal Brexit Bill, no date has yet been set for when it could return. No doubt Members will have their own view on the prospects of whether we will have a no-deal exit or otherwise, but nonetheless that is the position at the moment.

1120 Sir, in closing this opening of the debate, nobody on or off the Island should be under any illusions as to my determination, or that of the Policy & Resources Committee, or this States of Deliberation, or indeed the wider community, to represent and defend our historical constitutional position.

1125 Our relationship with the Crown has of course direct lineage to our being part of the Duchy of Normandy long before our Duke's successful conquest of England in 1066 at the Battle of Hastings. Our relationship with the Crown predates the founding of any parliament in England by 200 years and it predates the founding of the United Kingdom by 650 years. Our relationship with the Crown is now of course largely conducted through H.M. government, but only because Charles I lost both his head and his power struggle with parliament, so beginning the journey from absolute monarchy to what we now recognise as a modern constitutional monarchy.

1130 The territory our Duke invaded 953 years ago has over those successive centuries, like a cuckoo in the nest, grown into a larger, louder and brasher neighbour, but that does not traduce or supplant our history or relationship with the Crown. Neither will the actions of a handful of presently serving here today, gone tomorrow ignorant, arrogant or malevolent Westminster politicians. (**Several Members:** Hear, hear.)

1135 This Assembly and our community can be assured we have short-, medium-, and long-term strategies. In the short term we will continue to engage with parliamentarians across both Houses in Westminster and all parties to ensure that they are fully informed as to the legitimate policy choices we have made to ensure that our Register of Beneficial Ownership is more effective than the UK's for their own national security and in fighting tax evasion, money laundering and financial crime (**A Member:** Hear, hear.) We must also ensure that they understand the risks and consequences of Westminster engaging in an exercise of constitutional overreach in purporting to legislate for us a jurisdiction over which they have no capacity to do so without our consent. But we will not stop there. We will continue to examine and prepare all our medium-term responses in the event that the House of Commons, ignoring both us and the United Kingdom government, proceeds to pass an amendment of the type we have seen.

1145 Finally, we will of course quietly and calmly continue to consider and develop all our long-term options, which we hope we will never need to deploy, necessary to preserve our autonomy which springs not from Westminster but from the sovereignty of our people and our relationship with the Crown.

1150 **Several Members:** Hear, hear. (*Applause*)

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

1155 Could the President of Policy & Resources advise the States whether this legislation will require the Royal Assent (*Laughter*) and would he like to comment on what the effect will be if that is refused?

The Deputy Bailiff: Deputy Prow.

1160 **Deputy Prow:** Thank you, Mr Deputy Bailiff.

I rise to wholeheartedly support Policy & Resources policy letter and I thank the President of P&R for his unambiguous and very clear opening speech.

1165 It is in my view essential that we move, as Jersey have done, to refer Acts of UK Parliament or Orders in Council to extend an Act to enable them to be first brought before this Assembly for debate. Sir, I shall briefly outline my reasons for doing so.

1170 The policy letter helpfully refers to a January 2016 Billet and in particular a policy letter from the Constitution Investigation Committee (CIC) which Deputy St Pier has already alluded to. I note that four eminent Members of this present Assembly were signatories to that report: Deputy Trott, Deputy Le Tocq, Deputy Soulsby and Deputy Graham, who was at that time a non-States member of the Committee. Happily therefore, there is a great deal of knowledge on constitutional issues still retained in this term. Sadly, though I must note that the Deputy Chair was Roger Perrot whose in memoriam tribute you gave to us yesterday, sir, and he will be greatly missed.

1175 This report analyses at Section 9.3 the measures taken in Jersey back in 2005 regarding the extension of UK Acts which applied directly to them and which introduced as a duty to refer them to the States of Jersey, this is summarised at Section 2.4 of the P&R letter on page 4.

1180 Sir, I have picked up on some irony and perhaps even hypocrisy in the background situation emanating from Westminster which has been the catalyst for P&R bringing this policy before us at this time.

1185 The 2016 CIC letter evidences convincingly that Guernsey is a mature jurisdiction which has a long track record of managing its own affairs while meeting the highest international standards of governance and stability and upholding international law. Recent IMF and Moneyval reports clearly confirm this.

1190 Sir, I can say with some confidence, given my previous career background, that on the question of upholding international standards we are ahead of the UK in the very area the UK Parliament sought to impose provisions by amendments through the UK's Criminal Finance Bill against the long standing constitutional convention, which Deputy St Pier has outlined, that Westminster does not legislate for Guernsey without consent.

1195 Sir, our Register of Beneficial Ownership fully meets international standards, is more accurate and accessible, and can be accessed at very short notice to legitimate enquiries from law enforcement and tax authorities.

1200 Sir, it is my view that if I were a law enforcement officer in another jurisdiction undertaking a financial crime investigation our register would be of far more use than the UK equivalent. Furthermore, sir, again in my view, UK Parliament's ability to manage its own international affairs has recently descended into a complete shambles. (**Several Members:** Hear, hear.)

1205 Sir, I must therefore pay tribute to the President of P&R and his team for professionally delivered and robust challenges to the UK Parliament on this issue. Long may that continue.

1210 But this is a matter which will unfortunately not go away and once the convention that the UK Parliament will not legislate in our affairs is broken this jurisdiction faces a slippery slope. P&R are therefore right to bring this forward at this time of uncertainty and febrile UK politics. We need as soon as we possibly can to make our Reform Law in the way that Jersey have done. Before a UK Law is registered in this Bailiwick by Parliament that does not represent the people of this Island when our States has autonomous capacity in domestic affairs, a mechanism must be put into place for this Assembly to actively signify its approval or otherwise of such an Act that directly applies or is extended to our Bailiwick.

1215 Sir, I urge every Member of this Assembly to support this proposal.

Thank you, sir.

The Deputy Bailiff: Deputy Trott.

1220 **Deputy Trott:** Sir, Deputy St Pier chose his words carefully and referring to certain UK parliamentarians as ignorant was not done lightly but was determined from an informed position and correspondingly is totally justified. There can be little doubt that some in the UK Parliament have behaved in a constitutionally reckless manner.

1225 Now the report in front of us brings into stark focus the current context and I think it is of benefit to read directly from that report before adding some words of my own. It is as the President has reminded us and as we all know in this Assembly:

... a long standing constitutional convention that Westminster does not legislate for Guernsey without consent on purely domestic matters.

Now, sir:

During the passage of the UK's Criminal Finances Bill in 2016 and the Sanctions and Anti-Money Laundering Bill in 2018, a number of amendments were moved by the Labour Party which included references to the Overseas Territories or the Channel Islands and the Isle of Man, and to their respective registers of beneficial ownership of companies. The amendments seemed to acknowledge differences between the Overseas Territories and the 'Crown Dependencies' (being [as we all know] the Channel Islands and the Isle of Man). Those amendments relating to the Channel Islands and the Isle of Man were rejected or withdrawn on constitutional grounds.

Now, sir:

Certain amendments to the Sanctions and Anti-Money Laundering Bill (2018) threatened to undermine Guernsey's established policy position by seeking to impose UK policy on the Channel Islands and the Isle of Man. One proposed amendment sought to compel the introduction of public registers of beneficial ownership of companies in the Channel Islands and the Isle of Man, even if that was contrary to any policy decision of the democratically-elected governments of those jurisdictions. If that amendment had been passed by the UK Parliament, it would have created a serious breach of constitutional convention. Following engagement with the UK on this matter ahead of debate in the House of Commons, the amendment was withdrawn.

1220 And we should all note and applaud the efforts of Deputies St Pier and Le Tocq in particular. Now why is this ignorant? Well it is ignorant to the point of actually being quite bewildering. Guernsey was the first place to regulate corporate service providers, the providers of professional services to trust and companies – the very first place – and that regulation continues to this day.

1225 Now Guernsey has a beneficial ownership register that is updated on a daily basis so if there is a change in status of the ownership of a company it is regulatory obligation for that trust and corporate service provider to make the necessary notifications to the Company Registrar. Contrast that to the UK where their requirements are that the register is updated on an annual basis. So it is possible that – I will draw a couple of names out of a hat – a Mr Bardour or a Mrs Meinhoff, or whatever they were, had someone incorporate a company for them on 1st January, or 2nd January
1230 more likely to avoid the public holiday, and a few hours later the aforementioned decided to acquire that company, it would be one full year potentially before the UK Authorities would be aware of that change of ownership; here they would know the following day. If they made an enquiry through the appropriate and legitimate sources, i.e. a Government agency, a security agency, Special Branch, MI5, whoever, they would have up-to-date information in a flash. Contrast
1235 that to the UK where the information could be one year out of date. Now we have told –

I give way –

Deputy Tindall: Would Deputy Trott also agree with me that the people in question could also have registered their interest as Mr Smith and Mrs Jones?

1240 **Deputy Trott:** I do and I would have moved on to sort of labouring that point. I am grateful to Deputy Tindall for so doing. So you can understand why in this context, I think it was Deputy Prow who may have used the word 'hypocrisy', I realise it is not particularly parliamentary so I prefer to use ignorant, but (*Laughter*) you can see how ignorant some UK parliamentarians have been.

1245 Now what is particularly disturbing about this is that many of us in this Assembly, myself included, have spent hours over the years, days in aggregate, explaining to UK parliamentarians the very point I have just made in this Assembly and yet still they ignore the realities. So when people use words like 'malevolence' you can see the context in which those views are determined.

1250 In my view it is absolutely essential that this Assembly shows unanimity in supporting these proposals and I ask now, sir – to save maybe the President from having to do so later – that we have an *appel nominal* on this item, and I very much hope that this Assembly will join me and my colleagues on the Policy & Resources Committee in sending a very strong message and that is do not be reckless with our own constitutional position, and get your own house in order before

1255 telling us how to conduct our business, because to behave in that way, to adopt that sort of attitude towards their Crown Dependencies is absurd in every sense.

Thank you, sir.

Several Members: Hear, hear.

1260 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I would like to pick up on the point that Deputy Trott just made about unanimity. Now in this Assembly there can be divisions on all kinds of issues, but on this particular issue there must be absolutely none. I fully 100%, if it was possible to have more than 100% ...
1265 support the strong, resolute and direct words of Deputy St Pier in his opening remarks, absolutely.

We have to be resolute because the waters that face us will be choppy, they could even be turbulent because we have a divided Conservative Party, we have a Communist Labour Party and we have to deal with those – (*Interjections*) They are, they are Communist, they are not the Labour Party that I was a member of and supported for many years.

1270 In relation to that those are the governments that we are going to have to face over the next five to 10 years, whether it is a Conservative government, Labour government, an amalgam of the two or whatever it is what the other party that has got six or eight MPs the Liberal Democrats whoever it may be. Those are the people that we are going to have to deal with coming forward and we have got to deal with them on a social basis, we have got to deal with them on a
1275 considered basis, we have got to deal with them on a rational basis.

We have to face the fact that they have far more weapons in their armoury than we do, but what we have got is a very important weapon in our armoury, that we are resolute, that international law I believe would be on our side, and the days ... we have to say to the British government because it is not just the – and I use it in the context that Deputies Trott and St Pier have used it – ignorant politicians that have spoken in the UK, but the days of the British Empire have gone, they have gone, Britain could not send a gunboat down because Captain Jenkins had his ear cut off and invade some country in Africa, you could not do that now. They have got to deal with us on a basis that they respect our constitutional position.

1280 Our constitutional position is strong, our constitutional position in my view gets stronger every day, because you can have less of the autocratic, despotic attitudes that were prevalent in the past eras and now people have to be dealt with in a civilised and balanced manner.

But again I commend the efforts of Deputies St Pier and Trott and Le Tocq and all the others, indeed every Member of this Assembly, because we must be united. They are not the enemy from without but they are people who, despite the efforts spent in days and days explaining the situation to them, there is nobody who is deaf as those that do not want to hear. (**Several Members:** Hear, hear.) That is what we have got to face on occasions. (*Interjection*) I am not a biblical man but goodness will out and our resolution will carry us forward. But I think we must be absolutely speaking as one voice for the Bailiwick of Guernsey in relation to this.

1295 **Several Members:** Hear, hear.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

1300 I echo the words of others who have said we need to be resolute, but I would also echo what Deputy St Pier said at the beginning which is we have to be supremely calm here.

Populist politics, regionalism, nationalism, the politics of the lowest common denominator, are rife everywhere at the moment, and I think we have to be careful not to allow the misguided actions of a few, more than a few, quite a few unfortunately, MPs at Westminster to spook us into
1305 doing something that we would later regret.

1310 I absolutely agree that a red line would be crossed if the UK Parliament sought to legislate for us against our will on domestic affairs. What we have to remember is that so far the constitutional conventions that have been in place for hundreds of years have been respected by the UK Government. The problem at the moment is that the Government is so darn weak that that does not really amount to a hill of beans. But at every stage, as I understand it, the Government has supported and upheld the constitutional convention.

1315 The danger is that Parliament might flout it notwithstanding that governmental support. If they did so my view is that it would have the same standing as them legislating for any other territory over which they have no power to do so. They can legislate all they like, they can pass all the votes they like, but unless it actually means anything in international law then I do not think it should actually tie.

1320 What worries me I suppose is that we could damage ourselves by getting over excited and saying right that it is right now we are going to go for a much more independent status. I absolutely accept that as a nuclear option we should be planning for that because if too many red lines are crossed that is what we are going to have to do.

1325 But let's not deceive ourselves that the downsides to that arrangement are going to be legion. Not just the obvious ones that you see about Conseiller representation and defence but actually we are so interwoven there would be if we actually said *[inaudible]* today whether alone or with Jersey or sure Alderney and Sark, but when we actually unpick that and we stop feeling good about having sort of stood up to the big bad wolf we would realise that there were hundreds upon hundreds of downsides that we would have to cope with. Now if need be that is what we should do but it should only be if need be.

1330 So I absolutely support this, I absolutely support the message that is being sent out that we should be resolute. All I would do is counsel against Guernsey as a community getting over excited at this stage and saying that is it independence. There is a side of me, I do not know how you define a Guernseyman but I am a Guernseyman and there is a side of me that thinks that is very appealing, but there is a heart and there is a head as well and I do counsel that we use our heads very carefully in the months ahead.

1335 **The Deputy Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

1340 I too commend P&R for the work thus far but I do have some concerns which I have already raised with the President of P&R but I do wish, because not all of the Assembly were present, to raise these concerns.

I think part of my concern is that we are reacting. We have not been as pro-active as I would have liked and also I have concerns regarding the preparation of legislation and how we are going to re-prioritise that, and I will try and explain why, sir.

1345 I think that this actual policy paper is *[inaudible]* to our legislative backlog. The States in November 2016 agreed to seek greater autonomy from the UK in respect of the legislative process and international agreements. Whether that be legislative proposals or the drafting in fact the Constitutional Investigation Committee, as stated earlier by Deputy St Pier, was formed as long ago as January 2014 – that is over five years ago. That followed a States' decision in September 2013 and the States of Jersey looked at this as well and they have attempted to achieve greater autonomy in relation to legislative process and international affairs and they passed that Article 31 of the States of Jersey in 2005 – that is 14 years ago. So arguably, sir, this is an example of how our legislative proposals and drafting following a States' decision or even being aware of the concerns for our constitution is taking just far too long.

1350 I put it to this Assembly, sir, that as far back as 2013 did this this Assembly seek to address this, but that it is actually only the outside forces that have really whipped P&R into action. This is a reactive policy paper driven by the behaviours and intentions, the disarray which is at the moment the UK Parliament. So we are reacting. But what I wish to ask the President of P&R is when will we

1360 get on top of our legislative proposals and drafting, when will we be become pro-active rather than reactive. Reacting to threats that we know exist, we knew existed, and we need to practice to guard against. At least by putting up more barriers or hurdles to protect our constitution.

1365 Lastly, sir, in Proposition 2 we are asked to direct the preparation of such legislation; well we can do that, sir, we could even prioritise it. In fact Deputy St Pier said he would be, or P&R would be, re-prioritising legislation. What that actually does mean, sir, is that this actual Assembly cannot prioritise legislation under our current way of prioritisation as this sits with the President of P&R who meets with the drafters Legislative Prioritisation Panel who will then take into consideration any representations received from committees or Members and who will then report Legislative Panel's deliberations to P&R for assent, so P&R can re-prioritise this.

1370 But, sir, what I am unsure about is that if we agree Proposition 2 what are the actual timelines; how are they going to re-prioritise it? What does that actually mean to other outstanding drafting? For example, what can we actually expect to be brought back to this States? We have a lot of high priority outstanding legislation; how will this be re-prioritised or prioritised and when will it be completed? If we agree with this does that mean, for example, that other drafting simply will not be completed? Our equivalent of an Equalities Act, will that be put on hold for a period of time? I do not know. The Sexual Offences Legislation, will that be put on hold? I do not know. The Assembly requested changes to the Education Laws, will that be ...? I do not know.

1375 I will certainly support these Propositions and I hope from the fact that I feel encouraged that every Member of this Assembly will, but once again I just wish to raise my concerns that on this issue we have been reacting where we could potentially have put something in such as Jersey did prior to this. I would rather be pro-active as a Government. If we continue to direct preparation of legislation, sir, then we need more clarity. I believe our community needs more clarity as to the reality of the timelines concerned.

1380 Thank you, sir.

The Deputy Bailiff: Deputy Yerby.

1385 **Deputy Yerby:** Sir, I fully support the proposals of this policy letter.

1390 Further to that, I believe the Policy & Resources Committee have been at their absolute best and have shown the best (**Several Members:** Hear, hear.) of this Assembly in defending our interests over the past week. I wish to put on record my gratitude to them for the effort that they have expended in going over and above.

1395 Sir, I also wish to place on record that I fully dissociate myself from the statement that some of our UK counterparts may be ignorant, arrogant or malevolent. In closing, sir, I wish to say to the Policy & Resources Committee that if some of those counterparts have forgotten the pride and dignity of a smaller Island in pursuit of a wider political objective, well, sir, I suggest we also look to ourselves.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1400 I was amused when I read this short policy letter and at paragraph 2.2 the first attempt to move amendments in the UK Parliament in relation to this matter was described as 'amendments being moved by the Labour Party' and then later in the policy letter the second set of amendments were described as being moved from 'across the political spectrum', which I think could also be expressed as by members of the Labour Party and the Conservative Party but the author of the policy letter chose not to write it in that way, which perhaps revealed something about the mind of the author of the policy letter, but anyway that is an aside. Or perhaps of those who submitted the policy letter.

1405 There is another interpretation and I fully support the policy letter and I fully support the actions taken by the Policy & Resources Committee and endorse what Deputy Yerby has just said.

1410 But there is another interpretation of the intent of those who were behind these objectionable
amendments in the UK Parliament which is this. If they accept, and I do not necessarily say that
the promoters of that amendment do, but it may be that some of the signatories do, if they
accept that the UK Parliament has no jurisdiction to legislate over matters which are domestic to
1415 the Islands it may be that they accepted that attempting to do so would have no effect in practice
but they want to apply pressure for policy change in the Crown Dependencies and as a parliament
what other option is available to them other than passing motions of the House of Commons
which they do through legislation.

So I am not saying that is what was on their mind, and I am not saying that we ought to fool
ourselves into believing that is what was on their mind and therefore seeing it almost as an
1420 irrelevance, but it is possible that they were not acting out of ignorance or arrogance but they
were trying to express a set of policy objectives and trying to persuade us to take note of their
policy objectives and that they chose this mechanism, which we find objectionable, and which is
constitutionally improper, but which to them it is possible to conceive of how they saw it as a
reasonable step to take.

1425 For that reason alone, although I do support the response of the Policy & Resources
Committee, I think it would be unwise for us to become in the future unnecessarily belligerent in
the face of their unfortunate and misplaced provocation.

Now having said all of that, I think the risk maybe is even greater than the Policy & Resources
Committee has advised. The risk of what may be happening in the UK is even greater. For this
1430 reason, I am no longer convinced because of the absurd appalling way in which both the UK
government and the UK Parliament is acting and has plunged the UK into what a leading historian
I think today described as the greatest political constitutional and social crisis in 300 years and it is
entirely the fault of successive UK Parliaments and governments and Prime Ministers – Tory Prime
Ministers incidentally ... I am no longer convinced that the UK is committed to what has been for
1435 decades the international rules based community. I think that there are a growing number of
parliamentarians in the UK who are not terribly interested in adhering to the international rules
based community which has governed international trade and diplomacy for decades, which
underpins the kind of constitutional developments that Deputy Ferbrache was referring to earlier,
and if that is the case our protestations about constitutional conventions in relation to the
1440 legislating for Guernsey may not be anywhere near as persuasive with UK parliamentarians as we
think they ought to be. If they are no longer placing very much emphasis on historical
constitutional conventions we cannot fool ourselves into believing that those constitutional
conventions which protect our position are going to be any more successful in persuading them
than other constitutional conventions. So I do think the risk is probably greater to Guernsey and
1445 the other Crown Dependencies than it has been for a very long time.

So there are two sides to the way I look at this. I do not want us to be unnecessarily
provocative and unnecessarily belligerent, but at the same time I think we are probably dealing
with a set of risks from the UK much greater than they have been in the past.

To pick up on something Deputy Roffey said, the UK is currently tearing itself apart socially and
1450 politically because of this completely misplaced ideological belief that by withdrawing from the
European Union somehow the UK will be able to take back control. What taking back control
looks like in a globalised economy I do not really understand and I doubt they do, but it sort of
sounds good and it plays to a certain set of ideological preconceptions. I think that we in
Guernsey should not get drawn too much into almost replicating that kind of take back control
1455 belief, because we could if we are not careful, we could talk ourselves into doing something
similar for Guernsey in relation to the UK as the UK is trying to do in relation to the European
Union and I do not think that would be responsible or safe or statesmanlike or stateswomanlike at
all.

So I think that we are dealing here, the Island is dealing, the Policy & Resources Committees is
1460 leading on our behalf in a very difficult set of circumstances. It is very difficult, it must be very

difficult to know what is on the mind of UK parliamentarians. I think the territory and the landscape is changing probably almost on a daily basis.

1465 I am certain that the Propositions in this policy letter are correct and need to be supported. Deputy Merrett makes a reasonable general point about legislative priority, but I think there should be no doubt that this legislation will be prioritised, if it is approved by the States, and it is of a type that I doubt it will have any effect delaying the preparation of any other legislation because I doubt it is enormously complicated and it is in place in another Crown Dependency not far from here.

1470 But the reason I say most of this is because I think the States have got to accept that in order to lead the Island and lead the States responsibly and appropriately at this time the Policy & Resources Committee needs to be given a considerable degree of latitude, and there may be occasions when matters arise which we might normally expect to come back to the States for approval or for ratification where we have to accept in this set of circumstances that we have to provide the Policy & Resources Committee with a considerable degree of latitude to act on our behalf. They have been able to bring this matter before the States, albeit with a Billet produced at short notice, but it may be that things will have to be done without necessarily coming back to the States and I hope that is accepted by the majority of States' Members.

Thank you, sir.

1480 **The Deputy Bailiff:** Deputy Green.

Deputy Green: Sir, thank you very much.

Sir, I support Guernsey having the statutory equivalent of what is Article 31 of the States of Jersey Law, 2005.

1485 On the points that were raised by Deputy Fallaize and Deputy Merrett a moment ago, I really do not think this is the sort of insertion that is going to require any real time to draft because the proposal here is simply a replication of what Jersey has. So it really is not an arduous matter.

1490 Sir, I do wonder whether the current wording of Article 31 in the Jersey Law is clear enough, or whether it goes far enough, or whether it is strong enough, and I think those are arguments that we can have on another day, but I do accept the political common sense of not pushing for a strengthened version of that today in the circumstances in which we are in.

So as I say, I do support this, but I do think it is clearly not a magic bullet in itself, it is clearly fine as far as it goes. I do not think we should oversell what the advantages of having this in our Law are, but nonetheless I think we do need to have it.

1495 Sir, as others have said, Guernsey is indeed a mature jurisdiction and certainly since there was the Kilbrandon Review in the 1970's Guernsey has become even more confident and mature on the world's stage and we are rightly proud of our own Parliament and our right to self-determination. Therefore it is right that we have the right to debate and dissect and if necessary formally reject any UK legislation that is supposedly applied to us.

1500 I think Deputy Merrett made a fair point before when she said perhaps we should have legislated in this way somewhat before now. Jersey did it in 2005 when perhaps there were not the pressures and the immediacy of the issues that we are facing now, and we are now doing it necessarily in a reactive way rather than in a pro-active way, but that is by the by because we are where we are and we have to do this regardless.

1505 It is something of an affront to political democracy, sir, for UK parliamentarians to seek to legislate for these Islands without our express consent. It is completely an affront and it is often said that there should be no legislation without representation. Well, I do not particularly want Guernsey and Jersey to be represented in the House of Commons; we have our own parliaments and our own rights of self-determination as it is. But I do totally endorse what is set out in paragraph 2.5 of the policy letter which is I think a good encapsulation of where we are. We need to develop the strongest package of measures that we can to protect what we have now and to assert that autonomy that we have now.

1510

So as I say, sir, as far as it goes I think this is the right thing to do. I absolutely agree with this, and I will be supporting this.

1515

The Deputy Bailiff: Deputy le Tocq.

Deputy Le Tocq: Thank you, Mr Deputy Bailiff.

1520 Sir, I will be brief because other colleagues have made points that I would have made anyway and I certainly hope that this will be passed unanimously because I think that is an important matter for us to resolve ourselves in terms of understanding where we are at the moment, because this is not the end of the story.

1525 Sir, I echo the points made by Deputy Roffey and Deputy Fallaize, particularly in terms of being calm but at the same time being resolute. I think it is important to do both, I know that can sometimes be tricky.

1530 But to pick up on something that Deputy Merrett questioned, there is a context to this and obviously the current context is mentioned in this particular policy letter, but I would refer Members to the fact that it was a Resolution of the Constitution Investigation Committee which was not doing so in a reactionary way, although various Members have mentioned the Jersey Legislation from 2005 and the truth is that Jersey was reacting to something at that time and chose to do that, it was particular to Jersey, so even if that was the case I think it is appropriate for us to do so.

1535 But it illustrates a point, sir, that we have coped very well and had a very good relationship with the UK and with Westminster with the government in the UK for many generations. We have done so without the need for these sorts of things, but there has been an understanding I think if one reads through history that when we have needed to we have said these sorts of things, we have referred to our long standing convention and understanding and our relationship with the Crown.

1540 Deputy Fallaize mentioned that we are perhaps living in an age where people are turning away from those particular historic events and charters and the rest, and saying they do not matter any longer. Now we could have a debate about that but I would say God help the world if we enter into that sort of arena where we cannot base things on what our forefathers have even fought for, and I for one hope that we can continue to refer to our relationship to the Crown. I am proud, sir, to be a Guernseyman but also British and I want our relationship to remain as it has done, to enjoy on both sides that connection but difference that we have as the oldest possessions of the Crown.

1545 What has been surprising perhaps to some degree, particularly in recent events, for some of us that have been engaging with parliamentarians and even government ministers in the UK on our rights with regard to some of the legislation that they have sought to bring through amendment to affect us, has been not only those with whom for many years now we have to explain again and again our constitutional relationship but those who should know better, and those who I have certainly had conversation with who have said, 'Oh, I had forgotten that that was your constitutional relationship, that you are different to others.' Now that has been increasing in recent years but at this juncture I think it is fact that that has become just so commonplace that it is concerning.

1555 So that alone is one reason why I think we should put this into legislation, and I do not think there will be any problem to pick up Deputy Parkinson's point right at the start with Royal Assent to this because, as has been pointed out, Jersey already have it in their legislation and we are suggesting we do nothing more at this point in time, although I think we should be prepared to do more if we need to in order to assert the fact that this, sir, the Members in this Assembly represent the Government of Guernsey and not Westminster and not the UK, and the decisions that we make here are what matters. Even if we disagree with one another we are the representatives of Guernsey duly elected to do that, and I think that is the line in the sand that this particular policy letter and the Propositions before us today, sir, actually draws.

1560

1565 So I ask Members to unanimously support this.
Thank you, sir.

The Deputy Bailiff: Deputy Tindall.

1570 **Deputy Tindall:** Thank you, sir.

I too support the Propositions and also wish to put on record our thanks to P&R and the way this has been handled over quite a while now.

1575 However, I too was surprised by the words used by both Deputies St Pier and Trott, albeit I can understand their frustration. Personally, I prefer not to use unparliamentary words when I am referring to fellow parliamentarians. I believe, however, that their policies can certainly be attacked by using those words as P&R have chosen to do.

1580 With reference to priorities I do not think we are being reactive in that sense. I think we have been pro-active for decades. The priorities in adhering to international standards, to regulating trust and corporate service providers, adhering to Moneyval and FATF bringing in a robust beneficial ownership register which protects our national security, protects the UK's national security, and also world-wide, avoiding the need unfortunately though until now for this particular piece of legislation which as Deputy Green mentioned has already been drafted for us by our neighbours in Jersey.

Thank you, sir.

1585

The Deputy Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Deputy Bailiff.

1590 Members of the States, I was not going to speak on this debate because, frankly, I thought everything had been said but then Deputy Fallaize gave us his version of history, which I think needs correcting. I do this without any vexation in my mind at all, it is purely to put the record straight because I think his analysis that we are now more prone to having a UK government and Parliament that is prone to ignore our special constitutional relationship, his analysis of that as worse now than it has ever been is just not accurate.

1595 We have been there before several times for some of us in living memory. If I just take you back to the post-War years after the Second World War and the Attlee Government when Chuter Ede was Home Secretary and therefore the Secretary of State responsible for our affairs, we had a constitutional crisis of very similar proportions to the ones we are seeing now.

1600 Then the issue was the Reform Law which Guernsey was anxious to revisit, the way we constituted our Parliament and it met with disapproval from the new Attlee Government and it got to the point where the Home Secretary summoned the Bailiffs of Jersey and Guernsey to London and said, 'Look, I need to remind you you are now dealing with a socialist government. We do not like the way you propose to elect your parliament, and if you continue along this way we will refuse to put this through the Privy Council for Royal Assent.' It took backstage manoeuvring similar to those that we have seen and which we have approved by Deputy St Pier and his team to get round what was going to be a very severe constitutional crisis at the time.

1605 If we fast forward to, I think it was, the mid 1960's when Harold Wilson was trying to take the United Kingdom into the then Common Market his intention despite pleas from the Crown Dependencies was that there would be no special provision for the Crown Dependencies: we either go in with them under their terms or we would be cast adrift. Fortunately a French General by the name of De Gaulle vetoed the English application and we were saved because two or three years later under the new government, Protocol 3 was the result of the UK government actually saying, 'Yes, we recognise the special constitutional relationship.'

1615 Then fast forwarding even further to 1998 we had the Edward's Report and again it took backstage manoeuvrings on the part of several individuals really to avoid a constitutional crisis at that time. It was a totally inappropriate measure for Jack Straw, the then Home Secretary, to have

embarked upon and they loaded in with it a whole lot of other issues, how we elect our Bailiff, for example, they were going to tell us how to do that.

1620 We have been there before, so I do not think we are any more or less vulnerable now to the –

I will give way, although I was just about to expire but there we are.

Deputy Fallaize: I am grateful to Deputy Graham.

1625 I do not think I said that we were at greater risk of a UK either government or Parliament that is content to interfere in our affairs. What I said was that the risk was now greater because it seemed to me that the UK had more of an appetite now to abandon adherence to the rules based international order than has been the case in recent decades. Now those two things are subtly different. I accept the UK has previously appeared to have just as much appetite as some parliamentarians have now to interfere in our affairs but I do not think the UK has previously been
1630 as apparently content as some parliamentarians are now to abandon the rules-based international order and that I think is where the risk to us lies.

Deputy Graham: Oh well, I may have been the only one to have made the wrong inference but there we are.

1635 The major issue here is that I think in terms of the constitutional card, our constitutional card will always in a reasonable world trump any other card that is going and the UK government can legislate as long as it likes and if Guernsey and Jersey and indeed the Isle of Man are disinclined to take note of it they will not take note of it. Simple as that.

1640 But the main point that I think I would like to make in addition to what has been said so far is that leaving aside the constitutional position we do know that in the real world there are other means of leverage available to the UK government. If they wish us eventually to go for a public open record of beneficial ownership there are means by which they can do it. I think the proof against them doing it in a constitutional sense by extending legislation to us against our will, we are pretty secure against that, and we are less secure against other means of leverage that any
1645 large government has over a small one.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I will be brief.

1650 As a former Member of the Constitution Investigation Committee I totally support this policy letter of course.

I would just sort of make a few comments. Deputy Parkinson asked whether it needed Royal Assent, well in paragraph 3.2 that is referenced. I think that is less of an issue as the Procureur says that there should be no grounds for Privy Council stopping this, but my concern is it might be put
1655 on hold as we had an experience of this, as Deputy Graham is talking about, in the past where a lot of projects were left for several months before they were passed, so hopefully that does not happen in this respect.

1660 But in relation to all this and being forced to have a public register of beneficial ownership, I read the letter from MPs Hodge and Mitchell to Deputy St Pier from a few weeks ago where they said the need for this register was a matter of good government, and I think really we have seen what is going on in Westminster at the moment. I think they have got a bit of a cheek, to be honest with you.

1665 But in relation to that I was just listening to a programme on *Radio 4* just last week called *File on Four* and it was an investigation into fraud relating to BitConnect and this is where a journalist was getting involved and it was all a bit meaty to them; this is just what Margaret Hodge and Andrew Mitchell were talking about how it is lovely that journalists should be able to get involved and we can have proper scrutiny. Well this journalist tried to find out details of the residency and these people that were supposedly beneficial owners of this company and then they got their

1670 address details and they thought they would contact them and wrote to the people at that
address. Both responses to the so-called beneficial owners were: one person who said, 'Well look,
I have been living here for 48 years and I do not know anybody with that name,' and the other
one they did not get any response at all. So the journalist wrote to Companies House and said,
1675 'Well, you know this is all wrong. We are not getting anywhere here,' and Companies House came
back and said, 'Well, we do not have the capacity or the capability to look into all the information
that is given to us.' Now compare and contrast the amount of work that is necessary to be able to
register companies in Guernsey. We do not have brass plate companies here, we have proper
companies where the beneficial owners are checked and we have a well-regulated company and
trust regime over here which is the envy of the world, (**Several Members:** Hear, hear.) and we
1680 should not be told by another jurisdiction which does not attract the same standards what we
should be doing.

Thank you, sir.

The Deputy Bailiff: Deputy Smithies.

1685 **Deputy Smithies:** Thank you very much, sir.

When I say I will not detain the Members very long I mean it.

I am not negative at all about this. I fully support what I think is a thoroughly good legislative
proposal and in fact I think it is a cracking good policy letter.

1690 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, I too will join the hopefully chorus of unanimous support for this policy
letter and for Policy & Resources and the work done by the Committee and its officers. But of
course in particular I suppose Deputy St Pier, Deputy Trott and Deputy Le Tocq.

1695 That said, I think that there are a number of issues we have to consider. The first is that this has
now become a double decker issue, because it started out with the argument, quite rightly, put by
Deputy Trott and Deputy Soulsby and many others that we do have a robust and unimpeachable
approach to company registration and oversight that in many ways is more solid and useful to the
implementation of effective law than perhaps the United Kingdom. We are making that point
1700 clearly and that in many ways on a broader level there are fewer opportunities to behave in an
inappropriate way financially in Guernsey than in the UK, with stricter rules about financial
regulation, trust regulation, professionals, opening bank accounts and indeed company ... This is a
point that we are making again and again and again.

1705 But the other issue that is taking priority now of course is our constitutional independence and
that is the reason we are here today, and I am even more supportive of P&R's line on that than on
the first issue because I suspect as times evolve there will be inevitably changing approaches to
how beneficial owners are registered and so on but we in the meantime need to defend our
logical and appropriate position to support ourselves and our industries.

1710 Moving on from that, some reference has been made to advocate – and distinguished
advocate – the late Roger Perrot and indeed the contribution he made to this topic. Although
mention has already been made of the work he did in the States, it should be emphasised that he
was very much I think the main force behind the ideas of perhaps looking at strengthening our
legislative independence and self-management and entrustment and indeed he wished to see
work done on expanding the role perhaps of Government House and His Excellency the
1715 Lieutenant Governor in having a role in fast tracking certain kinds of legislation.

1720 But he also in an earlier iteration of course launched wider conversation amongst opinion
formers on our constitutional position and I remember being asked to play the other side and
argue that we needed less independence in a grand debate at St James. I took up the offer but I
did not come back to him formally and he chose somebody else which is probably just as well
because of course Advocate Perrot won by a margin of 90% and everyone in the audience that

night – 500 people were wishing to see a conversation about strengthening independence if appropriate. Now that has many different meanings and we are not talking about that today but it nevertheless is an issue that needs to be considered carefully and calmly, as Deputy Roffey and other Members have said.

1725 I think the argument is that we have to work well with our political colleagues on Jersey and the Isle of Man, which we are doing, but also have a cordial relationship as far as we can with United Kingdom MPs. I support the message Deputy Tindall and Deputy Yerby have made in that respect and I will probably differ from Deputy Ferbrache in one respect in that I might not agree that some of the senior figures in Labour Party now are closet communists perhaps but I would
1730 argue that they perhaps are materially different from the New Labour Blairite figures of the past, even including Mr Straw the former Justice Lord Chancellor Home Secretary, and that is potentially – not necessarily, but is potentially – an issue because I want to point out the fact that in between the States approving this package in 2016 and the Brexit we actually saw a General Election in the UK where Labour went up significantly from 31% to 40% in the Election which
1735 indicates that we have to be prepared for any kind of negotiation and conversation.

Like Deputy Merrett, I would endorse the point that this has been very slow, that somehow SACC dropped the ball on this and it went back to Policy & Resources after 18 months and we do need to progress this, and I, like Deputy Merrett, would like to point out that we should have greater political involvement in adjudging legislative priorities. When you look at the group that
1740 make up that august body it is predominantly Policy & Resources and senior statutory and other officials, and I think that we need to take back a bit more political ownership on that and give them the resources they need if necessary.

I have about me, diversity and equality, things including promotion of children's human rights and so on. I mention that because the United Conventions on the Rights of the Child and other
1745 issues are all part of our international role and I think we wish to, in moving forward with Equalities Legislation, very much say Guernsey is on the map and it is second to none in its international identity and commitment to modern global efforts and that, I think, is an important point as well.

In relation to the argument, was it Deputy Green, somebody mentioned about we would not necessarily wish to be represented in Parliament. Well, we would not as such because of course it
1750 would go against very much our Crown Dependency independent link to the Crown rather than Westminster status. But I gather that there is a bid from MPs which might succeed in the next year for voting rights beyond the 15 years to be extended to former residents of the UK who happened to be living outside of the UK borders American style and if that is the case you may find a fair
1755 number of Channel Island residents, including residents of Guernsey and Alderney, who would be voting in the United Kingdom constituency or even have an overseas constituency like in France. I mention that as an issue because I think it is something Policy & Resources need to consider very carefully how they would react to such a measure because there could be undesirable constitutional implications.

1760 Finally, I wish to perhaps end on a slightly lighter note, in that although I very much praise the work P&R and the senior political figures do on our behalf, I sometimes wonder how different it would be if, for example, I was sent from time to time to negotiate with the Ministers and other parties in Westminster because not only I think would I be a memorable figure and character but I would put across, to be more serious, a very different message because I think some of the time
1765 the off-shore jurisdictions have been victims of our own incredible success, because we do have budget surpluses, because we do maintain fair standards of public service without unreasonable taxation. We are able to offer a great offer to both high net worth residents, to businesses, to financial ideas and tools. The trouble with that marketing brand *LocateHere LocateThere* is that it implies we do not have other kinds of responsibilities as well and I would very much wish to point
1770 out and put on the record that it is very possible that 17% of our population live in conditions of relative poverty, that many people here will have a lower standard than the people in some mediums of the UK, that we do have challenges with tourism which has not gone up in every

1775 respect, that we have to support an airline, to support our regional cousins in Alderney to the tune of perhaps £3 million a year. We do have enormous financial commitments, diseconomies of scale, social issues, and the whole administration for an independent community to manage on less than 65,000 population. If we put the message out that we need all the business that we have and that we are not some kind of off-shore millionaires' playground I think that will strengthen our reach to various MPs and other parties.

1780 **The Deputy Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I applaud everyone involved in compiling and collating this policy letter before us, because I am a firm believer in our standing our ground and fighting our corner. We do need to very much stand our ground and fight our corner in the face of the ignorance displayed as some Members of the UK Parliament.

1785 As we all know, sir, Deputy St Pier referred to some Members of the UK Parliament as being ignorant and belligerent. Those certainly are not the sort of words that he normally uses in his speeches, and like others, I understand his frustration completely. However, just because some Members of the UK Parliament have displayed ignorance in this particular matter does not mean to say that they themselves are ignorant people; there is a distinct difference. There is a distinct difference because someone displaying ignorance in a particular matter and someone being an ignorant person – ignorance of course meaning a lack of knowledge as we all know ... I am sure, sir, Deputy St Pier recognises that difference. I would like him to clarify his views on that when he responds please.

1790 Like others have already said, I am concerned about the sort of terminology that might be used in the future on our behalf when discussing not only this issue but any other issue where another jurisdiction or a group of politicians seeks to undermine us.

1795 We are all aware, I am sure, that some Members of the UK Parliament choose to act like petulant children when they are in debate themselves and, as has already been said, there are others in the world who tell us what we should be doing without first looking at what they do themselves, but it does not mean to say that we need to sink to their levels of unparliamentary behaviour. Whatever that means – 'unparliamentary behaviour'. As I say, we often hear and see ourselves ... what I would certainly call unparliamentary behaviour being allowed to take place. So what is the definition of unparliamentary behaviour? Perhaps someone else can answer that question, it is a grey area as far as I am concerned.

1800 But, sir, I have the utmost respect and admiration for Deputy St Pier; he does a tremendous job as our Chief Minister (**A Member:** Hear, hear.) but like us all, he is a human being and human beings have emotions and it is very difficult to control ones' emotions sometimes. I speak from experience. So I would end with a plea to Deputy St Pier, sir, please choose your terminology very carefully in the future because sometimes if one allows ones' emotions to run away with one it can weaken your cause and your argument.

1810 Thank you, sir.

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

1815 **Deputy St Pier:** Sir, first of all, I would like to begin by thanking all Members who have spoken and for providing their support. As Deputy Ferbrache said, I think it is important that we are resolute and that we are seen to be resolute.

1820 I am going to begin, if I may, by responding to the comments around language, I think perhaps particularly picked up by Deputies Yerby, Tindall and, to conclude, Deputy Lester Queripel. I did obviously choose my words with care and in particular considered whether 'ill-informed' was a better term than 'ignorant'. I actually think they mean the same thing but 'ignorant' had better alliteration in the context of the sentence. However, I think Deputies Yerby

1825 and I think Deputy Tindall – and indeed Lester Queripel now, although I notice he did refer to
some parliamentarians acting like petulant children; there is a certain irony in the context of the
comments he was making (*Laughter*) – but nonetheless I think Deputy Tindall's point is a good
one. I think therefore for the record I will withdraw one sentence and replace it with this, 'and
neither will the ignorant, arrogant or malevolent policies of a handful of presently serving 'here
1830 today, gone tomorrow' Westminster parliamentarians.' So I hope that addresses that particular
issue.

I am going to return to the question of language because it is a critical one, but in relation to
Deputy Parkinson's point. This will require two thirds of this Assembly to approve the change to
the Reform Law under the Reform Law so it will require a projet which will require Royal Sanction.
1835 H.M. Procureur has advised that essentially the key grounds for withholding of Royal Sanction
would revolve around the breach of the United Kingdom's international obligations and in
particular the European Convention of Human Rights, there is no reason to believe that this
engages that. There is no reason to believe from the engagement that we have already had that
the Jersey and Guernsey Committee of the Privy Council would refuse Royal Sanction to this,
1840 particularly given that the Law is present in Jersey. So that is the position as we understand it.

As Deputy Green has said, we should not oversell the advantages of this particular measure, in
particular the measure in Jersey is silent on the consequences of failing to register an Act or Order
in Council in the Royal Court and our view is that seeking to address that particular issue could
engage further delay and there is therefore little merit in seeking to do so; the easiest thing is to
1845 replicate that which exists and has been accepted elsewhere.

Deputy Roffey certainly made this request that we should continue to act calmly and quietly
and use our heads, and Deputy Fallaize echoed that by saying that it would be unwise to become
belligerent, and certainly I absolutely agree with all of those sentiments and indeed that was
reflected very much as I spoke, particularly, as Deputy Roffey was suggesting as we consider the
1850 longer term strategy, which as Deputy Merrett has said, it is critical that we do consider as part of
our pro-active response to the situation in which we find ourselves.

I think also in relation to Deputy Roffey's point, the legislator of any jurisdiction can seek to
legislate for any other jurisdiction it wishes, we could just as easily pass a law today that purported
to have an effect in the United Kingdom. Of course any measure taken by the UK would require it
1855 to take subsequent further steps in order to enforce it and I think that then speaks to Deputy
Graham's point about perhaps the soft power that comes from being a larger jurisdiction in
relation to a smaller jurisdiction. That is an entirely different set of relationships that engage rather
than a constitution one and I thought Deputy Graham made that point particularly well.

With regard to Deputy Merrett's comments, I do always admire her idealism in wanting to do
everything all at once; reality is we are simply unable to do so. I think it is unfair to trace inactivity
back to the 2005 Jersey Law I think we really have to trace it back to the Resolutions of this
Assembly in January 2016 which is when this Assembly considered the report of the Constitutional
Investigation Committee. I think I explained in my opening speech the reasons for the delay since
1860 January 2016 have simply been as a result of the pressures on the very same individuals that are
seeking to deal with Brexit.

In relation to the prioritisation of legislation I think others have made this point; the change to
the Law is relatively straightforward, the Procureur has indicated that to us. There is actually a
meeting of the Prioritisation Working Group tomorrow; no doubt this will come up as an issue. I
am confident that there should be no reason why the legislation should not be brought back to
1870 this Assembly within a matter of weeks. In terms of the impact on other legislation, given the
indication that we have had it is not comparable with the Equalities Law or Sexual Offences Law or
indeed the Education Law which of course requires a lot of policy input before we even get to the
legislative drafting stage. So there will be no impact on those. Those are subject to other
competing pressures but will not be put under further pressure by this particular measure.

1875 Deputy Fallaize speculated as to what the motives may have been. It may have been he
suggested an attempt to apply pressure on us. Now I am not going to attempt to look into the

1880 minds of the 88 signatories of NC6 and speculate as to what their motives are, other than perhaps
to note that of course there are other alternative routes available to Westminster parliamentarians
if they wish to apply pressure. They could meet with us, they could use the media, they could use
1885 letters, they could use select committee reports, they could use motions of the House of
Commons, they do not need to use legislation. So that is probably all I can usefully say on that
particular point.

He also made the point that of course we may not be successful and that is precisely why, as I
referred to at the end of my speech, we need medium- and long-term strategies to enable us to
1885 respond to that situation should it arise.

I think Deputy Graham's comment about setting our current position in its historic context was
particularly valuable. I think in the context of over nine centuries of relationship with what is now
the British Crown, this is merely a dot in history. We as a community, as an Island, as a Bailiwick
over those centuries have faced many threats to our position not least of course many years in the
1890 context of the Napoleonic Wars and of course the Occupation of the Island in more recent history.
So I am confident that this jurisdiction will emerge through this dot in history with our autonomy
preserved and intact in the context of that nine centuries of constitutional relationship with the
Crown.

Deputy Fallaize also made the point that some latitude is perhaps required for Members of the
Policy & Resources Committee in leading under our mandate on this issue, and that provided a
1895 good prompt in which for me to thank all the Members of this Assembly, sir, not only for their
support today but for their support over the recent weeks, both publicly and quietly behind the
scenes, and indeed for the way which Members have also conducted their own public
commentary on this matter. I think it has given us that latitude which Deputy Fallaize referred to
1900 and it is appreciated. So my thanks, sir, to all Members for that.

Deputy Ferbrache said, and Deputy Graham I think also repeated it, that our constitutional
position is strong – a point I also made when opening, sir, and I absolutely echo that. Our trump
card – the phrase that Deputy Graham used – is our constitutional position and that is something
which we should not forget.

1905 Sir, I think in closing, Deputy Soulsby referred to the correspondence from MPs Mitchell and
Hodge and in particular the suggestion that their attempt was driven by the need for good
government and good governance on this issue. I think that is patently an ill-founded basis on
which to move this particular measure, and I believe that Mr Mitchell also acknowledged that
when he came to the Island in September last year and said on the record in public that Guernsey
1910 is well regulated. (**A Member:** Hear, hear.) He also accepted that the UK system is weak. So again,
in the spirit of Deputy Fallaize, one could speculate as to the motives which could well be to use
this measure in respect of the Channel Islands and the Isle of Man as a pawn to put pressure on
the United Kingdom to improve its own system. If that is a possible motive then again I would
suggest that that is wholly inappropriate.

1915 Having said all of that, I do wish to re-emphasise that we will continue to deal with this matter
in a calm, quiet, resolute and robust manner. I will be meeting with Mr Mitchell in coming weeks
as indeed I hope I will also be meeting with a number of the other MPs who have so far indicated
their support for this measure.

I also wish to repeat what I said earlier, that I am confident in our constitutional position and I
1920 am confident in our long-term retention of our autonomy; and with that, I urge all Members, on a
recorded vote, to support this measure, sir.

The Deputy Bailiff: Members of the States, before we get to that recorded vote is it your wish
that we conclude the business of this meeting? So I am going to put a Proposition that we
1925 continue sitting to the conclusion of this meeting. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: We now turn to the recorded vote. We will take both Propositions together because they are interlinked. Greffier.

There was a recorded vote.

1930

Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 5

POUR

Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
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 Yerby
Deputy de Lisle
Deputy Langlois

CONTRE

None

NE VOTE PAS

None

ABSENT

Deputy Roffey
Deputy Parkinson
Deputy Le Pelley
Deputy Meerveld
Deputy Inder

The Deputy Bailiff: In relation to this matter there voted Pour 35, 5 absentees. Therefore I declare both Propositions duly carried.

Billet d'État V

POLICY & RESOURCES COMMITTEE

VI. Schedule for Future States' Business – Approved

Article VI.

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 24th April 2019 and subsequent States' Meetings, they are of opinion to approve the Schedule

1935 **The Greffier:** Billet d'État V, Article VI – Schedule for Future States' Business.

The Deputy Bailiff: Is there anything you wish to add, Deputy St Pier?

Deputy St Pier: No, sir.

1940

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: I wondered why the proposed list for April did not appear to include the ground-breaking requête in relation to the Harbour stone use that Deputy Inder and Deputy Paint and others have put before us. When will it be debated? Will it be April or May?

1945

The Deputy Bailiff: Deputy St Pier, can you answer that enquiry from Deputy Gollop?

Deputy St Pier: It was too late for inclusion, sir.

1950

The Deputy Bailiff: Exactly. Those in favour of approving the Schedule for Future States' Business; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

That concludes the business of this meeting. Thank you all, Members of the States.

1955

Have a Happy Easter.

The Assembly adjourned at 12.41 p.m.