



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Tuesday, 14th April 2020

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Present:

Richard McMahon, Esq., Deputy Bailiff and Acting Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

S. Roberts, A. Snowdon

The Clerk to the States of Deliberation

S. Ross, Esq. (H.M. States' Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy B. J. E. Paint (*indisposé*)

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States of Deliberation

The States met virtually at 2 p.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Procedural – Order of Proceedings

The Deputy Bailiff: Members of the States, if I could just welcome you all to this historic occasion. As far as I can see from the convocation, it was only Deputy Paint who did not answer to his name, but if he indicates that he is listening and wishes to participate, then we will include him
5 in accordance with the guidance notes. In any event, because this is the resumption of the Meeting that was adjourned from Friday, 20th March this year, the proxy voting arrangements that Deputy Paint already has in place mean Deputy Inder can apply if he is not attending.

Members of the States, we would normally be resuming where you left off and that would mean that we were in Amendment 2 of the business of five-year review of the Island Development Plan.
10 However, there have been developments in the time since you last met, and that includes a number of Rule 18 Urgent Propositions that have been accepted by the Presiding Officer.

In those circumstances, I am going to simply put to you a motion that we take first the 12 Urgent Propositions. Those are 11 relating to Regulations made by the Civil Contingencies Authority and then the Urgent Proposition of the States' Assembly and Constitution Committee relating to the
15 General Election and to take them in that order. I am going to put that to you without debate and invite you to vote on the Chat function that we are using for this purpose and, in particular, one is looking to see whether there is anyone who disagrees.

Members voted Pour.

The Deputy Bailiff: Members of the States, I will leave voting open slightly longer for those who need a moment to tap out four or six letters. But I am already satisfied that the motion has been
20 carried that the number of votes that have been cast. Accordingly, I will invite the Greffier to call the first of the Rule 18 Propositions submitted by the Chairman of the Civil Contingencies Authority, after which I will invite Chairman to open debate if he so wishes on that matter.

Propositions in Pursuance of Rule 18

CIVIL CONTINGENCIES AUTHORITY

The Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020 – Approved

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: Propositions in Pursuance of Rule 18. P2020/76, the Civil Contingencies Authority, the Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020.

The Deputy Bailiff: And I invite Deputy St Pier, the Chairman of the Authority, to open debate on this matter. Deputy St Pier.

Deputy St Pier: Yes, thank you, sir and thank you for agreeing for them to be admitted as Rule 18 Propositions. Obviously, since the Assembly last met the Covid-19 global pandemic has obviously touched the shores of the Bailiwick and that has engaged the powers of the Civil Contingencies Authority in a number of ways and this first set of Regulations is indeed the first that the Authority considered on 18th March, which are of course due to expire in a matter of days, so consideration will need to be given, in due course, to their renewal but the purpose of this initial set was of recognising the emergency.

I do not propose to speak to each set of Regulations, which I think do have a good explanatory note and indeed actually the Regulations themselves I would suggest are self-explanatory. Nonetheless, I am very happy to respond to any questions or concerns or to respond to any matters which Members wish to raise sir.

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you for calling me, sir.

There are just a few points I would like to pick up on regard to this Regulation, this Statutory Instrument. Just a general point really. There are some very strict, to put it mildly, almost Draconian measures laid out in this Statutory Instrument and I do hope that these can be disapplied or revoked as soon as practically and safely possible.

I just wanted to turn to page 3 and page 4; if you will allow me to. On page 3, in (2), so that is about half-way down the page, it talks about somebody being detained and, on page 4, again about half-way down the page, in (2), it talks about what the restrictions or requirements are:

... that P submit to medical examination, that P be removed to a hospital or other suitable establishment, that P be detained in a hospital or other suitable establishment ...

Now, I do apologise if I am not aware of this, there may have been a notice sent out recently that I have not seen, but I want to question this 'other suitable establishment'. Has this establishment or these establishments been identified yet? Have they been set up? Are there plans to do so?

The Deputy Bailiff: Deputy Queripel, we seem to have lost you. Are you still continuing your speech?

Deputy Laurie Queripel: Hello sir, can you hear me?

60

The Deputy Bailiff: Please continue.

65

Deputy Laurie Queripel: Sorry, I do not know where you lost me from. I was just questioning, on page 4, in (2) about the restrictions and requirements in regard to 'P' being detained and I just wanted to ask a question about the suitable establishment. I am not sure if these establishments have been identified yet or if there was a plan to set them up, so I would just like to ask about that.

70

I would just like to ensure that, if somebody, unfortunately, has to be placed in a suitable establishment that their rights and needs are recognised and are met. So that is my first question, really, about detention and being placed in a suitable establishment. I just want to know if those places have been set up yet or is there a plan to set them up.

Secondly, on page 5, in (5), which is about two thirds of the way down the page, I think there is a mistake in the wording. It says:

Where a restriction or requirement is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement ...

75

I think that word 'secure' should actually be 'ensure', not 'secure'. I do not know if I am correct in picking that up or not, but I think that is probably right.

There is one more thing I would like to ask about on page 16. On page 16, in (10), it says:

A police officer may use reasonable force, if necessary, in the exercise of a power under this Regulation.

80

I know there is a definition of 'reasonable' in legal terms but I think people interpret that in their own way to some extent. Bearing in mind that the person that would be subject to that reasonable force may be suspected of or actually have Covid-19, I am just wondering how reasonable force can be used on a person when really you should not be in close quarters with them or approaching them. Either the officer would have to have some sort of protective clothing or equipment or I am just wondering would reasonable force in this context mean the use of, perhaps, other equipment, things like tasers and stuff like that?

85

I am just concerned about the use of reasonable force and how it will be applied in the sense of somebody who needs to be approached and detained and I just wondered what would constitute reasonable force and how that reasonable force would be applied, so I would like some clarity on that as well, please, if possible.

90

Thank you, sir.

The Deputy Bailiff: Deputy Tindall next, please, followed by Deputy Merrett.

Deputy Tindall: Thank you, sir.

95

I have had the benefit of several email exchanges with long details of queries that I have raised on this Regulation and others and I want to put on record my sincere thanks to the Law Officers' team in St James' Chambers, not only for answering all those queries but indeed for preparing the series of Regulations, which have been drafted under intense pressure and, in my view, with great professionalism.

100

Those responses actually included the one that Deputy Lester Queripel just raised, which was the word 'secure' and I was advised that it is actually correct but there is another way of saying it and that is 'ensure'. So I just add that for completeness.

105

I am very glad to note also that one of the first observations I made about this Regulation was in fact with regard to Regulation 10 and the reference to Regulation 4, which has now been amended to Regulation 3. I have had that opportunity of a great deal of dialogue and I wanted to thank for that.

I have to disagree, however, with Deputy St Pier, in his opening, in that I do not feel it was particularly self-explanatory. The variables that are within this, in that sense the reason why I am incredibly impressed, is the fact it is quite complex, the powers in respect of MOH and the ability to detain individuals or groups of individuals, isolate individuals and impose requirements for testing and in all the different circumstances.

I have gone through all of these particular requirements and, whilst it is, as Deputy Lester Queripel pointed out, something we hope will not last for much longer, I am extremely satisfied that these are proportionate and appropriate and thank again the team for their work.

Thank you, sir.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

These are serious measures. The necessity must be kept under strict review. Their enactment carefully and consistently applied. As we know, many signatories to the European Court of Human Rights have imposed restrictions, some considerably stricter than these Regulations, for public health reasons. But that does not mean that we have to and I am very uncomfortable with these measures, should they need to be enforced.

I urge community compliance. I urge all of us to abide by directions, the directives from the Director of Public Health and from the Civil Contingencies Authority. I urge us all to look after each other, to try our utmost to come together as a community. I will agree to these Regulations before us today, but I do so with a very heavy heart and in the knowledge that these Regulations are valid for 30 days. After that period of time, the Civil Contingencies Authority will consider if it still considers the emergency to exist.

My understanding is that they could renew or amend it or they would lapse. These measures must only be continued if they are absolutely necessary. My question to Deputy St Pier is – they are valid for 30 days, then they will lapse – can the Civil Contingencies Authority simply renew this Regulation or is that they must come before the States, even if they are renewed within a 30-day period, that they must be brought back to the States' Assembly for affirmation or annulment?

Thank you, sir.

The Deputy Bailiff: Deputy Lester Queripel, I see that you wish to raise a point of correction. I did not call you at the time because I imagine you wanted to correct the fact that it was not you that spoke first but it was your brother Deputy Laurie Queripel. Is that correct?

Deputy Lester Queripel: Yes, that is correct sir. Deputy Tindall referred to me twice in her speech. There is a distinct difference between my voice, sir, and my brother's voice.

The Deputy Bailiff: Thank you very much. Nobody else at the moment is indicating a desire to speak on this first of the Regulations and therefore I will turn to Deputy St Pier, the Chairman of the Authority, to reply to the debate. Deputy St Pier.

Deputy St Pier: Thank you very much, sir, and thank you for the Members that have participated in the debate.

Perhaps dealing with the points raised in reverse order. Deputy Merrett's point, I can confirm that these Regulations, if renewed, would come before the States' Assembly. There is nothing which would prevent that. However often they are required to be renewed, and one does hope that it will be as short a period as possible, that they would need to come before the Authority and I hope that provides Deputy Merrett with the reassurance, which I am sure she was looking for.

Deputy Tindall also expressed the view, sir, in her summing up at the end of her speech, that these Regulations were proportionate, and of course that is a term which is a term of the Civil

Contingencies Law itself. The Authority constantly have to consider the proportionality of the Regulations and indeed whether it remains proportionate but that they remain in force.

160 So the use of that term by Deputy Tindall was entirely appropriate in the context of these Regulations and again I can assure both Deputy Tindall and all Members that the question of reasonable force is embedded in the Law and therefore is central to the Law and therefore is central to the Civil Contingencies Authority in its considerations.

I am perhaps going to ask the ... *[Inaudible]* who can probably answer that better than I can sir and I think, giving them a moment or two to think about that question, the question of 'secure' and 'ensure' I think has been dealt with Deputy Tindall, which simply leaves the question of the use of the term 'detained' and the establishment of other suitable establishments for that.

To my knowledge, sir, there has been no requirement to use the detention provision under the Regulation. Of course, it is intended to be a long-stop provision, that in the ordinary course it would be hoped that the vast majority of individuals would comply with the request to give a sample or whatever is required by the Regulations, but inevitably there does need to be some kind of ability to enforce if required.

There are no plans, to my knowledge, to set up temporary facilities, but I can envisage that it might, for example, be at the port of entry there may be a room in that facility where a sample would need to be taken, for example, and again the Procureur or the Comptroller, in dealing with the other matter may wish to comment further on that.

But in my view, sir, that is what was envisaged in the making of the Regulation, that a period of detention at such a place would enable that to happen. Again there are no plans, and again hopefully that gives Deputy Laurie Queripel some reassurance, to establish a series of such temporary facilities around the Island in perhaps the way the Regulation might imply and might have given him cause for concern.

Of course, he has rightly identified the need for the rights and needs of the individual to be protected. Again that was a question that the Authority did consider and did obtain confirmation from the Law Officers, before it made the Regulation, that of course the rights of individuals remain fully protected as they would if they were detained for any other reason in accordance with the Law. I hope that therefore addresses those questions and I think just leaves me, sir, to request to the Procureur or the Comptroller to deal with the question of reasonable force and any other comments they may have in relation to temporary facilities.

190 **The Deputy Bailiff:** Madam Procureur, I understand that you are potentially able to deal with that for us please?

The Procureur: Yes sir. Thank you.

The definition of 'reasonable force' is a definition which is contained in the Police Powers and Criminal Evidence Act, 2003. It is a term that is well understood by Law Enforcement and by the Police. It is very much a power to be used as a last resort, but in the particular circumstances relevant to coronavirus, it will be very much down to the individual officer's discretion as to what sort of force might be required, bearing in mind the particular circumstances which he may face.

The Law does not go into and does not and should not set out in detail what those circumstances might be. They will be circumstances of fact that an individual police officer may face at any particular time or date, but it is a very well understood term and it effectively requires the individual officer to exercise his discretion on that.

Now, whether or not personal protective equipment or anything else may be required is a matter that will be down to the police officer to decide. They do have a team that has that protective equipment available if required but the fundamental point is that it is down to the individual officer's discretion, depending on the circumstances at the time, but it is a well understood term. I hope that assists.

The Deputy Bailiff: Thank you very much, Madam Procureur.

210 There has been a request for a recorded vote, by Deputy McSwiggan, and therefore I will invite the Greffier to turn to voting by *appel nominal* please.

There was a recorded vote.

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

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

The Deputy Bailiff: Members of the States, we will just pause briefly while those votes are being counted.

215 As I thought, there voted in favour 39, against none. Therefore I declare the Proposition to approve the Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020 carried. I invite the Greffier to call the next item.

The Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020 – Approved

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/77. The Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020.

220 **The Deputy Bailiff:** I invite the Chairman of the Authority, Deputy St Pier, to open the debate, if he wishes to do so.

225 **Deputy St Pier:** Sir, very briefly, these Regulations effectively extend the authority of the Medical Officer of Health, in relation to Sark, in order that the question of school closures could be dealt with in that way, the way that was subsequently required for Guernsey and obviously, again happy to deal with any questions sir.

230 **The Deputy Bailiff:** I will just see if anyone wants to speak on this item, but if they do not then I propose to move straight to the vote on the Proposition to approve the Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020, and we will open voting via the Chat function for 20-30 seconds.

Members voted Pour.

The Deputy Bailiff: Members of the States, thank you very much. I am satisfied that there was a good strong shout for Pour and therefore I will declare that Proposition duly carried and invite the Greffier to call the next item of business.

**The Emergency Powers (Coronavirus) (Control of Premises)
(Bailiwick of Guernsey) Regulations, 2020 – Approved**

235

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/78. The Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020.

240 **The Deputy Bailiff:** And I invite the President of the Authority, Deputy St Pier, to open debate on that matter.

245 **Deputy St Pier:** Sir, again, as the story continued to evolve, the Authority met again to consider the question of the night-time economy and that led to this particular set of Regulations, which effectively enabled the relevant Committees to impose restrictions on on-licensed premises. To some extent, of course, that has been subsequently superseded or supplemented, I should say, by subsequent decisions of the Authority but that was the latest chapter in the story at that particular point, sir, and again I will respond to any questions.

The Deputy Bailiff: Thank you very much. I call next Deputy Dorey to speak on this matter.
250 Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

I am not sure if this is the best one to speak on but I have a couple of questions I would like to ask. Firstly, I would like to put on the record my sincere thanks for all the work that Deputy St Pier
255 and the CCA and all his team have done to protect the Island.

Apart from the very sad situation we had with care homes, we have had a very low number of community seeding cases of the virus. I fully accept that, if there are more people working and more activity in the economy, then there is an increased risk of transmission of Covid-19 but this has to be balanced against the benefit to people's mental health, relief of financial pressures and how it helps the economy.
260

Many experts have said that when outside, as long as people keep their social distance away from others, there is very little or virtually zero risk of Covid-19 transmission – even if a person was contagious, as the concentration would be so diluted by the air. Jersey has allowed construction activities involving one or only two people, provided they have safe operating procedures and follow the guidelines on social distancing and good hand hygiene, where the work is not within a dwelling, i.e. work in gardens and to the exterior of buildings. When does the CCA consider that Guernsey should follow Jersey and allow these activities?
265

In terms of office buildings, if one building is divided into separate units and has several different businesses, there can be two people working for each business. But if a similar building is occupied by one large business, there can only be two people working for that one large business. Will the CCA consider recommending that you allow a larger business to have two people working in each segregated area?
270

And my final point, as Guernsey and many other countries face making difficult decisions about balancing the health risks and approving economic activity and the fiscal effects on the jurisdiction, I consider that CCA, with HSC making directions, is not necessarily the best solution for the next few months and I would favour a body with a wider political membership. Please can the Chair explain if there are any plans for future Regulation to be made by a body with a broader political membership?
275

Thank you, sir.
280

The Deputy Bailiff: Nobody else at the moment has indicated that they wish to speak on this particular item of business, so I will invite the Chairman of the Authority, Deputy St Pier, to reply to the debate of Deputy Dorey.

Deputy St Pier: Thank you, sir –
285

The Deputy Bailiff: Just a minute. Deputy Merrett wishes to speak, before I call you, Deputy St Pier, so I do apologise. Deputy Merrett.

Deputy Merrett: Thank you, sir.
290

I just would appreciate clarity, because I know this relates to licensed premises but, under the interpretation, it says quite clearly that premises does not include premises used solely as residential premises. Therefore, just for absolute clarity because I have a question concerning this, if somebody lives above a licensed premises where they can access their residential premises from the licensed premises, that the Police will not have powers to enter the premises to which the direction relates, even though the premises are co-joining. If Deputy St Pier could clarify that, it would be much appreciated.
295

Thank you, sir.

300 **The Deputy Bailiff:** Deputy St Pier, on the basis that nobody has indicated, while Deputy Merrett has been speaking, their wish to speak, I will call you now, if I may, to reply to the debate on this matter.

Deputy St Pier: Of course, sir. Thank you.

305 Again, perhaps I will ask the Procureur to comment on the question that Deputy Merrett has asked. Certainly, I do not think there would be any interest by the police in entering such a property for the purposes of enforcement in that particular case, unless there were good reason in relation to the licensed premises itself, but I think the Procureur is probably in a better position to deal with the legal point, which Deputy Merrett has asked.

310 In relation to Deputy Dorey's comments, which are I think very pertinent, in relation to where the Island may go next, I think it is probably worth making some general comments in relation to the Authority's controlling of activities through the use of Regulations which control the use of premises and I think the Authority recognises that, I think as acknowledged by Deputy Tindall in the previous debate, was an expeditious and necessary step by the legal advisers, in order to enable us to take actions promptly, but nonetheless it remains a fairly blunt weapon and actually, as we consider the exit strategy from what is commonly referred to as lockdown, we do need to think about how we can regulate activity rather than premises and that is something which the Authority is considering, together with, of course, the appropriate advice.

320 Deputy Dorey's points in relation to possible outdoor activities and the low-risk nature of that is something which the Authority is actively considering and I think is a matter which it is likely to reflect on further this week. In relation to buildings which are divided and he provides a good example of one building, which is divided in two, and that having a different effect from a single unit. Again, I think that highlights the fact that, to some extent, these Regulations are a bit of a blunt instrument in some cases and it struggles to cope with every single situation.

325 But I think I can hopefully give Deputy Dorey the reassurance that the Authority will wish to ensure that as much economic activity can resume as soon as it is safe to do so, but that brings us to a further point, which is raised in relation to the economy more generally, because I think again it has been noted that the Civil Contingencies Law does not actually provide for what may be termed as an economic emergency.

330 Arguably, of course, the significant economic impact of the pandemic on the global economy but of course on our local economy would itself constitute an economic emergency and it is a relevant consideration for the Authority in its considerations. So that is again something which the Authority is considering, again with advice from HM Procureur and her team.

335 Then the final point in relation to the wider political membership, again, Members will be aware that this is something, which has engaged the Authority and indeed the Policy & Resources Committee, too, in thinking about what is the most effective way to manage not only the immediate crisis and emergency, which has obviously extended, perhaps beyond that which might have been envisaged for the Civil Contingencies Law, but also the question of managing our route out in what may be a protracted and extended economic recovery period.

340 I do not think any immediate conclusions have been reached to that but I think Deputy Dorey's observations are well-made in relation to the fairly narrow base to the Civil Contingencies Authority, which is obviously a creature of the Civil Contingencies Law, in terms of its permanent membership.

345 There is, of course, the ability for the Authority to have and invite further participation in its deliberations and I think perhaps the next logical step may be for the Authority to broaden its membership as it considers some of the issues which will arise in relation to managing our way out of the lockdown.

350 But that is a matter for the Authority, so I think really, in summary, sir, the points which Deputy Dorey has made are all extremely well made, they are all pertinent and they are all very much within the current consideration of the Authority and I hope he does take some assurance from that. No doubt, when the States of Deliberation does have an opportunity to consider any further

Regulations, which the Authority may make, he will have an opportunity to scrutinise the development of those matters which he has raised further at that time, sir.

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

355 Madam Procureur, are you able to assist on some of the more technical questions?

The Procureur: Sir, I will endeavour to do so. Firstly, in relation to the question from Deputy Merrett regarding the extent of licensed premises, that is a difficult one insofar as it will depend in part on the definition in relation to that licensed premises, how much of that premises has been
360 designated as a licensed premises, and it can depend. In some premises it is the entire premises that is designated, some it is not.

Really that is a factual question. Obviously, I do not know the facts of this particular case but perhaps if Deputy Merrett wants to pursue that through the Law Officers separately, we can look into it. But I do know it may not necessarily be the entire premises that has been designated as
365 licensed.

As a matter of policy, I am not aware that Law Enforcement would otherwise ordinarily go into a residential premises and clearly the definition of premises in these Regulations should not include premises which are used solely as residential premises, but again I am not aware of the particular facts, so perhaps if we are made aware of those separately we can look into those and I would be
370 happy to do so.

In relation more broadly to the new Regulations and the point that Deputy Dorey has made and Deputy St Pier has just referred to, clearly the new Regulations should only go as far as is absolutely necessary in order for them to be proportionate, and therefore, when consideration is brought before the Civil Contingencies Authority, it is absolutely pertinent that the Public Health advice is
375 followed and that it is updated regularly.

So the Regulations are due to be renewed by the end of this week and clearly they will have to be renewed with very much regard to the latest Public Health advice, but the requirement under the Law is that such Regulations should be proportionate and should not go further than necessary and therefore if the advice and decision of the Authority is such that there could be some relaxation,
380 I am absolutely sure that that would be looked into and new Regulations would reflect that accordingly.

Thank you, sir.

The Deputy Bailiff: Thank you very much, Madam Procureur.

385 Members of the States, there are no more contributions to the debate on this item of business, so I am going to open the voting for about 30 seconds or so, again, in respect of the Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020, and whether or not you are of the opinion to approve them.

Members voted Pour.

The Deputy Bailiff: Thank you very much, Members of the States, I am satisfied that a sufficient
390 number of Members have indicated their wish to approve this Proposition. Nobody has voted against, that I can see. Therefore I declare the Proposition duly carried and invite the Greffier to call the next item of business.

**The Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings)
(Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/79. The Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020.

The Deputy Bailiff: I invite the Chairman of the Authority, Deputy St Pier, to open debate on these.

Deputy St Pier: Sir, once again, this is chronologically recording the next event and decision of the Authority, which was really I suppose at the heart of the so-called lockdown provision, in relation to the ability to limit the number of people from different households gathering. Again, really, as I indicated in relation to the previous item, sir, the use of this particular Regulation, this is something which the Authority needs to consider as it comes up to the question of renewal, as the Procureur has indicated, the proportionality of it and how it is best achieved, whether it is through the renewal of this Regulation or indeed another Regulation that enables the social distancing, which is regarded as being so important in the Public Health advice in the ability to break the transmission mechanism for the virus.

So this is very much at the heart of, perhaps, the central limitation of individual liberties in a way that, of course, we as a community have never seen before. I think it was used in relation to the very first Regulation, on the face of it very Draconian but very necessary in the context of this particular threat to our community, sir.

The Deputy Bailiff: I call Deputy Soulsby to speak next.

Deputy Soulsby: Yes, thanks, sir. I thought it just made sense just to comment on the impact these Regulations had on the previous Regulations, which were to amend the previous Regulations, which gave the powers to Home Affairs, and these place those powers in the Committee for Health & Social Care and extended the definition of premises from not just licensed premises but to further retail premises.

The Deputy Bailiff: Thank you very much. I am going to call Deputy Gollop to speak next, to be followed by Deputy Laurie Queripel. Deputy Gollop.

Deputy Gollop: Thank you, sir and everybody.

I think we are all obliged to support these powers at present. My query about meetings and gatherings is obviously they do not include purely online gatherings, but how far would they extend to, I do not know, fiancés visiting their friend's houses, or what might amount to custodial issues, whereby a couple has split up and one of the partners is seeing somebody else who is with a child, as certain complicated family scenarios have emerged that would not necessarily come under the normal context of public meetings or gatherings, but are nevertheless crucial to avoid, in order for everybody to stay safe, I would argue.

Thank you.

The Deputy Bailiff: Deputy Laurie Queripel, to be followed by Deputy Langlois.

Deputy Laurie Queripel: Thank you, sir.

I just wanted to turn attention to pages 2 and 3. At the bottom of page 2, in (4) it says:

A direction may impose conditions, prohibitions, requirements or restrictions on –

440 Then on page 3 it says who those conditions can be imposed upon. Now I am sure we all agree
in normal times we would not want to see these kinds of conditions and restrictions in place and
on the last one, to promote or encourage a big brother or big state approach. I was just wondering
is it possible to effectively police or monitor these activities? Do the resources exist to do that,
because it is all well and good putting these things in place but do the resources exist to be able to
monitor and effectively police these kinds of activities? I just wonder if somebody can offer some
445 sort of opinion or advice on that?

Thank you, sir.

The Deputy Bailiff: Deputy Langlois, please.

450 **Deputy Langlois:** Thank you, sir.

This is a follow-up really, of Deputy Dorey's comments on the last Regulation. This Regulation
gives the Committee for Health & Social Care extensive powers to issue directions, which is probably
appropriate at the time where the only priority or the main priority is short-term public health. But
it will not be long before there are other factors to take into account.

455 Deputy St Pier hinted that they were going to have to look at some other mechanism. But when
one sees the format of the Regulation, if the power does not remain with Health & Social Care, one
would need, as Deputy Dorey said, a broader grouping, which would be responsible and be given
the powers.

460 That would seem to me to be quite an urgent issue to resolve and I was just wondering whether
the CCA, Deputy St Pier, has made any progress to towards developing, in effect, the governance
for the current crisis, which may not involve the CCA any longer, and how it could possibly be
replaced?

Thank you.

465 **The Deputy Bailiff:** Members of the States, I next call Deputy Merrett.

Deputy Merrett: Thank you, sir.

470 Earlier, in response to your question on the other Regulations, Deputy St Pier, I may not have
this verbatim sir, but I will try my best. He said nothing can prevent these Regulations coming back
before the States. Arguably this Regulation does because it prohibits the holding of events,
gatherings or meetings. But the quandary is this, that the only reason that the States can meet
today, virtually or remotely, is because the Civil Contingencies Authority have given SACC the
powers to enact Rules for a virtual meeting. So my question to Deputy St Pier is, when the Civil
Contingencies Authority was created –

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The Deputy Bailiff: Deputy Merrett, just a moment please. Deputy Soulsby wishes to raise a
point of correction, so Deputy Soulsby please.

480 **Deputy Soulsby:** Thank you, sir, yes. It was not the Civil Contingencies Authority that has given
the authorisation for this Meeting, or virtual Meeting. It was HSC.

The Deputy Bailiff: Deputy Merrett to continue please.

Deputy Merrett: Thank you, sir.

485 So does Deputy St Pier believe that when the Civil Contingencies Authority was created that it would be able to prevent a physical Meeting of the States, under this Regulation. Arguably this Regulation does that but it is only because the Civil Contingencies Authority have enabled the States' Constitution Committee to actually change the Rules of Procedure to actually have this Meeting today sir. So if he could clarify that, that would be appreciated.

490 Thank you, sir.

The Deputy Bailiff: Members of the States, nobody else has indicated ... Oh, Deputy Oliver I will call next to speak. Deputy Oliver.

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

It was just a question regarding the events that you are not allowed. If people have organised an event and they do not have insurance or the place is not willing to give the money back to that event, is the States liable to cover that event, with them actually saying that no events can be held? That was a question to see.

500 Thank you.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you.

505 I am not sure if this is the right time to ask the question but I will ask it anyway and see if Deputy St Pier can answer it. A couple of weeks ago, when I was on Cobo Bay, I saw five young guys on a wall, all very close to each other, not a foot apart. I went up to them and just asked them and said, 'Hey guys, are you aware that the social distancing measures are in place?' They told me to vacate the premises, sir, in no uncertain terms, which I did.

510 But that concerned me and I did put that to Deputy St Pier and Deputy Soulsby in an email, with some other measures that I thought we should be using to strengthen our measures that we currently have. So just to further that, I would not expect the Police, for example, to go up to a family on a beach, two adults and two young children, but are the Police now going up to groups of people who are not actually employing social distancing to inquire whether they are from the same household or not?

515 Because it was fairly obvious those five guys on the wall at Cobo recently, they were questionable. I did not get to ask them whether they were from the same household or not because they told me to remove my personage from the area, but that is my question, sir. How far are the Police going? I do not want to see a police state but in times of crisis I think it is important to ensure that social distancing measures are being adhered to and complied with.

520 So I will leave that one with Deputy St Pier and hopefully he can answer that question, sir, thank you.

The Deputy Bailiff: Deputy Lowe.

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Deputy Lowe: Thank you, sir.

I could perhaps help Deputy Lester Queripel there regarding the Police. The Police are out there and checking on people if they are in groups or not and they do it virtually all around the clock when they are doing this and they do go and approach people and ask them if they are in a group to separate and the social distancing.

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I encourage Deputy Queripel and anybody else not to get involved with approaching people, just contact Law Enforcement and they will go and check it out for you. You really should not put yourselves at risk, the Police will go and attend and they do go and attend and find out exactly what the situation is. So I hope that is helpful to Deputy Queripel.

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The Deputy Bailiff: I am next going to call Deputy Green, to be followed by Deputy Tooley.

Deputy Green: Sir, thank you very much.

Just very briefly, as Chairman of the Legislation Review Panel, I just wanted to put it on record that because of the very nature of these Emergency Regulations we have not been able, as a Review Panel, to look into these particular Regulations. Certainly, the scrutiny that I have been doing on these Regulations has been very much my own. I have been asking a number of questions about this specific Regulation over the weekend and I am very grateful for the answers that I have received both from Law Officers and Members of the CCA.

The last thing I want to say, sir, was obviously as the Legislation Review Panel, we do reserve the right to comment on any of the emergency legislation as it comes out. I certainly think, from a personal point of view, I accept clearly there is a genuine emergency, clearly these Regulations have been issued as a response pursuant to that emergency and I am very grateful of the fact that HM Procurer, obviously they are on the CCA, something of a key role there in terms of advising on the proportionality of any Emergency Regulations and making sure that they are as compliant as possible with the European Convention on Human Rights.

Thank you very much.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

I wanted to just raise, in response to Deputy Lester Queripel, really, an issue around people pre-judging what constitutes a household. We know that many people on our Island do not live within what we would potentially consider to be traditional family groups.

Certainly, members of the contract tracing team to whom I have spoken have raised the fact that, often, when they are contacting individuals who may have met with someone who has been tested positive, they find households where maybe a group of young adults, male or female, might share a property, or two or my families might share a property, because of the nature of their work on the Island and so on.

So we cannot and should not assume that a group of, for example, five young men sitting together briefly during a walk, are not a household. I wanted to caution not just Members of the States, who I am sure are very aware of this, but also members of the public, who might be listening in, not to pre-judge what a household might be, because the group that they may see together out and about taking their exercise do not look to them like what might constitute a household, that does not necessarily mean they are not a household.

The Deputy Bailiff: Deputy Tooley, point of correction from Deputy Lester Queripel. Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

I think Deputy Tooley is getting the wrong end of the stick of what I was saying. She is misinterpreting what I said. I was not pre-judging of the make-up of the group, whether or not they were the same household. That was my preamble. What I was focusing on was those five guys were not complying with social distancing, there was not a foot between either of them on the sea wall. That was my point, that is the point of correction, sir, thank you.

The Deputy Bailiff: Deputy Tooley to continue please.

Deputy Tooley: Sir, relevant there is the fact that a household certainly would regard it among people who ... *[Inaudible]*

The Deputy Bailiff: We are having difficulties with you Deputy Tooley at the moment, I think.

Deputy Tooley: ... *[Inaudible]* that was my point, thank you, sir.

The Deputy Bailiff: No other Member of the States is indicating a wish to speak in this debate and therefore I will turn to the Chairman of the Authority, Deputy St Pier, to reply to it. Deputy St Pier.

Deputy St Pier: Sir, yes, and my thanks to Deputies Soulsby and Lowe as Members of the Authority for their clarifications during the debate, that is appreciated. In relation to Deputy Gollop's questions, the guidance certainly has acknowledged the possibility of separated families, moving children between separate households. The objective of this, of course, is to seek to maintain separation between different households and that really underpins the Regulation but, perhaps more importantly, the guidance that has subsequently followed from that.

Deputy Laurie Queripel's question in relation to resources and the extent to which those are available to enforce this Regulation is a very pertinent one and, as Deputy Lester Queripel said, nobody wishes us to be a police state and with only 130-140 police officers, the only way a population of 63,000 can be policed is by consent and with consent and therefore in the first instance a softer approach of engagement is the approach which Law Enforcement are taking.

Now that obviously is in contrast to many other jurisdictions around the world right now, who are able to adopt a different approach in relation to enforcement, in terms of being able to flood their streets with various police and militia and goodness knows what else in order to obtain the population's compliance with whatever regulations those jurisdictions have themselves enacted.

We do have a different approach here and therefore that very much underpins the approach by Law Enforcement, which is to use the enforcement provisions very much as a last resort and we do know that there have been one or two cases which are subject to investigation and possibly subsequently prosecution.

Deputy Langlois' comments, I think as he admitted, are an echo of those made by Deputy Dorey in the previous debate and I think all I can do is repeat my contribution in response to Deputy Dorey, that we do recognise that this is a challenge and it is quite an immediate one and I would not wish to prejudge the further deliberations of the Civil Contingencies Authority on this point.

I am conscious that these debates are debates about the Regulations which the Assembly have before them rather than subsequent Regulations which may follow, so I think I can do no more than say I think I and other Members of the Authority, and indeed other Members of the Assembly have very clearly heard the concerns which Deputies Dorey and Langlois have and I am sure other Members of the States of Deliberation have as well and I am sure that will form part of our consideration as to what the appropriate governance of this crisis should be going forward.

The question from Deputy Merrett in relation to the prospect of the Authority effectively preventing a Meeting of the States of Deliberation, I was not a Member of the States of Deliberation at that time so I cannot really speak to what may have been in its mind at that time but I imagine it was probably highly unlikely that anyone ever envisaged the set of circumstances which could possibly lead to the circumstances where a Meeting of the States of Deliberation was itself prohibited and that of course is precisely why the Authority did regard it as being a proportionate measure to further enact Regulations, which we will come to, which deal with the enablement of a virtual Meeting.

In other words, if the circumstances were so unusual as to prevent a Meeting of the States of Deliberation, it really was incumbent on the Authority to enable, not least for the scrutiny of the Authority itself, for a Meeting of the States of Deliberation to take place. I think it is difficult for us to perhaps look back and think what may have been in the collective mind of the States of Deliberation at the time that the Law was enacted, but I think the Authority has acted in an appropriate way to deal with the circumstances that were before it and therefore enable the Assembly to meet in the way in which it is now doing today.

Again, Deputy Oliver's question in relation to events cancellation and whether the States have liability, again, I will perhaps ask the Procureur to confirm this when I have finished speaking, sir, but my understanding is the Law is quite clear in relation to effectively the protection of the States

640 in taking such decisions under the circumstances that constitute an emergency, but perhaps she can confirm that rather more eloquently than I can?

The question of social distancing in the circumstances which Deputy Lester Queripel identified, again I think this is drawing a distinction between the Regulation and the guidance. The Regulations do not provide for individuals to be sitting, whether they are from the same household or otherwise, and Deputy Tooley's point at the end of the debate was well made, that it is difficult to pre-judge a household.

650 For the purposes of this debate, if we assume that the five members of the public that Deputy Lester Queripel met were not of the same household, the Regulations do not provide for a two-metre social distance between different individuals of different households. That is reliant on the guidance and the Public Health advice, which of course the vast majority of the public have understood, accepted and adopted readily. I think that really is the key, ensuring that the community do accept and embrace the Regulations and all that follows from it, in terms of guidance and direction, as being a necessity in the very unusual circumstances that we have.

655 Finally, sir, I thank Deputy Green for his contribution to the debate and indeed for the questions he has asked in his role and indeed for his ongoing scrutiny of the work of the Authority, which I know he will provide. Thank you, sir.

The Deputy Bailiff: Madam Procureur, you have been invited to contribute to answering the questions that have been raised, so I call you, if you are able to assist.

660 **The Procureur:** Thank you, sir.

Yes, under the provisions of the Civil Contingencies Law, 2012, section 18 deals with the issue of exclusion of liability. In effect, what that section provides is that, if anything is done under the powers of the Civil Contingencies Law then, unless it was done in bad faith, no liability will accrue to any person, thereby including the States of Guernsey as a legal person.

665 Effectively, sir, what it means is that, provided due process has been undertaken, the provisions of the Law have been applied properly and the legislation has been made, laid before the States and contains provisions which are not deemed to have been made in bad faith then liability does not accrue to the States of Guernsey. In other words, there is not compensation that automatically flows from decisions that affect businesses.

670 But against that, sir, and as Deputy St Pier has alluded to, when the Regulations are made by the Authority, attention is drawn to the sorts of issues under the Human Rights Law which arise and therefore the proportionality of the issues. All of that, in part, is to assist in making sure that provisions, which are made, are lawful, proportionate and are made in good faith sir. I hope that assists.

The Deputy Bailiff: Thank you very much, Madam Procureur.
Deputy Prow, you wish to raise a point of order?

680 **Deputy Prow:** Thank you, sir. I just believe that some Deputies might be voting in the wrong Chat, under the previous virtual Meeting and not the States of Deliberation Meeting. I was doing that earlier until I was kindly corrected by Deputy Hansmann Rouxel and Deputy Trott. It is just to make you aware, sir. Thank you.

685 **The Deputy Bailiff:** Thank you, Deputy Prow, for that clarification. I simply remind all Members that they should be seeing swathes of Pours coming up in the Chat on whatever Chat that they are looking at. What I am going to do now, Members of the States, is to open the voting once again for a period of about 30 seconds in respect of the Proposition, which is whether you are minded to approve the Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

The Deputy Bailiff: Thank you, Members of the States. There was a spate of voting, as I said, in favour of the Proposition. I have not spotted anyone who has voted against it and therefore I declare the Proposition duly carried and invite the States' Greffier to call the next item of business.

The Emergency Powers (Coronavirus) (States' Procedures) (Alderney) Regulations, 2020 – Approved

The States are asked:

To decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (States' Procedures) (Alderney) Regulations, 2020.

695 **The States' Greffier:** P2020/80. Civil Contingencies Authority, the Emergency Powers (Coronavirus) (States' Procedures) (Alderney) Regulations, 2020.

The Deputy Bailiff: And once again I invite the Chairman of the Authority, Deputy St Pier to open the debate.

700 **Deputy St Pier:** Sir, thank you.

They are rather an unusual set of Regulations in the sense that the Civil Contingencies Authority is making Regulations in respect of the procedures for the States of Alderney and indeed the next item is in respect of the Chief Pleas. That of course is as a result of the Civil Contingencies Law being a Bailiwick Law and the Authority being a Bailiwick Authority.

705 It is a rather unusual situation. Notwithstanding that these Regulations that pertain to each of the other Islands in the Bailiwick are laid before their own parliaments, nonetheless it is a requirement that these ones appear before our own, sir, and all that this Regulation does is seek to enable the Committees of the States of Alderney to meet in the same way as Guernsey had already provided for itself and various other changes quorums to enable Meetings to be quorate.

710 Of course, these Regulations were created with the involvement of the respective Island authorities in Sark and Alderney, as appropriate, rather than them simply being of the Authority's own creation. With that sir, I will respond to debate.

715 **The Deputy Bailiff:** Is there any Member who wishes to speak in respect of these Regulations? If not, then there is nothing for Deputy St Pier to reply to and therefore I will simply put the Proposition to you and open voting for about 30 seconds, again, as to whether you are minded to approve the Emergency Powers (Coronavirus) (States' Procedures) (Alderney) Regulations, 2020.

Members voted Pour.

720 **The Deputy Bailiff:** Members of the States, I am satisfied once again that *aux voix* it was an overwhelming majority in favour. In fact, I did not see anyone post 'Contre' or any abstentions and therefore I declare the Proposition duly carried.

I have noted that Alderney Representative Roberts might have been wishing to speak in respect of this matter and I will therefore invite him. If he wants to address the Assembly, to say anything he wishes to at this point, before we call the next item of business. So Alderney Representative Roberts.

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Alderney Representative Roberts: Thank you, sir. Do you see me? Can you hear me sir?

The Deputy Bailiff: Yes I can hear you, Alderney Representative Roberts, so please do put your microphone on and speak if you wish to.

Alderney Representative Roberts: Okay. Only to add myself that I support the strongest powers to protect my Island from Covid-19. I am myself against any Rule relaxations, actually, unless the strongest airport restrictions are put in place. Guernsey and Alderney need to be as one in this silent war – it is a real silent war, is it not? Partnerships, friendships always fight together, as we did so many years ago.

We need to explain, remain united and remain together and I want to comment on the hard work of Deputy St Pier, Deputy Soulsby and Nicola Brink for what they have done. I think they have done a fantastic job sir. Deputy Queripel was worried about over-handed police action and I can understand that, actually, there has to be common sense there. In Alderney one chap was arrested for setting a pot on Barry's Breakwater. I call it Barry's Breakwater because he is quite involved with it. One man, also, building his own house in Alderney, was nearly arrested for working on his own inside that very house on his own.

So common sense really needs to be forwarded, really. But both incidents show little of common sense. So it is a learning curve for us all, I guess. The cost to medical health and not physical health will be staggering actually, with the self-employed they are going to really struggle and we may get problems from mental health as well. That is all I wanted to say sir.

Thank you.

The Deputy Bailiff: Thank you very much, Alderney Representative Roberts. I will not call Deputy St Pier at this point to respond to that but he might pick it up in due course.

Next item of business, please, Greffier.

The Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020 – Approved

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020.

The States' Greffier: P2020/81. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020.

The Deputy Bailiff: And I invite the Chairman of the Authority, Deputy St Pier, to open debate on this item.

Deputy St Pier: Sir, I have nothing further to add on this item.

The Deputy Bailiff: Did you want to address anything that Alderney Representative Roberts had said?

Deputy St Pier: I am happy to, sir. I think the application of common sense is, clearly, to be welcomed. That is not only of course by the public but also by those seeking to enforce and as he has said, this is a new experience for us all, so it is a challenge for us all as well. But I certainly welcome his support, sir.

The Deputy Bailiff: Thank you very much. Does any Member wish to speak on the Sark Regulations? No. In that case, I will open voting once again, for about 30 seconds, as to whether or

770 not you are minded to approve the Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020.

Members voted Pour.

The Deputy Bailiff: Members of the States, can I commend you for how well you are adapting to this. The speed with which the Pours come flowing in is remarkable. I have spotted nobody who wished to vote Contre or to abstain and therefore I declare the Proposition duly carried and invite
775 the Greffier to call the next item of business.

**The Emergency Powers (Coronavirus) (Population Management and
Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Population Management and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/82. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Population Management and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

780 **The Deputy Bailiff:** And I invite the Chairman of the Authority, Deputy St Pier, to open debate on this matter if he wishes to do so.

Deputy St Pier: Thank you, sir.

I will have little to say on this. This principally relates to the Population Management Law and
785 therefore the President for Home Affairs may wish to add some comments should she choose to speak but, principally, this is to provide some flexibility in relation to the application of the Population Management Law as a response to the crisis and also some miscellaneous provisions in relation to the management of the Courts, sir, which I am sure you are familiar with yourself, and indeed the registration of laws as well, not requiring the presence of the entire Royal Court.

790 So, really, again providing some opportunity to flex and adapt to the particular circumstances and avoid the need to bring people together when they were not required to be together. That, in essence, was the purpose of this particular Regulation, sir.

The Deputy Bailiff: Thank you very much. If Deputy Lowe wishes to speak, I will call her in due
795 course. First I am going to call Deputy Gollop.

Deputy Gollop: Thank you, sir.

This is on the Population Management. I anticipate that Deputy Lowe will speak. I very much support these measures, as I think they will give flexibility to the workforce, who are under licence
800 to transfer jobs, or nevertheless remain here lawfully, even if for whatever reason their occupation is furloughed or has ended.

But I think there is a bigger debate here about the suitability of the Population Management regime, not only during this crisis period but afterwards and I think there is a legitimate case to be made that certain key workers, who are currently under certain terms, might have those terms
805 extended or changed or adapted positively, especially those working in key worker industries, retail and so on, but particularly I would say the health, medical and care professions. I think it goes

beyond this contingency Regulation, but I think there is a bigger conversation to be had in the coming weeks and months.

Thank you.

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The Deputy Bailiff: I will call Deputy Tindall next.

Deputy Tindall: Thank you, sir.

815 Apart from the fact I would like to echo what Deputy Gollop just said, mine is on a slightly different matter, not Population Management. It is in respect of Regulation (2) and something that Deputy St Pier said, this only deals with, as far as I can see, the sitting of the Court when the Bailiff can sit alone, to deal with entering of orders. Obviously, there are other times when the Court is required to sit with more than one person and yet that is not dealt with in this particular Regulation.

820 I will be raising this issue later, in a different Regulation, but I wondered if Deputy St Pier can comment, generally, on what is being done about ensuring the Court can work but within these new parameters.

Thank you, sir.

825 **The Deputy Bailiff:** At this stage no other Member is indicating a wish to speak. I am pausing just in case Deputy Lowe does want to speak, but if not ... yes, Deputy Lowe.

Deputy Lowe: Thank you, sir.

830 It is just really to reiterate what Deputy St Pier was actually saying. We put this in place as soon as we could to make sure that there was the flexibility for the Population Management permits, because, especially the short-term permits, there were required if they were in hospitality to stay in hospitality and we felt it was appropriate that we did whatever we can for those that were in the Island and unable to move out of the Island and to help the other services, whether that be Health or whether that be the supermarkets.

835 I know that many are employed now in various other places around the Island and we very much appreciate their help and commitment, to be able to help us through this crisis, so it was important we put something in that was flexible and, of course, we will be reviewing exactly what the position is once we get out of this crisis. But I would like to thank them publicly sir, for their commitment and help for this Island during this crisis. Thank you, sir.

840 **The Deputy Bailiff:** Thank you Deputy Lowe. Nobody else at the moment is indicating a wish to speak and therefore I will turn to Deputy St Pier to reply to the debate. Deputy St Pier.

845 **Deputy St Pier:** Thank you, sir. I think Deputy Gollop's point in relation to the medium and long-term is well made and certainly is something that I guess will be a matter perhaps for the Committee for Home Affairs to consider in due course as well. Deputy Tindall's point in relation to Regulation (2), I am not sure that I am in a position to respond to that. Again, that may be something that the Procureur is in a better position to advise upon. I do apologise, sir, but I think I would be doing a disservice, were I to attempt to respond on that point.

850 **The Deputy Bailiff:** Madam Procureur, do you wish to speak? Yes. I will call you. Madam Procureur.

The Procureur: Thank you, sir.

855 Yes, just to confirm that that point in Regulation (2) only relates to registrations before the Court, which would ordinarily have to be put by a Law Officer, with the full Court present and this obviously alleviates the process so that those registrations can be put for the judge sitting alone, the Bailiff or Deputy Bailiff sitting alone. So that makes the process much easier and obviously better in the current situation.

860 There are further amendments in relation to the Court sitting alone. In later Regulations, the later Miscellaneous Provisions Regulations, which will be coming before the Assembly shortly. But this particular point only deals with the registrations that need to be made before a Court, sir.

865 **The Deputy Bailiff:** Thank you very much for that clarification and, if it assists Members, I can explain that it has actually been used to register a whole host of material that had come back from the Privy Council. Members of the States, I am going to open the voting again for about 30 seconds now, on the Proposition as to whether or not you are minded to approve the Emergency Powers (Coronavirus) (Population Management and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

870 **The Deputy Bailiff:** Members of the States, thank you once again. I am satisfied that there have been plenty of votes Pour, no votes against and no abstentions and therefore I declare the Proposition duly carried and invite the Greffier to call the next item of business.

**The Emergency Powers (Coronavirus)
(Mental Health) (Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Mental Health) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/83. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Mental Health) (Bailiwick of Guernsey) Regulations, 2020.

875 **The Deputy Bailiff:** And I invite the Chairman of the Authority, Deputy St Pier, to open debate on this matter if he wishes.

Deputy St Pier: Thank you, sir.

880 I will be relatively brief. This Regulation in relation to the mental health provisions and modifying the Mental Health Law, again the President of the Committee for Health & Social Care may wish to comment further. Suffice for me to say this is a particularly significant Regulation in terms of the personal rights of the individual and changing some of the provisions around the permissions required before somebody is potentially taken into care and their requiring treatment and so on under the provisions of the Mental Health Law.

885 It obviously required particularly careful consideration by the Authority, as of course all Regulations have, in terms of the impact on the individual, and the Authority certainly concluded that the potential impact of the emergency on the availability of appropriate qualified practitioners did justify this as a change that was proportionate under the circumstances.

890 Again it is worth emphasising that there of course is no intent to retain this for any longer than is absolutely necessary but the potential for medical practitioners to be self-isolating and therefore unavailable, for example, was one reason, and the lack of availability from people off-Island did justify such a significant measure. With that, I will leave others comment in debate, sir.

The Deputy Bailiff: Deputy Tindall, please.

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

I was not intending to mention anything in respect of my role on Health & Social Care, because I think Deputy St Pier has covered it and, also, I am sure, if there was anything further to be added, our President will do so. I really just wanted to observe that because this Regulation came into operation on 2nd April, unfortunately in the preamble, the second 'whereas', we have had to note that we have had Islanders die because of this terrible virus and I wanted to take the opportunity to pass on our condolences to everyone who has lost their loved ... sorry, I am choking here in saying this, I do apologise. But it is terribly sad that people have lost loved ones.

Thank you, sir.

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

Deputy Soulsby: Sir, yes. I will just be brief. It is worth emphasising that this is not the new normal, it is in case we do not have enough medical practitioners around, we will have this opportunity, in normal circumstances if we can have the right people to be able to sign the necessary documentation, the normal processes will take effect. This is only really as a last resort.

The Deputy Bailiff: Members of the States, nobody else has indicated a wish to speak in respect of this set of regulations, so I am going to turn back to Deputy St Pier, as the Chairman of the Authority, to reply to that short debate if he wishes to do so.

Deputy St Pier: Nothing to add sir.

The Deputy Bailiff: Members of the States, I am going to open the voting once again, in respect of the single Proposition, as to whether or not you are minded to approve the Emergency Powers (Coronavirus) (Mental Health) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

The Deputy Bailiff: Members of the States, I am pleased to note that there were many votes in favour, no votes against and no abstentions and therefore I declare the Proposition duly carried and ask the States' Greffier to call the next item of business please.

**The Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions)
(Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/84. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

The Deputy Bailiff: I invite the Chairman of the Authority, Deputy St Pier, to open debate.

Deputy St Pier: Sir, again, I think I can be fairly brief. I think the Regulation and the explanatory note is self-explanatory. Really, a collection of miscellaneous provisions required to deal with

consequential matters arising from the pandemic. The various issues affecting the parishes, parish meetings, that required attention.

Also, provision that enables the Committee *for the* Environment & Infrastructure to change the normal prohibition on the cutting and collecting of seaweed after mid-April, which, on the face of it, would not seem to be an immediate response to this particular crisis but, of course, in the context of the local enterprise that managed to produce sanitiser using alcohol and local seaweed, which I think is to be commended, I welcome the Committee *for the* Environment & Infrastructure's response to enable that continue after 15th April, which would be the normal deadline.

Then a provision, also, for changing health and safety provision on certain equipment and that really is to ensure that particularly certain assurances are not nullified by the inability for certifications to be provided. So I think, actually, again, credit due to St James' Chambers for identifying and responding to these issues in such a prompt way that proactively enabled these issues to avoid becoming problems, which they would have become, if not addressed at an early stage.

The Deputy Bailiff: Thank you very much. I am going to call Deputy Tindall first, to be followed by Deputy Smithies.

Deputy Tindall: Thank you, sir.

I have a few queries on this set of Regulations. I did actually send them in only last night when I finally finished going through all of them. But I have not had the benefit of views on that from St James' Chambers and the Law Officers. The first one does bring back the point that I mentioned earlier in the sense of the role of the Royal Court and congregations of more than two people. In Regulation 4.3, it requires the person appointed for the douzaine to take an oath in accordance with Article 61. That Article requires this to be before the Royal Court. I just wanted to raise that because, obviously, it does seem strange that would still have to be the case.

The second thing, which is in the Schedule, the Schedule enables certain requirements to not have to take place so not to have an examination or be inspected of certain equipment, but I wanted to understand why those sections were chosen when other sections in the legislation also required examinations and inspection, which were not included and again I have provided examples of that. I am hoping there is a reason, but if not, maybe perhaps consideration to include those later.

Lastly, on a slightly lighter note, in Regulation 12.2, it means that Regulation 10 is not extended to Herm or Jethou and that means they cannot collect seaweed and I just wondered if they did not have seaweed and that was the reason?

Thank you, sir.

The Deputy Bailiff: Deputy Smithies to be followed by Deputy Inder.

Deputy Smithies: Thank you very much, sir.

I am only intervening to declare a somewhat peculiar and particular interest inasmuch as I am due for re-election as people's church warden for St Michel du Valle and the regulations require that the dean of the douzaine should consult with the rector and church wardens and that would leave me in the very strange position of the dean consulting with myself, which could be compounded because, as vice-dean, if the dean were unavailable, then I would clearly have to recuse myself as one of the consulting parties.

The Deputy Bailiff: Deputy Inder to be followed by Deputy Brehaut.

Deputy Inder: Just very briefly, sir, I am just echoing Deputy St Pier's thanks to Environment & Infrastructure and Deputy Brehaut, who took up the baton for that small company and allowing the CCA to move very quickly to allow them to hand-cut – and it is only one certain type of wrack and it is something called carrigan. Just for those who are listening out there in the wider world, it is on

a very small scale and I think it is the right thing to do to allow a local company to produce hand sanitisers in a very quick and sharp fashion. So I am just echoing what Deputy St Pier said.

Thank you.

990 **The Deputy Bailiff:** Deputy Brehaut, please.

Deputy Brehaut: Thank you very much, sir.

I will be brief. The plan to produce hand sanitiser is a very well-intentioned enterprise. We fully support it. Some people may view it as possibly over-bureaucratic in having to produce the Regulations but there are quite legitimate protections in place for the shoreline and for our beaches and we do at times have requests from much larger companies to harvest a great deal more seaweed and it has a place in the biodiversity. It is also habitat to a number of creatures. So we do our level best to preserve the shoreline but obviously take a very pragmatic approach on this well-intentioned and positive exercise in harvesting at this time.

1000 Thank you, sir.

The Deputy Bailiff: Members of the States, I do not see any other Member wishing to speak in respect of this matter and therefore I am going to turn to the Chairman of the Authority, Deputy St Pier, to reply on the debate. Deputy St Pier.

1005

Deputy St Pier: Sir, I think the only substantive points really were those raised by Deputy Tindall and I am rather hoping that HM Procureur may again be willing to intervene and respond to those, because I fear I am not in a position to do so, sir.

1010 **The Deputy Bailiff:** Thank you very much, Deputy St Pier. Madam Procureur are you able to assist in respect of this matter?

The Procureur: Sir, I shall endeavour to do so but if I have missed any of Deputy Tindall's points, I apologise, sir, I have not jotted them all down. Certainly, in relation to Regulation 4.3 and the requirement of the oath before the Royal Court, sir, my understanding is that this is an internal issue. You may even better know yourself in terms of taking it to the Court, but I think it is only required in terms of new appointments. Whether that can be done remotely, you may be better able to assist. But I do not think there was an issue in so far as thinking that the Court would not be able to accommodate that.

1020

The Deputy Bailiff: Madam Procureur, I can confirm that the Court has sworn in some people, not parish officials, and we would be prepared to take anyone's oath over a video link. We have also done some physical swearings-in, where it has been needed. So it probably is not a problem, as you say.

1025

The Procureur: Thank you very much, sir. I confess I have not jotted all the other particular points related to that part of the Regulation down, sir. I do not know whether Deputy Tindall would like to refresh my memory, sir, if she still has an issue there?

1030 **The Deputy Bailiff:** Deputy Tindall, is there anything that you have not had answered that you would like to have answered?

Deputy Tindall: I asked two further questions. I did actually email these to Law Officers last night, as I said, so I do apologise if you think I have put them on the spot, as it were. The two particular ones were in respect of the sections within the Schedule. There are some in the Laws that were mentioned that still require the examinations within a specified period that are not in that list.

1035

Again, if I could just leave that, perhaps, for reassurance, to add at a future date, because it may be that they were omitted in error or omitted correctly, but the principle, obviously is there.

1040 The second one, I think Deputy Brehaut and Deputy Inder have answered my second question in relation to not allowing the seaweed cutting in Herm or Jethou and I assume it is simply because it was the specific business, which of course was a fantastic opportunity that we needed to take straight away. So I just would like confirmation of that.

Thank you, sir.

1045 **The Deputy Bailiff:** Madam Procureur, does that assist?

The Procureur: It does sir. Thank you very much. Yes, in relation to the Herm and Jethou point, that is my understanding, that it was not required, the Regulations, to extend there because of the particular nature of the business. In relation to the query you emailed, I have to apologise, we have
1050 not been able to get on top of all our emails, we are receiving such a huge volume, I have not seen those yet, but I am very happy to look into that separately, Deputy Tindall. We will do that.

Deputy Tindall: Thank you.

1055 **The Deputy Bailiff:** Members of the States, once again I will open the voting for about 30 seconds, on the single Proposition, of whether you are minded to approve the Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

1060 **The Deputy Bailiff:** Thank you very much, Members of the States. I am delighted to say that there has been an overwhelming amount of support, no opposition to it and no abstentions. Therefore I will declare the Proposition duly carried and invite the Greffier to call the next item of business.

**The Emergency Powers (Coronavirus) (Registration of Deaths, etc. and
Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Registration of Deaths, etc. and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020.

1065 **The Deputy Greffier:** P2020/85. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Registration of Deaths, etc. and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020.

The Deputy Bailiff: And I invite the Chairman of the Authority, Deputy St Pier, to open debate. Deputy St Pier.

1070 **Deputy St Pier:** Thank you, sir.

Again, quite an important set of Regulations in changing provisions in relation to the registration of deaths and cremations and again HM Procureur may wish to or be able to explain the practical consequences and requirement for this, in terms of particularly her role in respect of her coronial function. But this really, again, is a decision by the Authority in anticipation of potentially a

1075 significant number of deaths over and above those which might normally be expected in the same period.

Of course, fortunately, notwithstanding the deaths that we have had, that Deputy Tindall referred to earlier, we have not had perhaps the significant number at this point that would require this particular Regulation in its full majesty, but nonetheless I think there have been some very practical reasons again for needing to vary the Regulations in this area, again particularly in regard to doctors and GPs, who may know the deceased, who are self-isolating. Again it is, as is made clear, a temporary modification as an immediate response to the consequences of this particular virus and the unfortunate deaths which may well occur as a result.

1085 **The Deputy Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

I wanted to draw attention to this particular one. Again, I am very grateful and there is no need for Madam Procureur to apologise, I certainly understand that they have been doing a fantastic job. It should be me who apologises for not providing them at an earlier date.

This particular Regulation does include legislation which is in French and does not have an official translation and the consolidated versions are not easily located. In fact, I was not able to find the 1910 version, which deals with the medical certificate. I just wanted to draw that to the attention because even though it is amazing that these are so old and have been able to be updated, it does highlight the difficulty in scrutinising legislation from our perspective, especially when we have to use our school-persons' French.

Thank you, sir.

The Deputy Bailiff: I am pausing briefly to see if any other Member wishes to speak. Nobody is indicating that they wish to do so. So I am going to turn back to the Chairman of the Authority, Deputy St Pier, to reply to Deputy Tindall.

Deputy St Pier: The Chairman of the Authority, sir, is going to turn to Madam Procureur, if I may. I have nothing else to add, sir.

The Deputy Bailiff: Very well. Madam Procureur are you able to assist with the queries that Deputy Tindall has raised?

The Procureur: Yes, potentially, and more generally, slightly wider, perhaps, as Deputy St Pier has indicated, I may be able to assist. For Members who are not aware, the Law Officers have a coronial role, which relates to oversight, particularly of cremations and ensuring that due formalities are carried out under the terms of the Cremation Ordinance 1972. Also, sir, we have an involvement in the 1935 French Law and the 1910 Law, which has been referred to, in relation to registration of death.

By way of brief background, sir, I can confirm that the Law Officers and the Greffe have been working on producing electronic forms that can be better used by medical professionals and undertakers and funeral directors to ease the process during this particular emergency. I can also confirm sir that what these Regulations do in relation to registration of deaths is ease the requirements on medical practitioners so that, for example, if they are incapacitated by way of self-isolation or otherwise, because they are shielding and cannot view the body of deceased, but the body of the deceased has been viewed by, or the deceased person has been treated by a colleague within the last 28 days, there would be no formal requirement to actually view a body.

We have also made provision for a body to be viewed if need be, by Skype or video, if practicable, though very much relevant to the particular circumstances which arise. But also to ensure that there is due safeguard to the process. So we also have regard to the coroners' guidance from the UK, where similar relaxation of these provisions has been undertaken.

In relation to cremations, which is a large part of these Regulations, we have relaxed the requirements for medical practitioners so that, instead of two practitioners having to counter-sign the cremation form, it is possible in certain circumstances for one person to do so, again given the exigencies of the current situation. We have discussed also with medical practices in Alderney and also with Sark about how these provisions could apply.

The aim is really to assist with ... *[Inaudible]* at this particular time. I echo Deputy St Pier's comments. This is only temporary and we have also tried to have regard to all the necessary safeguards as laid down by the Chief Coroner's guidance. That sir, in a nutshell, unless I can assist any other Member, is what this is for.

Also in relation to Deputy Tindall's query, I would add effectively that the reason there was no consolidated version of the 1910 Law is that the consolidated versions are effectively a massive ongoing project of the Law Officers' Chambers. We try and provide consolidated versions with the assistance of a consultant for those Laws which have priority and are most often used. This legislation is very rarely referred to and therefore it is very low down on the consolidated version list, compared with other legislation.

Therefore, what we would encourage people to do is, I am afraid, to go back to the Guernsey Law Journal, the Guernsey Legal Resources. All of the Laws are on the Guernsey Legal Resources, it is just – as Deputy Tindall has remarked and I sympathise with her – for this particular check of the legislation, you have to go back to the original versions.

Thank you, sir.

The Deputy Bailiff: Madam Procureur, thank you very much for that clarification. It quite takes me back! Members of the States, I am going to voting once again on the Chat, to find out whether you are supportive of the single Proposition to approve the Emergency Powers (Coronavirus) (Registration of Deaths etc., and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

The Deputy Bailiff: Members of the States, once again I am satisfied that there has been overwhelming support. A large shout from everyone voting Pour. No one against. Therefore I declare the Proposition duly carried.

I will invite the Greffier to call the final item of business in this part of the Meeting, dealing with these Emergency Regulations, after which, when we conclude the debate and voting on this, I am going to take a 10-minute break or so, so that everyone can stretch their legs and go and wash their hands and do anything else they need to do.

Greffier.

**The Emergency Powers (Coronavirus)
(Temporary Registration of Health Professionals)
(Bailiwick of Guernsey) Regulations, 2020 –
Approved**

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020.

The States' Greffier: P2020/86. Civil Contingencies Authority. The Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020.

1165 **The Deputy Bailiff:** I invite the Chairman of the Authority, Deputy St Pier, to open debate on this matter.

1170 **Deputy St Pier:** Sir, again, I think I can be relatively brief and the President of a Member of the Committee for Health & Social Care may wish to comment further. In essence a self-explanatory requirement that enables the registration of perhaps retired and other members of various medical professions that it is envisaged might be required in the event of, again, current practitioners being unavailable through their own illness or self-isolation. Again, a pragmatic response in anticipation of anticipated need.

1175 This is one of the challenges for the Authority, in considering the exercise of these extraordinary powers, which it does have, is the extent to which it is proportionate to be anticipating these needs ahead of time. But in these very unusual circumstances of this particular emergency and the threat, the Authority has satisfied itself that it is a reasonable exercise of its powers so to do. But I will obviously respond further to debate, sir.

1180 **The Deputy Bailiff:** Thank you very much Deputy St Pier. I am going to call Deputy Gollop to speak on this item of business first. Deputy Gollop.

Deputy Gollop: Thank you, sir.

1185 I do of course support this Regulation and I believe a parallel one has been done in the United Kingdom and Jersey and I think it is great if one can bring in suitably fit and proper qualified people to act in addition to the already hard-pressed and able medical services.

1190 However, to raise a slightly different angle, years ago, around about the time I became a States' Member, I tried my hand at insurance examinations and only passed one of the two I sat. I realised and had known for years – I was even briefly a director of a small insurance type company – that the insurance industry is extremely important to Guernsey. Part of its global portfolio of very respected industries.

But I wonder how far the insurance sector, not just in Guernsey but internationally, is able to cover any risks or possible litigation that could arise from some medical practitioner or other professional practitioner who is enrolled under these powers. I hope that they would be covered, for both their own sakes and the States' and of course for the good of society.

1195 Thank you very much.

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

1200 In line, in a way, with Deputy Gollop's point, I just wanted to turn attention to page 7, near the top of the page in (4). It says:

The Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that the Committee thinks fit.

1205 Now I just wonder, should that 'may' be 'must'? Should it be 'must require' because I know we are living in extraordinary times and it is admirable that people will come forward to offer themselves for these positions or temporary positions, but I would have thought it was important to see proof to verify the suitability of a person to fill a particular role. So I just wondered is that 'may' strong enough; should it be must require?

Thank you, sir.

1210 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I think just on the point that Deputy Gollop made, I suspect HM Procureur will be able to advise us more on that, but I would have thought yes if it is within the Law and these people are authorised to work for us during this time. In terms of Deputy Laurie Queripel's question, yes, I understand where he is coming from, but in reality the Committee will be advised by the Medical Director, who will be the one to determine whether or not somebody they consider is adequately able to fulfil that role. We are not going to be doing this blind. Nobody can send an email to us and say, 'I want to be on the register,' and we say 'okay'. It will be taken from the Medical Director and others within Human Resources, I suspect.

The Deputy Bailiff: Pausing again briefly to see if any other Member indicates a wish to speak on this final set of Emergency Regulations? If not, I will turn to the Chairman of the Authority, Deputy St Pier, to reply to the debate. Deputy St Pier.

Deputy St Pier: Sir, I have nothing further to add, following Deputy Soulsby's helpful intervention, sir.

The Deputy Bailiff: Thank you very much. Madam Procureur, do you wish to avail yourself of the opportunity that Deputy Soulsby suggested you might wish to take?

The Procureur: Sir, could Deputy Gollop's question just be repeated, please. Sorry, I wrote part of it down but not all of it.

The Deputy Bailiff: Deputy Gollop, can you repeat the question that you posed, please?

Deputy Gollop: Yes, thank you.

My question to Madam Procureur is really are there any differential issues about a temporary registered, suitably qualified practitioner, in terms of insurance cover, risk or litigation, either on the practitioner themselves or on the States in any way, should unfortunately that occur, although hopefully it will not?

Thank you very much.

The Deputy Bailiff: Madam Procureur, are you able to help Deputy Gollop and other Members?

The Procureur: Sir, thank you for affording Deputy Gollop an opportunity to repeat that, that was very helpful. That question, sir, I think needs to be addressed to the States' insurance. I do not anticipate that there will be a problem with the insurance, given that the person would need to be authorised by the Committee for Health & Social Care, so would be carrying out proper official functions.

However, I would anticipate, again Deputy Soulsby may be able to confirm that, this would have been checked with our relevant States' insurance colleagues but fundamentally they would be fulfilling an official function, so I would not anticipate a problem, but this does need to be double-checked with the insurance colleagues sir.

The Deputy Bailiff: Thank you very much, Madam Procureur.

Members of the States, what I am minded to do, once again, is to put to you, with voting opening for about 30 seconds or so, the single Proposition as to whether or not you are of the opinion to approve the approve the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020.

Members voted Pour.

The Deputy Bailiff: Thank you very much. Once again Members of the States, I am pleased to say that there was overwhelming support for the Proposition, with many votes Pour, no votes against and therefore I declare the Proposition duly carried.

Now as I have just indicated, I am going to take a break now, put the States into recess, for about 10 minutes. My clock says that it is 4.03 p.m. and I am proposing that we resume the Meeting of the States at 4.15 p.m., but if you are back in position in 10 minutes' time, having done what you need to do, we will then resume with the other business of this Meeting and it gives an opportunity for Deputy St Pier and HM Procureur, in particular, who have worked hard in the last two hours, to get up and stretch their legs and have a break. So we will take a 10-minute recess now, Members of the States.

*The Assembly adjourned at 4.04 p.m.
and resumed at 4.17 p.m.*

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

Proposed Postponement of the 2020 General Election – Debate commenced

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Proposed postponement of the June 2020 General Election" dated 24th March 2020, they are of the opinion:-

- 1. To agree that, in view of the circumstances currently prevailing in the Island, the General Election for the office of People's Deputy scheduled to be held on 17th June 2020 should be postponed.*
- 2. To agree that the term of office of current People's Deputies should be extended until 29th October 2020.*
- 3. To agree that the General Election for the office of People's Deputy should be rescheduled to 21st October 2020, and note that:*

- The nomination period will start on 14th September and conclude on 18th September 2020.*
- The current political term will end on 29th October 2020 and new Members will be sworn in on 30th October 2020.*

- 4. To agree that:*

(a) States Meetings should be convened on:

- (i) 27th May 2020;*
- (ii) 24th June 2020;*
- (iii) 22nd July 2020;*
- (iv) 19th August 2020; and*
- (v) 9th September 2020; and*

(b) the States Meetings currently due to take place on 5th May, 1st July, 3rd July, 7th July, 13th July, 21st July and 2nd September 2020 shall be cancelled.

- 5. Only if Proposition 4 carries:*

(a) to agree that the Special Meeting of the States ('End of Term' Meeting) due to take place on 21st April 2020, shall be rescheduled;

(b) to agree that the States Meeting due to take place on 22nd April, 2020, shall continue to be held; however, all items of business currently scheduled for that Meeting shall be deferred until the States Meeting to be convened on 27th May, 2020, with the exception of:

- (i) Items to be taken under subparagraphs (a) to (d) of Rule 9(1) of the Rules of Procedure;*
- (ii) Legislation laid before the States;*
- (iii) P.2020/50 - The Capacity (Bailiwick of Guernsey) Law, 2020;*
- (iv) P.2020/39 - The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020;*

(v) P.2020/34 - *The Reform (Guernsey) (Amendment) (No.2) Law, 2019 (Commencement) Ordinance, 2020*; and

(vi) Any items of urgent business submitted in accordance with Rule 2(4) or Rule 18 of the Rules of Procedure of the States of Deliberation;

(c) to agree that the final date for submission of items of business to be considered by the States at Meetings, up to and including the Meeting to be held on 9th September 2020, shall continue to be 2nd April 2020;

(d) to note that, after Thursday 2nd April, 2020, there shall be no further opportunities for the submission of ordinary business to the States, but that urgent business may continue to be submitted at any time in accordance with Rule 2(4) or Rule 18, in order to enable the prompt consideration by the States of emergency provisions and other time-critical matters; and

(e) to agree that the Policy & Resources Committee, in consultation with other States Committees, should plan for the remaining ordinary business of the States to be distributed more or less evenly across the Meeting dates set out in Proposition 4(a).

6. To agree that if any casual vacancies in the office of Deputy occur before the revised date of the General Election, no by-election will be held to fill the seat(s) in question.

7. To agree that, if circumstances in the Island are such that holding a General Election on 21st October 2020, is not viable, the Election will be held on 16th June 2021.

8. To direct the States' Assembly & Constitution Committee to submit a policy letter to the States, to be considered no later than the meeting commencing on 22nd July 2020, to:

(a) recommend proceeding with the General Election on 21st October 2020 date, or to further postpone the Election until 16th June 2021; and

(b) if a further delay is approved, include dates for States Meetings to be convened between October 2020 and May 2021; and

(c) include submission dates for ordinary business to be considered at those States Meetings.

9. To agree that the following Ordinances be withdrawn:

- P.2020/35 - *The Elections Ordinance, 2020*

- P.2020/36 - *The Postal Voting (Amendment) Ordinance, 2020*

- P.2020/37 - *The Advance and Super Polling Station Ordinance, 2020*

- P.2020/38 - *The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020*

10. To note that the Electoral Roll will remain open and an Ordinance will be presented to the States of Deliberation recommending a date upon which the new Electoral Roll shall be closed for the purpose of a postponed Election.

11. To direct the Civil Contingencies Authority to consider the exercise of its powers to make emergency regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 insofar as may be necessary and possible for the purpose of enabling the above decisions to be given effect.

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

The States' Greffier: P2020/60. States' Assembly & Constitution Committee. Proposed postponement of the June 2020 General Election.

1275 **The Deputy Bailiff:** And I invite the President of the States' Assembly & Constitution Committee, Deputy Inder, to open debate on this matter. Deputy Inder.

1280 **Deputy Inder:** Sir, Members, and really the people of Guernsey, I usually start my speeches by saying I am pleased to present a policy letter from the Committee. Today, however, this could not be further from the truth. I could not be more disappointed to be presenting this policy letter on behalf of the Committee, as it is not the policy letter I, or any Member of the Committee, would have ever imagined we would be presenting, and that is a request to postpone a General Election.

The policy letter is largely in two parts. The first to seek the approval to postpone the June election and the second part to recommend that the States of Guernsey fulfils a democratic obligation to ensure that a General Election is held at the earliest practical opportunity. Firstly, sir, it is important that we explain to you and the people of this Island what an election is and what it is not.

Less than four weeks ago, the Island was gearing up for its first Island-wide election. The States had agreed the date, SACC, along with Home, was working hard along with the Election Project Team to ensure as many people were signed up to the Electoral Roll as possible. Adverts were being placed in the *Guernsey Press*, commercial radio was broadcasting Electoral Roll adverts and the date for the election, public transport had back of the bus poster campaigns and the Election Project Team were planning roadshows.

New candidates were preparing themselves for the campaign period. They were undoubtedly working on their manifestos, garnering support for their campaigns and starting on the path towards putting themselves forward as potential political candidates. Organisations such as the WEA had put on courses for new candidates, Members of the States were declaring whether they were standing or not. Some had decided that this was their last term. Others had decided they were going to ask to be returned for another term.

The Island was gearing itself for a factory reset. A new body of States' Members, for better or for worse, a fresh start. New ideas, new faces, a new team. Some of the incumbents would have been successful, some less so. But that is the nature of a General Election. A General Election is agreed by the sitting States but is not owned by the Members. Democracy and its process and delivery is owned by the whole of the population, no one else.

Whatever your views might have been on Island-wide voting, an election is about interaction and it is an interaction between candidates, the voting public, and it is at a very personal level. We campaign on the doors, we approach people on the streets. We are approached by people wanting to hear views and we have Meetings and hustings. Candidates and voters gather in crowds. Candidates and voters do not socially distance.

Neither is an election about just marking the ballot paper, that some might have you believe. It is not just one day. It is about candidates being able to market themselves to the voter, in the weeks leading up to the election. It is about the voter being able to scrutinise candidates and question and find out more about them. In short, sir, it is about both. There are two sides to this. There is the candidacy and we have an obligation to ensure that the voters themselves are fully informed.

Unfortunately, Covid-19 has overwhelmed all that and has limited the ability for any of that to happen and has created an environment that a free and fair election in June 2020 is impossible to hold. The Committee spent a considerable amount of time considering whether a June 2020 election was possible. We considered a number of things. We considered whether it would be possible to hold a free and fair election, should we move to 100% postal voting? We scratched that.

Whether implementing strict social distancing measures could enable polling stations to continue to operate? They could not work. Whether adding additional polling stations or polling days could make an election in June ... and it is with the heaviest of hearts, much soul-searching that the Committee, a group of Deputies across the political spectrum, concluded unanimously that we would have to recommend to the States that the election be postponed.

We hope that Members will agree that, under the prevailing circumstances, in light of the advice provided by the Director of Public Health and Regulations put in place by the Civil Contingencies Authority that you will also agree that the 17th June General Election is postponed and impossible.

Now, once the Committee had agreed to seek permission from the Assembly to postpone the General Election, we then had to ask ourselves the next challenging question: if not June, when? At the time the Committee was discussing the postponement, there was only one confirmed case of Covid-19 in the Island. Sadly, we find ourselves in very different circumstances today.

The Island is working hard together to suppress the spread of the disease but the reality is that no one in the Assembly has any idea as to when it will be safe or practicable to hold an election. No one. Neither should there be any criticism or surprise at that revelation and that right now, we are

not sure where we are on the curve of the disease. In the absence of that data, with an expectation that in a few months' time we will have a better idea as to where the Island is on the spread of the disease, it is reasonable to propose that we check ourselves in July of this year to establish whether October is deliverable. That is our duty.

I doubt there will be many Members that can put a logical argument together, based on public safety and deliverability of a free and fair election, to argue that October of this year will be any better than June of this year. Right now we just do not have that kind of data. We need the data from our health authorities and I am sure this will appear over the next couple of months.

As I said, sir, this is no reflection on any of the good work done by health or the Director of Public Health. Right now, no one knows where we are in terms of the modelling of the disease. Now, if the Assembly agreed that the only reason to postpone the election is on the practical deliverability of the campaign and election period and the safety of voters and candidates alike, you will of course agree that it is right, logical and an obligation on your part, to ensure that you submit yourselves to the voting public at the earliest possible opportunity.

... [*Inaudible*] and we agreed 21st October was a reasonable date to enable the necessary processes in the lead-up to the election. We have therefore proposed the election is postponed to that date.

Within the policy letter we have included a go/no-go date of 21st July. At that Meeting of the States, I am confident that we will have greater clarity as to where we are on the curve of the virus and what the tail-off is likely to be. I can assure you sir and Members you have my personal word that if October looks too risky, if we have concerns about the deliverability of an October General Election, I will be the first on the committee to argue strongly that we postpone until June 2021. But today, is not the day for a June 2021 decision.

Members, we simply do not know where we are right now, in terms of the curve, and to take the election too far forward, without a review of our position in July of this year, does put us in very difficult territory. The easy decision is give us all an extra year's term. The right decision is to have a sense-check and to review whether October is achievable or not.

Whatever happens at the end of this debate you, as the People's Deputies, will in all likelihood have extended your term. The policy letter is asking that Members reflect on that fact. You will have extended your own term without the mandate of the people of this Island. Therefore we are asking that, in the meantime, the States limits itself to only considering time-pressing or urgent matters, or items already planned to be on the agenda by the May Meeting, rather than allowing policy initiatives to be submitted. That is reasonable and that is the correct approach.

We are also recommending a number of Meetings to be scheduled between May and September, to enable business to be spread out but also be dealt with in a timely manner. The Civil Service right now, as everyone listening or certainly Members must know, are under an extreme amount of pressure dealing with the current crisis. It is reasonable to ask two things: (a) take no advantage of your extended term; (b) focus in your extended period on the deliverability of your existing policy programmes. That again is fair, sir, and it is the right thing to do, given the crisis that we find ourselves in right now.

Looking at the long date, between General Election dates of October of this year or June of next year. If a winter election is to be avoided, the earliest opportunity to commence election activity in 2021 would be around March, leading to an April or May election. There has been some discussion sir, Members, about why April. Personally I do not really know the history of it but it is a fact and again, depending where we are in the forthcoming winter, there is just simply more vulnerability for older people in the period, along with the common flu, the common cold and other afflictions, heating and the like.

We are trying to avoid, where possible, either campaigning or starting a campaign in the depths of winter. The Easter holidays fall between 1st and 19th April 2021, and they are followed by three bank holidays in May. The Committee believes it is beneficial to avoid having a General Election being held in school or public holidays, which leaves June as the earliest realistic time for an election.

1385 The Committee is conscious there will be a split between Members who want the election to take place later in 2020 – some may actually even want the election to take place on 17th June, but we are assuming that Members accept that 17th June is finished as a realistic date – and some Members will want it to take place later in 2020 or delayed to 2021 and there is an amendment proposing the latter and we will obviously speak to that later.

1390 The Committee is open to the views of others and if compelling reasons are put forward to progress the rescheduling in a different way to the one we currently suggest, it will be fairly open-minded to this. But, by a majority, we genuinely believe we need to do a sense-check in July of this year, just to see if we can hold an election in October of the same year.

1395 I must stress that there have to be compelling reasons for alternative time frames to hold an election, focused on when the States can realistically hold an election and not focused on other factors that may be beneficial or desirable in the eyes of some Members. Financial matters or consistency of leadership are not reasons.

The only reason you have to concern yourselves with is when it is practical and safe to hold an election. That is the only reason we are asking to postpone the election today and that is the only reason we believe we should give consideration to when we can hold an election. No other reason.

1400 If it helps, sir and Members, I will read some excerpts of the email written to Chloe Smith, a Cabinet officer in the UK, by Mr Bob Posner, who is the chief executive of the Independent Electoral Commission. This was the email regarding his recommendation to cancel the English local elections, which I believe are happening in May this year, and he wrote to Mrs Smith in March of this year and I will read an excerpt.

We anticipate that as a result of the direct and indirect impacts of Covid-19, there will be significant numbers of registered electors who in practice will not have opportunity to vote or feel inclined to vote. While increased access to post and proxy voting may provide a partial solution for some electors, it would create further additional pressures and risks in other parts of the system. The risks to delivery that have been identified are such that we cannot be confident that voters will be able to participate in polls safely ...

Now sir, that was about May elections, there is nothing in there that talks about the economy, talks about leadership or talks about fiscal issues that Guernsey quite clearly are likely to be in now and we will hear about that later, over the next couple of months, I am quite sure. Now the last time a General Election was delayed was in 2001 and the outbreak of the foot-and-mouth disease and it was only moved from May to June. None of the documentation I have read on the subject relates to fiscal issues. All the advice provided by the Electoral Commission has been about public safety and deliverability of any local or general election.

1410 As set out in the policy letter and Propositions, whatever the States decides, legislative changes are required to enable these proposals to take effect and the Committee, of course, will work closely with Law Officers of the Crown to find the appropriate solutions.

1415 In closing, I can only repeat my opening comments. I wish we were not in this situation. The committee has been working hard since after the 2018 Referendum to organise an election for June 2020. We were on track for this to happen until a couple of weeks ago. It is with huge regret that I deliver this speech today but, as stated, the committee and the States is left with no choice but to postpone the election until we can be assured we can deliver a genuine election to the people of Guernsey and I ask Members to support the Proposition as drafted.

1420 Thank you, sir.

The Deputy Bailiff: Thank you very much.

1425 Members of the States, you will be aware that there are a number of amendments that have been submitted to the Greffier in respect of this set of Propositions and I am going to turn first to Deputy Le Tocq and Amendment 1 and invite him, if he wishes to do so, to place that amendment at this point.

Deputy Le Tocq.

Amendment 1

To delete the Propositions and substitute therefor:

- 1. To agree that, in view of the circumstances currently prevailing in the Island, the General Election for the office of People's Deputy scheduled to be held on 17th June 2020 should be postponed.*
- 2. To agree that the term of office of current People's Deputies should be extended until 30th June 2021.*
- 3. To agree that the General Election for the office of People's Deputy should be rescheduled to 16th June 2021 and direct the States' Assembly & Constitution Committee to submit a policy letter to the States with recommendations for any further practical arrangements and legislative requirements to facilitate this.*
- 4. To agree that the States' Meetings currently scheduled to take place on 21st April 2020, and between 1st May 2020 and 31st July 2020 shall be cancelled and instead States' Meetings should be convened on:*
 - (i) 20th May 2020;*
 - (ii) 16th June 2020 (Accounts);*
 - (iii) 17th June 2020;*
 - (iv) 15th July 2020;*
- 5. To direct the States' Assembly & Constitution Committee to submit a policy letter to the States, to be considered no later than the meeting commencing on 20th May 2020, to:*
 - (a) set out the revised dates on which it proposes that States' Meetings should be convened in the period from the 1st September 2020 to 31st August 2021, having first taken into account the dates of school terms and any other information which it considers relevant;*
 - (b) include proposals setting out the Committee or Committees whose Presidents will be obliged to make statements, and for the States of Alderney statement to be made by one of the Alderney Representatives, under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.*
- 6. To agree that the States' Meeting due to take place on 22nd April 2020 shall continue to be held; however, all items of business currently scheduled for that Meeting shall be rescheduled across the meetings in April, May, June and July 2020 as set out in the attached Schedule to facilitate virtual meeting arrangements, and any items of urgent business submitted in accordance with Rule 18 of the Rules of Procedure of the States of Deliberation. A Policy Letter from the States' Assembly & Constitution Committee setting out the revised dates on which States' Meetings should be convened from 1st September 2020 to 31st August 2021 and the dates for statements under the provisions of Rules 10(4) and (5) will be submitted for the States Meeting on 20th May 2020.*
- 7. To agree that Propositions to approve the following draft Ordinances be withdrawn:*
 - (a) P.2020/35 – The Elections Ordinance, 2020;*
 - (b) P.2020/36 – The Postal Voting (Amendment) Ordinance, 2020*
 - (c) P.2020/37 – The Advance and Super Polling Station Ordinance, 2020;*
 - (d) P.2020/38 – The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020*
- 8. To agree that if any casual vacancies in the office of Deputy occur before the revised date of the General Election, no by-election will be held to fill the seat(s) in question.*
- 9. To note that the Electoral Roll will remain open and a draft Ordinance will be presented to the States of Deliberation recommending a date upon which the new Electoral Roll shall be closed for the purpose of a postponed Election.*
- 10. To direct the Civil Contingencies Authority to consider the exercise of its powers to make emergency regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 insofar as may be necessary and possible for the purpose of enabling the above decisions to be given effect.*
- 11. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

Deputy Le Tocq: Thank you, sir.

I so move to place this amendment and in so doing, although I was not able to hear everything that Deputy Inder said – he sounded a little bit like Cher singing with an electronic voice in parts! – I did pick up that he took no great pleasure in putting the policy letter forward from SACC. Of course, I am not only a Member of P&R, I am a Member of SACC as well, so I do understand the huge issues that we are dealing with here in our democratic society.

So it gives me no great pleasure whatsoever to lay this amendment, either, on behalf of P&R, which as a Committee were unanimous on this matter. There are two things I need to say, to begin with, with regards to this amendment. One is that, just minutes before this Assembly convened this afternoon, I was made aware of the fact that there is an issue with one aspect of it, that is Proposition 4 of the amendment (ii). The States' Accounts will not be ready for 16th June, as indicated in this amendment, and so I would propose we do need to deal with that. It is an example of the sort of situation we are in at the moment, where last minute issues come to rise.

I would either suggest, with your permission, that (ii) under Proposition 4 of this amendment be removed and Accounts be moved to 15th July, or we have, if the Law Officers have provided it – I am not sure, we did ask – a further amendment putting that into effect would be placed. So, sir, can I just ask for your opinion on that first?

The Deputy Bailiff: My understanding, Deputy Le Tocq, is that the amendment that you and Deputy Brouard are proposing to substitute Proposition 4, in what is Amendment 1, has not yet been circulated, and therefore the intention is to proceed with Amendment 1 as it stands. As and when we get amendment whatever it will be, number five probably now, circulated, then you can speak to Amendment 5, but at the moment it is Amendment 1 as it has been circulated.

Deputy Le Tocq: Thank you, sir.

Okay. It is just good for Members to know that that is the situation. Sir, this amendment had a number of different Propositions. In fact is asking to delete the Propositions put forward by SACC and replace them, primarily because the Committee is of the opinion that planning to have an election in October of this year is impractical now and, as a result, we are suggesting that the election should be rescheduled for June 2021. The period of our term of office should therefore be extended to the end of June 2021.

Now that is a big decision to be taken and, as I said, we take no pleasure in suggesting that, but the fact is, as Deputy Inder indicated, when he opened on the SACC policy letter, when SACC considered these matters, it was several weeks ago in March and really a whole epoch has happened since then. We are certainly not in a position, I think, to be effectively planning and putting into place an Island-wide election in October of this year.

Now the issue, and I am sure many will want to speak on this issue and it is an issue that should concern us, we are breaking a convention and a Rule, by deciding not to hold the General Election and to extend our term beyond what the term we took up, when were elected into office, was indicated, when people voted us into office.

I realise that breaking the Rule is a very serious thing and certainly it is very rare of me to suggest that we break any of our Rules of Procedure but, sir, if we are going to break a convention or a Rule, then let us not talk any further about principles because once a principle has been broken, the question should then be as to what is the best time and our ability to be able plan for a fair and free election.

With Island-wide voting, it was clear from the outset, even before we got into this current Covid-19 crisis, that Island-wide voting would give us particular challenges. I represented SACC on the team that were put together to plan and to prepare for the necessary processes that would be in place for Island-wide voting and, even before we began to consider the issues that we have now got before us, it was clear that there would be some very great challenges, one of which would be the number of people that were necessary for an Island-wide voting election.

I think, had we been planning to have the next election as elections in the past, then certainly from my perspective, I would certainly be perhaps a little bit more nuanced when it came to the

possibility of looking at October as an election date. But that is not the case. The number of people involved in this first Island-wide election will be considerable, in order for it to take place effectively. Many of those will be civil servants. That is the case currently and no doubt it will still be the case for an Island-wide election.

Had we been moving ahead with the election in June of this year, we would now be training those people and getting them prepared, because we knew, for one thing, that the election would not be taking place on just one day. There would have to be several days for that election and that would be the same if we delayed to October, or whenever. So that involves far more people and far more preparation and far more planning and training.

Whatever the case may be, it is not going to be easy to do that in the run-up to an October election, particularly if in September, for example, which is the run-up to the annual Budget, most of those civil servants are at their busiest.

But, sir, that is not a reason enough to say that October is not the best date to be looking at. It is clear from our point of view that an election, in order to be fair and free, needs to have the engagement of the public and needs to have the engagement of the public to be able to meet, to be able to assemble together, to question their candidates etc. I am pretty certain now that, by July, we will not be in a better position to be able to make that judgement.

So, sir, I guess the argument against that would be, some would say, will we be by June of next year? The point is this, sir. We could look at alternatives. We could look at alternative means of voting, potentially. We could look, for example, at alternative venues if we need to keep measures such as social distancing in. Because, clearly, some of the current venues would not be suitable and, just to be able to do that, in the months over the summer, before October, is not going to be possible, whereas June of next year does give us that opportunity.

So, sir, that is the substantive change that we are suggesting in this amendment. The others flow out of that, as a result, in terms of States' Meeting days, and I should say at this point, sir, because there is not a better time to say it, the Future Guernsey Plan – which some people have contacted us about and said, 'what is going to happen with that?' – it has been lodged, obviously, but it has not been scheduled for a States' debate.

Now events have overtaken it. It quite clearly is not appropriate for it to be debated, although it is available, we have not got a mechanism for un-lodging those sorts of things. So it will remain there, available for people to read, but we have no plans to schedule it because all of that work will have to be re-done in a different form, once we know the economic impacts of this current crisis and we are not at a stage to be able to judge them where we are.

So, as I started out, I take no pleasure in this. But we have broken a principle, whether we delay to October or whether we delay beyond that, and it is the unanimous opinion of the Policy & Resources Committee that June of next year is the cleanest and the most appropriate time for us to be able to plan a fair and free election.

Thank you, sir.

The Deputy Bailiff: Deputy Brouard, do you formally second the amendment numbered 1?

Deputy Brouard: Thank you, sir, I do and may I reserve my right to speak later? Thank you.

The Deputy Bailiff: Yes, of course you can. The first person I am going to call to speak on this amendment is Deputy Prow, to be followed by Deputy Laurie Queripel. Deputy Prow.

Deputy Prow: Thank you, Mr Deputy Bailiff.

Sir, I cannot support this amendment and I shall be hopefully voting for the Propositions as set out in the SACC policy letter of 24th March. I shall therefore, as briefly as possible, set out my reasons for doing so. In my view the policy letter is well written and I thank all Members and officers of SACC for putting it together in these unprecedented times. I also thank the President for an excellent opening speech.

In my view, the case is absolutely made out that, in the grave circumstances of the Covid-19 pandemic, the 17th June election cannot take place. There is no need for me to go further, as the SACC policy letter sets this out very well in sections 1.3 to 1.7, and in section 3. It would just not be possible to hold a sufficiently free, fair and safe election in June. I would be surprised if any Member of this Assembly disagrees.

However, sir, I am very pleased that the SACC letter has addressed the principles of democratic elections in section 4. The paper rightly points out that it is a very significant decision for any Government to extend its own term. Clearly this States' four-year term ends this June and section 1.10 of the policy letter points out the intent to balance the essential requirement for Guernsey to maintain the function of Government with a recognition that beyond June 2020 this States may not have a mandate to develop significant new policy initiatives that are not linked to the current crisis.

This, in my view, is a hugely significant point. SACC are adamant in their proposals that an election must only be held when the advice from the Director of Public Health indicates that it is safe to do so. I cannot mention her without thanking her and her staff and all our fantastic front-line essential workers for their brilliant efforts.

I also believe it is appropriate and relevant to praise the Civil Contingencies Authority, under the leadership of Deputy St Pier, for their management of this crisis and the calm and informative communication briefing, fronted by Deputies St Pier and Soulsby and, of course, the Director of Public Health. This has been outstanding.

I should also point out that Committee Government has continued, albeit remotely. I know all committees are meeting, including Health & Social Care, who approved the necessary Regulations and guidance. It is right and proper that Government continues to operate and that Deputies continue with their roles as mandated during these unprecedented times.

So, as said, a June election is out of the question. However, the approach of SACC is that it gives us two options, one contained in Proposition 7 of an election date of 16th April 2021, a delay of one year, and the only option contained in the Deputy Le Tocq and Brouard amendment. The second is contained in the unamended Proposition 3, which will however give an earlier opportunity to hold an election on 21st October 2020, should the Public Health advice, aimed at containing the spread of coronavirus, mean a safe, free and fair election can be held on that date.

I believe we should be able to have that choice. The argument of providing certainty, as laid out in the explanatory note of the amendment, and continuity for an entire year, does not provide the balance sought and cannot outweigh the foundations of democracy, which is to hold elections at the end of the Government's term. Sir, P&R was quoted in the *Press*, citing one of the reasons as providing continuation of Brexit negotiations, the dates of which are apparently unaffected, and public finances.

I strongly disagree that these are valid reasons to delay an election. It is the States making the decision to extend their term of office, not the public. In fact, sir, I feel sure these are issues along with many others, that the public would have been wanting to scrutinise, had a June 2020 election been a viable option, and which 38 Deputies they want to take those issues forward. Is that not the cornerstone of our parliamentary democracy? The only argument in my view to not hold an election is that it would be unsafe to do so. There cannot be any other valid reason. I urge all Deputies to resist this amendment and I would ask for a recorded vote.

Thank you, sir.

The Deputy Bailiff: Deputy Laurie Queripel, to be followed by Deputy Lester Queripel. So Deputy Laurie Queripel first.

Deputy Laurie Queripel: Thank you, sir.

There are very few Propositions in this amendment that I find satisfactory. I do not mean that as a slight on Deputy Le Tocq and Deputy Brouard because actually, when I look at the Propositions in the policy letter, or the other amendments, I do not find many of those very satisfactory either.

Now, for what now should be obvious reasons, I can go with 1 in this amendment, but 2 and 3 I am not at all keen on. Now the SACC Propositions in regard to the election dates are marginally better in that they at least offer a binary choice. But that is still not satisfactory for me. I am not convinced by SACC's arguments that an election should not take place between the October date and June 2021. If not October, it should be as soon as possible, as soon as it is practical and safe to do so, and not wait until June 2021.

Yes, what I am suggesting could create some disruption. But plans to deal with Covid-19 and the aftermath of Covid-19, in other words our recovery programme, should be well in hand by that time. We have to balance some disruption against serving democracy. If the electorate are of the view that the main players have done a good job during this period, it will allow them to continue and to stay in office.

Now, sir, if one looks at past events in the UK, and I am not normally the first person to use the UK as a good example or a role model, but there are two things that stand out for me. They held their post-World War II election in July 1945. So despite all the turmoil, incredible disruption and grief that had been caused in the years previous, they were able to hold their election in July 1945.

Now, in response to SACC's arguments that an election at any other time would not be advisable, well the UK held their last general election in December 2019. So I get the points they are trying to make against the idea of holding the election at different times, but I do not think the time of the year should really get in the way of serving democracy.

The other Propositions in this amendment, sir, I am indifferent to some of them, but actually the ones that talk about States' business, and once again this applies to the actual policy letter Propositions and the Propositions in the other amendments, I do not find those very satisfactory either.

I think what we need, to be able us to decide the business of the States for the rest of this term, is a process similar to the P&R Plan debate, which I now know is being called Future Guernsey and Deputy Le Tocq referred to this. Because dealing with the consequences of Covid-19, socially, economically and in regard to the public purse, the States' fiscal position and so on, will be with us for a very long time.

It will be part of Guernsey's future and how we plan ahead. So I think it would be perfectly appropriate to have that kind of debate on that kind of situation. I think we need a re-prioritisation process. I think by necessity that will have to take place in an atmosphere or in the context of making the best use of what we have, making do and mending, living within our means, and genuinely prioritising, knowing that any workstreams, any development of projects as Deputy Inder mentioned, will invariably mean more expenditure and require the use of more resources. The two go hand in hand, at a time when finances will be very tight indeed.

For me, sir, such a process, a P&R Plan, a Future Guernsey-type plan debate should bring to light what could be put on hold, what could be scaled down, what is or is not absolutely necessary for now, or the foreseeable future, and what can be afforded and what cannot be afforded. Then we, as a States, can put in place informed choices that set out a clear programme for States' business for the rest of this term.

For me, sir, that would tick so many boxes in regard to sound process and good Government. It would be democratic, there would be accountability, it would enable people to make cases and for challenges to be made. It would tick the box of transparency and openness and as I say it would help create an informed plan or structure for the rest of this term.

So I am somewhere in between sort of minimal business and business as usual, but I do not think any of these Propositions, either in this amendment, or in the policy letter, or in the other amendments, actually tick the box I am looking for. I think we need to have a debate about what business the States can do for the rest of this term and it needs to be an informed debate, based on the process that I believe would be right, which is the one I have laid out.

Those are my points. I cannot vote for this amendment, 2 and 3 in particular I find most unacceptable but I do not find the Propositions that refer to States' business very helpful or acceptable either. Thank you, sir.

The Deputy Bailiff: Deputy Lester Queripel next, to be followed by Deputy Meerveld and then Deputy Green.

Deputy Lester Queripel: Thank you, sir.

I will start by saying I am going to support this amendment. When Deputy Inder spoke, he said the only reason we should bear in mind, when considering this whole issue, is when will it be safe to hold a General Election, and he emphasised the word safe. But of course, as we all know, the word 'safe' is subjective. It means different things to different people. Safe does not just mean physically, it means lots of other things as well, such as safe emotionally, safe mentally, safe spiritually and safe economically, to name just four other areas.

Now I am going to support this amendment because I resonate completely with the reasons given to encourage us all to do so and those reasons are encapsulated perfectly in the fifth paragraph of the explanatory note, where we are told that if this amendment succeeds it will mean there will then be continuity, due to the fact that current politicians in the Assembly will be able to continue to steer the Bailiwick through what is an unknown period of extreme stress on the economy, public finances and the community, in the context of the continuation of Brexit negotiations, which as yet themselves have not been deferred by the primary parties.

The paragraph goes onto say that the amendment ...

... also provides the opportunity for the recovery of the public service that is now being stretched to meet extraordinary demands and will continue to be for an undetermined period to come.

It is because of all that pressure and all that uncertainty I think we really do need to extend the term of the office of this Assembly, by another year. Why should we put the States under even more pressure and our civil servants also under even more pressure and expect them to resolve the unprecedented problems we face in the next six months, up until the end of June this year, when in all probability it is going to take until June next year to repair all the damage that is going to be caused by Covid-19?

That would make no sense at all, in my view, but not only that we have no idea where we are going to be in June this year or even in October this year. We could still be at the mercy of the deadly virus. Nobody knows at this stage, so surely it makes perfect sense to allow another 14 months, as opposed to another six months, for us to not only get through the time when we are at the mercy of the virus itself, but also put us well on the path to repairing all the damage that it has caused.

I would not be at all comfortable with handing over such a legacy of uncertainty to the next Assembly in October. In fact, I think it would be extremely irresponsible for us to do that. We would be saying to the next Assembly, 'Okay, ladies and gentlemen, we have done our best, now it is over to you, you sort it out.' Even with the best will in the world, sir, I think it would be far too much to ask, to expect them to pull the Island around from the biggest crisis since the Occupation would be completely unrealistic in my view.

Who would have thought that, on New Year's Eve, when we were all wishing family members and friends a happy new year, that we would have been in the situation we find ourselves in today, at the mercy of a deadly virus that has already claimed six lives and possibly nine. We were at war against this deadly virus in just under three months after New Year's Eve and I focus on what has happened in that time because, under normal circumstances, we would be holding an Island-wide voting election in less than two months' time.

The SACC proposals, as we know, ask us to extend to October, which is six months' time. Now sir there are many out in our community who have expressed major concerns about the logistics and the practicalities of that election. So there is already uncertainty there in relation to how it is all going to work.

Now if we were living in normal times, I would have every confidence that any problems that arise could be resolved as they occur, but we are not living in normal times. We are actually at war against a deadly virus and we could still be at war against it come October time. Nobody knows

where we will be at that stage. So that is the level of uncertainty we need to bear in mind, come the time to vote.

1690 Even if the virus itself is only around for a few more weeks, the aftermath of dealing with the damage it causes will surely go on long past October time? Of course, if we do have a General Election in October, that will mean that, for at least four weeks prior to it, several Members of this Assembly will be focussing on getting re-elected, as well as doing all the other States' work they do, plus helping to repair the damage caused by the virus.

1695 In saying that, sir, of course I realise that sitting Deputies in previous elections have managed to keep up with all their work at the same time as trying to get themselves re-elected but we were not at the mercy of a deadly virus during any previous election campaign.

On a personal note, I really did not want to stay on a day longer than the end of June this year. I had set my sights on that date being the time I could ride off into the sunset and go for a much easier life than the life of a Deputy. I was looking forward to lying on the beach all day, writing poetry, with no demands whatsoever on my time. But this is not about what I want, it is about doing what is best for the community.

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I genuinely believe that this Assembly staying in place until June next year is the best thing to do for our community. I honestly think it would be far too disruptive for us to go in October, bearing in mind all the focus that will need to be given for the General Election and all the focus that will need to be given to the election of Members onto Committees. That will all take far too much focus away from the job that needs to be done and, in my view, will be valuable time lost at a time when there will not be a moment to lose.

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So moving towards a close, as the saying goes, when the going gets tough, the tough get going. That does not mean going in the wrong direction. That is exactly what I feel we would be doing if we do not support this amendment. We will be going in the wrong direction. As with every issue laid before us, we have those out in our community who are in favour of these Propositions and those out in our community who are against these Propositions. So, as usual, we are the ones who have to make a judgement call.

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To me it is quite simple, because I am of the view it would be extremely irresponsible for us to hand over such a monumental legacy to the next Assembly and expect them to hit the ground running and deal with all of the issues that are going to need to be dealt with right away. There are many issues, apart from repairing the damage, the virus is going to cause that the next Assembly is going to have to deal with.

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Before I close, I would very much like to put on record my appreciation for the monumental efforts being made by Islanders working in our shops and supermarkets and also essential workers delivering goods to fellow Islanders. If it was not for their monumental efforts, we simply would not survive.

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In closing, I would just like to remind my colleagues that during the recent Education vote of confidence debate, Deputy Tooley brought our attention to a song that was a big hit for The Clash in 1982 and also in 1991 and the title of the song was *Should I Stay or Should I Go*. In that same debate, Deputy Ferbrache brought our attention to a song that was a big hit for The Moody Blues in 1964, the title of that song was *Go Now*. So that is the judgement call we need to make here and I have already made up my mind for the reasons I have highlighted in my speech.

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1730 Thank you, sir.

The Deputy Bailiff: Deputy Meerveld, to be followed by Deputy Green.

Deputy Meerveld: Thank you, sir.

1735 There is much in this amendment I do agree with. There are arguments for the continuity of the current States handling the issues in front of us. But I struggle with the issues of whether this States should take upon itself to extend its term to a fixed point in time beyond the term we have been elected to and the democratic principles behind that.

I am afraid I cannot support this amendment and will be supporting the SACC policy letter because I want to see us, as an Assembly, step aside and let the public decide who they want to take us forward. Deputy Lester Queripel said we have a responsibility to take on this burden as it were and see it through for continuity's sake and for effectiveness, I presume. But it is not our decision. As of June this year, we no longer have a mandate of the people. We were elected to serve until that point in time.

These are unforeseen circumstances and I do not believe that we can arbitrarily decide new dates and push this out any further than is absolutely necessary. So, whilst I totally agree that it is quite likely that October might not be an achievable date, I believe the SACC policy letter, with a review in July, at least gives us a chance to revisit this and try and choose a date, as soon as is practicable, to hand over to an elected body that will have the mandate of the people to go forward and sort out all the issues we are going to inherit from this. Therefore, I support Laurie Queripel and Deputy Inder and would ask fellow Members to support the SACC policy letter and not this amendment.

Thank you, sir.

The Deputy Bailiff: Next I am going to call Deputy Green, to be followed by Deputy Ferbrache and then Deputy Tindall. So Deputy Green, please.

Deputy Green: Sir, thank you very much.

Elections are the most vital component of a functioning democracy and we delay them only in highly exceptional circumstances, if the evidence, the Public Health evidence in this context, fully justifies it. The length of the delay, in my view, needs to be the shortest possible period that is consistent with the Public Health advice.

Sir I am not going to support this amendment. I am not convinced that our General Election does need to be deferred to June 2021 straight off the bat as it were, particularly in the absence of clear evidence at this point in time that an Island-wide election will not be feasible or safe at any time before June 2021.

We simply cannot know for certain at this time that an election will not be feasible before June 2021. I think we are too far out from that date in June next year to make this decision today. I do support some deferral of our election but it should be for a minimum period of time. I think a deferral to October, in the first instance, to be reviewed in July, is a proportionate and reasonable stance to take for the time being.

I think our approach here needs to be a gradual stage by stage process, where we make decisions carefully and not too far out from the proposed date of the election itself. If an October election proves to be impractical for the obvious reasons that we have been talking about then we should look, again, at what the date could feasibly and safely be thereafter, when we meet in July of this year.

Logically enough, we should start with the question is an election going to be safe and feasible in November of this year. If not, how about December, how about January, how about February, how about March, etc.? We should deal with it on a gradual case-by-case basis in that way and not be in too much of a rush to throw our hands up in the air and say let us throw it back for a whole year.

At this stage, I prefer the suggestion in the SACC policy letter, specifically Propositions 2 and 3, over this amendment, although I do have some reservations about other Propositions in the SACC policy letter, 7 and 8, but I will come back to that later in general debate. To put the matter simply, I think we are just too far out from June 2021 to make this decision particularly in the absence of the detailed modelling that could have been produced to support this amendment.

Obviously, the main argument of this amendment really is the case for continuity and stability as others have referred to. But ultimately I think those sorts of practical considerations can never and should never trump an issue of fundamental principle, which is that postponing a General Election in Guernsey should not only be done when we have no choice but also it should be deferred for the absolutely minimum of time possible based on the evidence.

We have not got detailed modelling before us today to support a one-year delay. That is why I cannot support this amendment. Ultimately, I think we need to be trying to get things back to normal as reasonably quickly as the circumstances will allow and, to that end, a shorter delay, for me, makes more sense as long as that is consistent with the Public Health advice, so I will be voting

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Contre on this amendment.

Thank you very much.

The Deputy Bailiff: Deputy Ferbrache next, please.

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Deputy Ferbrache: Thank you, Mr Deputy Bailiff.

The speech made by the President of the Committee, which I am very pleased to serve as a Member, Deputy Inder, was delivered with principle, it was informative and it was delivered with passion. I like, I think initially just about everybody in SACC, agreed that we should look initially to an October election and, if that were not feasible, we look to June 2021.

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I have changed my view and I have made it clear to my co-Members of the Committee that I have changed my view. The only practical decision that we can make today is to postpone until June 2021. The recovery programme will take a great deal of effort and that will be as important as the Public Health issues that are the main consideration and rightly so at the moment. But the recovery programme will need experience, it will need continuity, it will need advice from the civil servants

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who, as Deputy Le Tocq said in his speech, would be actively engaged in preparing for a General Election and they would have to start preparing for an October election in July. Being realistic, sometimes you have got to just realise that things are going to take the time that they are. We are scratching our heads and considering, and I fully appreciate all the good speeches that have been made saying we should be looking at October or sometime between October and

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June but, with respect, they are wrong. Deputy Laurie Queripel referred to the fact that the UK had an election in July 1945, which was just two years after VE Day and in fact before the war in Japan finished. But what he omitted to say was that the last General Election they had in England, before July 1945, was November 1935. They would have otherwise had, if it had not been for the Second World War, an election in the autumn

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of 1940. They realised that they only had a mandate until November 1940 or thereabouts that it is was impractical, with the interests, with the world's freedom at large, fighting the Germans – often called the Nazis but they were the Germans – and fighting the Japanese that the whole existence of the democratic world was at large. Well we are not in that state. What we are concerned with is the health of the world at large, which is only just behind, but it is just behind, the freedom of the world at large.

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Also, when we look at how long things take, the October 1929 Stock Market crash, the late October 1929 Stock Market crash, the Dow Jones did not reach its September 1929 high figures again until the very end of 1954. So we are talking about a period of time, whether we are arguing about October or June, which is inconsequential and trifling, having regard to the realities of the situation.

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Because the realities of the situation are that the lockdown which currently expires at midnight on Saturday will be extended. I do not know, because I am not part of that group, but I would expect it to be extended for at least two weeks beyond then, which takes us to early May. Now, when one looks at other countries that are starting to dip their toes in the water in deciding whether or not to break free from the punitive but reasonable in the circumstances restrictions that they are going to do so very slowly.

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I saw on television last night the Deputy Minister of Health in Italy say restaurants and bars in Italy are not likely to open until a vaccine has been found and implemented. So they are not going to open their restaurants and their bars for another year. I hope, and I am not doing it for any particular personal interest, but I hope we are not in that situation here.

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But the truth is, we should be looking, if the Public Health issues are satisfactorily addressed, to easing our restrictions gently, and I emphasise that word, gently from early May. But even by the end of July, which is the decision date in the current SACC policy letter we are going to be at best – and I do not mean this in any arithmetical way – a third of the way along the procedure about releasing restrictions.

Our economy when we do get it in order is going to be much different. It is going to be much smaller. It is going to be faced with attacks from the outside because they are going to look at jurisdictions such as ours and say, 'We have got to raise our taxes so they have got to raise theirs.' We have got to deal with all those kinds of questions both internally and externally. We should be concentrating our efforts and dealing with that.

Also we need experience of the people who are currently in office, whether it is P&R or in Health or in other important committees and boards of the States to stay *in situ*. Because we all know in the lead up to the election and when there is a new Assembly that the impetus is lost and it takes three or four months to get back to full throttle. We need to be at more than full throttle for the next 12 months.

Therefore, I fully appreciate all the good points made by the Speakers who are against it, but the reality is we need to grasp the nettle now. We have to say it should be June of next year. None of us wants to extend our term. Deputy Lester Queripel said he wants to write poetry on the beach. I do not think he will be doing that in October. If he does he will have his overcoat on.

But there are other people, they have built their life on being able to retire, at the end of June, from the States. They are not going to be able to and because they are all good, public-spirited people they will stay in the States for as long as it takes. The people of Guernsey expect us to stay in Government, they expect us to discharge our duties in this unique and sad but frightening crisis.

Thank you, sir, that is all I have got to say.

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

Deputy Tindall: Thank you, sir.

I believe that the question of prime concern is not when our election should be, October 2020 or June 2021, or even indeed another date, say April 2021, but whether we have the legitimacy to change our election date at all. I believe that the current election in June 2020 has to be postponed. This virus has stopped all the preparations that could occur, both by the population and those who organise it. It is clear that for the health of our population and our democracy that a full and fair election has to be possible.

Deputy Inder's speech, which was indeed passionate, he said in that speech, extending our own term without the mandate of the people is the decision. Yes, we are talking about making a decision to extend our term. But without the mandate of the people? I just cannot accept that. We have a mandate to act responsibly and that includes acting responsibly in such a crisis.

So for me we should adapt, even over an ordinary four-year term, let alone as I say in this crisis. We also need to have the ability to be flexible, do adapt in the light of the crisis and to put forward as wide an area of policy as possible, to ensure we can achieve the best recovery. Which brings me to the difference between this amendment and the original Propositions. As to the date, I favour waiting until July to decide and re-examine the position then.

This is a fast-moving crisis and one which we need legitimacy to deal with or, rather, to deal with the outcome, as the response so far has been fantastic. The Public Health team and our political leaders have done an amazing job, remaining calm and reassuring throughout. Something I clearly could not do.

SACC stated October 2020 is more attractive as less delay, to enable the people of Guernsey to exercise their right. Deputy Le Tocq has set out the challenges for this, considering a new Island-wide voting system and giving reasons for our postponement of a year, even if the reasons in the explanatory note are not.

However, I have an issue with both original Propositions and this amendment, because they do not capture what I consider is the best way to ensure good Government through this crisis and beyond. It misses a real opportunity to assemble a means for Guernsey's form of Government to work proportionately and appropriate to enable transparency, accountability and scrutiny and to ensure decisions made, not by the CCA but the Government, are right for Guernsey.

In simple terms, and this has not been a simple decision, the crisis consists of two elements: the current Public Health crisis and the economic woes that will envelop us after, or now, for some, and a lot, unfortunately. The work done so far on the first is excellent, dynamic and evidence-based, which most will know is close to my heart. With the most conscientious and extensive workforce undertaking this task, we can never thank them enough. So I thank them, all of them, again.

The work to come to regain a sense of normality to re-prioritise to benefit Islanders, to capture some of the unexpected benefits of this terrible crisis, needs a joined-up approach. One that is also dynamic, yet holistic. The difference, for me, between the two is that neither specifically allow for new business to come forward. Business which will bring forward the new reality in a timely, holistic way.

So I cannot agree to the restructure of SACC. Their views are clear. To allow nothing new, inventive, proactive, but to continue to consider the stockpile of matters, which were written in a completely different world and in my view should be reassessed in the light of a crisis. Should be reassessed, rewritten if necessary, holistically, to get the best out of the work done and to move forward at the fastest pace. We do not need a new framework of Government to collectively or by majority be pragmatic and I daresay fleet of foot ... sorry, we do need such a framework.

I could have written an essay on the issues this policy letter raises, not least the concern of not being able to properly scrutinise and challenge it and this amendment. Simply by making my speech as short as possible to cover the very essence, only the issues, loses the power we as States' Members have a duty to exercise.

So, in order to decide whether to support this amendment, I ask the proposer, when he sums up to answer several questions. If the amendment is successful, does he believe that SACC cannot come to the Assembly with an earlier date, if matters change, albeit that there may have to be a dramatic change, albeit welcome one?

Does he accept that Rule 18, to allow urgent business, is a blunt instrument and will the next policy letter on Executive Government ideas cover the introduction of ordinary business, such that we can move forward more swiftly to a new normal? I ask this particularly because myself and Deputy Lindsay de Sausmarez have agreed that we will not lay our amendment in this regard if we get such assurance through this medium of the summing up.

Does he also accept that there may need to be States' Meetings during the summer, similar to that in the SACC policy letter? Not least if Regulations are still being produced by the CCA or indeed to scrutinise the new Executive Government, if that is approved? If yes, how will that be addressed and should States' Members note now that they are on call during that time.

Lastly, how will the schedule attached to the amendment be dealt with? Should we amend it if this amendment today is successful, as I know at HSC we are laying such an amendment as we were unsure, well I certainly was unsure? Or will it be submitted by P&R in the normal way, to be approved at the end of this session, and able to be amended then?

So, sir, whilst I make no apologies for the length of this speech, I do make an apology for its brevity. This is such an important subject it should have considerable debate but I fear it will not. Extending the life of a Government by its own motion is an extremely rare event and should be taken with the greatest caution. The crisis clearly dictates we should. The crisis I hope is unique but what is not unique are the challenges to get out of this crisis. We need a framework which allows good governance, which allows good Government.

Thank you, sir.

The Deputy Bailiff: The next speaker will be Deputy Lowe, to be followed by Deputy Gollop and then Deputy Graham. Deputy Lowe.

1945 **Deputy Lowe:** Thank you, sir.

I am going to support SACC's policy letter. I have to say that I have dithered a few times and I was not really sure which way to go, but at the end of the day it is not exactly what I would like to vote for, but it is better than the amendment, and I will explain why.

1950 I think there is no doubt about it, the electorate fully support that we cannot go ahead with a General Election during this coronavirus and I think they really do accept that. But, and this is where is the big 'but' comes for me, I do not think they would agree that we can accept and extend for another year after June.

1955 What I would have liked to have seen in SACC's Report, and I nearly put an amendment yesterday, sir, but under the new Rules it meant I had to do it yesterday and not today and I really did not have time, but I really do think it would be helpful if we had four months clear once the Director of Public Health, or the advice from Public Health, when all restrictions are lifted, that is the time when we could have an election, four months later –

1960 **The Deputy Bailiff:** Deputy Lowe, Deputy Tindall wishes to raise a point of correction, which I assume is what that means.

Deputy Tindall: Thank you, sir. That was shorthand for point of correction, yes sir, POC. It is just to say that the new SACC Rules did not apply for 24-hour submission of amendments, hence the reason why amendments have been laid today.

1965 Thank you, sir.

The Deputy Bailiff: Thank you. Deputy Lowe to continue please.

1970 **Deputy Lowe:** Yes I realise that, thank you Deputy Tindall, but I did not yesterday when I was trying to think about it and work out all the Rules. I certainly was not going to put in an eleventh-hour amendment because I do not think they are particularly helpful. At the end of the day, I do think that does not support this support for SACC's Report because, again, it depends on the timing does it not of the Public Health, when we have the all-clear and all the restrictions are lifted?

1975 Because it may be it is not quite July when the report comes back from SACC to consider for October. It might be around September time. Who knows? We do not know, we have not got a crystal ball to know that. Supposing it was September, is it right that we actually leave it then until June the following year. I think that is too big a gap. I think that is unfair to the electorate. I think the electorate are very sympathetic with what is going on, but I do not think they are sympathetic to the fact that we would extend it a lot longer than need be.

1980 They want a General Election, they have been calling for a General Election for quite some time, as we know and have been looking forward to it. So, giving them the opportunity, after four months, and regardless of the arguments it is winter time, you cannot have an election, of it is Easter, you cannot have the election, these are not normal times. Normal times, we have tried to work around school holidays, we have tried to work around not having them in the winter. We have tried to remove them around Easter time and I do not think those are good enough excuses any more.

1985 I think for this, under the exceptional circumstances, there should be a General Election once we have had four clear months are all the restrictions are lifted from Public Health. So that is why I am going to go the one that SACC have actually put forward. It is not ideal, but I would ask that the President of SACC, when he sums up, if it is looking like July when he comes back, that it may be, 1990 we are almost there, that he would bring another report back to the States sooner rather than later rather than leave it to June the following year.

1995 I take on board the comments from Deputy Laurie Queripel that he would like a debate on States' Business and I totally get that, I really do think we have to do something about that as well. But that is not for today. Today is all about the General Election and there is no reason why we could not have a report to sort out how we are going to deal with the States' business in the future. So that is why I will be supporting the SACC report, sir. Thank you.

The Deputy Bailiff: Members of the States, it has just gone past 5.30 p.m., but as we have started this debate on the General Election policy letter, I am minded to sit for another 15 minutes or so. We cannot sit much longer than that because of the four-hour maximum on a Meeting. But provided that you are content that I do so, I am going to call Deputy Gollop to speak next and then Deputy Graham.

Deputy Gollop. Are you there, Deputy Gollop?

Deputy Gollop: Hello, Mr Deputy Bailiff. I pressed the wrong star!

I find this an interesting topic as well. But I would argue that it is a subject that has attracted a lot of opinions and public discourse but, in reality, the issue has been going live for at least a month now. Because I think it became obvious from the end of February that it was unlikely, for the reasons Deputy Inder has explored, that we would have a full States' election, given all the issues of distancing for candidates.

I think one of my principal reasons for not having the election in June, which I think is now a given, is that candidates who were in some way disadvantaged by the current situation or indeed came into various vulnerable categories will be even more disadvantaged. I take on board Deputy Le Tocq's point that the nature of moving into a brand new, Island-wide scene, which some political commentators have suggested is a strange kind of election, puts additional challenges and additional staff resources. So I do support the direction of the SACC policy letter.

We have to do something and I appreciate that we do need to make a decision. I do initially say, as I said to the media about a month ago, that October, Hallowe'en, was a suitable intermediate date, with June next year as a fallback. I thought of October because, once you get into November and December, the days are getting shorter and there are other issues. But there is absolutely nothing, as Deputy Laurie Queripel said, to prevent a December election and, of course, the douzaines, historically, used to have their elections in November on the Super-Wednesday or whenever it is and, indeed, would defer elections where there were contested ballots perhaps even until December.

We could of course be like the Rt Hon Boris Johnson and have a Christmas election or, like the United States, November, or even our traditional Easter time. But I think any decision tries to balance our democratic political parliamentary role with the Government's safety first, managerial/ministerial dynamic. That is the tension, because the Government's safety first, management side of our economy in Government, very much points I am afraid, to postponing for a year until next June or maybe a month or two before.

It is obvious the direction Policy & Resources, understandably, are coming from. But from a populist people perspective, I endorse the October date, provisionally, for reasons that Deputy Prow and Deputy Green have mentioned. I think it is fairer on both the public and also Members who may wish to retire gracefully to other pursuits. I am sure Deputy Lester Queripel will not spend all of his time on the beach but he will, of course, write more poetry.

But funnily enough, I think much public and business opinion is okay at moving to a year's postponement, for certainty, or even a third, until further notice, indefinite option. Because of course postponing until it is safe is an issue Deputy Lowe has raised. The one element of caution I have with Deputy Lowe's approach is it would actually be quite hard for the States to come up, after medical and professional advice, of a four clear month-strategy, because there is a possibility, and I am no expert, that there could be a recurrence or a second wave of the virus and that is something we have to consider. Like Deputy Ferbrache, perhaps even more so, I would like to see the restaurants and hospitality and places to have a coffee open as soon as possible.

Deputy Green mentioned the issue of what issue trumps another and that of course made me think of the United States, because I know some of us would be both angry and perhaps even a little bit scared if the United States decided to defer the Congressional, Senatorial and Presidential elections, for example. It is one of the world's largest democracies.

But Guernsey actually, contrary to popular belief, has a rather small public sector, and I think the arguments that have been made that senior and other officers will have more pressing matters to

do with the economy, governance, law and medicine, is a strong one. The United Kingdom, as has already been said, waited nearly a decade, from 1935 to 1945, and it had an eight-year term in World War I, because there were two elections in 1910 and then a 'khaki election' at the very end of war, after Armistice Day, in 1918. There are precedents and Guernsey has had precedents too. The Occupation period has already been mentioned.

If I could be perhaps a little bit politically anecdotal here, I will mention a reverse precedent. Because Deputy Lowe and Deputy Ferbrache, who have already spoken, will have cause to remember that the States, outrageously, took away half of their six-year term when they were successful in getting an Island-wide mandate, as then Conseillers, and reduced it to three years. So we have indeed seen both extensions and reductions.

I accept that Deputy Inder's arguments are pretty sound, although I perhaps would not agree with a factory reset button, because I think the reality is we will need continuity and, if I know anything about factory resets, with my limited knowledge of technology, I can then lose all the things I wanted to keep. And I have enjoyed the bus pictures, although sadly my face is not any more on them because the bus was scrapped.

I have had several conversations and emails only today from people who are uncertain about the legitimacy of extending for a year and so, for those reasons, unless I hear anything remarkably outstanding, I am likely to support the SACC proposals and not the Policy & Resources amendment.

Thank you very much.

The Deputy Bailiff: Deputy Graham next, please.

Deputy Graham: Thank you, Mr Deputy Bailiff. I will be brief.

Back in the days of National Service, a National Service soldier used to have above his bed space on the wall a 'chuff chart' on which they used to tick off the days to do in their National Service. Deputy Laurie Queripel and I have had our own sort of friendly 'chuff chart' for the last few months where we have been ticking off the days, because we were both looking forward to retiring at the end of this June.

So I am going to be a reluctant stayer but I shall stay and do my best, because I am convinced that there is no alternative. I think, having decided that we need to stay, I think there is a finely judged argument as to whether it should be October or June next year or, indeed, in the spring of next year. I think it really is a finely judged argument.

I think one of the problems is that we are feeling so defensive and unenthusiastic about extending our term of office, we are almost prompted or stampeded into saying how soon can we hand over the reins? I think that is the wrong question to be asking ourselves. My view is the correct question should be this. If we are in principle to extend, on the basis that we cannot hold the election this year, the question should be what is the best term that would enable us best, as the current Assembly, to contribute to the recovery the Island will have to make.

I think, sometimes, listening to some of the debate, people are under the impression almost that we are just going to be a question of resuming from where we were. I think the shock to the whole system, not just to the economy, although the economy is the most obvious thing, the shock to Island life is such that we are just not going to be able to resume from where we were and a hell of a lot of very hard work is going to be needed and the last thing we need in my view is a hiatus of about six weeks, where Government virtually ceases to work, which would have to happen towards the end of August this year if we were to have an election in the middle of October.

And it is on that basis, really, that I am just about persuaded to vote for the amendment coming from Deputy Le Tocq. The fact that I shall be a reluctant stayer does not mean I shall not continue to put as much effort and integrity into the remaining year or so. It makes no difference at all. I have to apologise, I know, to a certain number of Castel constituents who would be only too pleased to see the back of me in June this year, who will be immensely disappointed, but I am staying on, I think, for the best reasons, and that is really the best interests of this community will be served if this Assembly carries on until June next year.

The Deputy Bailiff: I am going to call one more speaker before we break overnight and I have decided it should be the seconder of this amendment, Deputy Brouard, even though that is taking it slightly out of order. So I am going to call Deputy Brouard now.

2105 **Deputy Brouard:** Thank you, sir.

I have not got many words to add to my colleagues but the points I wish to make hopefully will resonate with many. I thank the SACC committee for the report. I think it is very good. I think we also are in unprecedented times. I do not know when it will end, nobody does, but a reasonable guess is we are going to have much Covid activity for several months and clearly I support that
2110 SACC, as they say in their report, we cannot have an election on 17th June. It has to be postponed, but till when? That is the question that Deputy Inder posed.

We would also not be thanked by candidates for the 'is it on, is it off?' as they will always have their lives in turmoil from Covid. New candidates will need to plan, when do they give up existing jobs, when exactly will the election date be? We also need to respect, if any present States' Members
2115 need to step down this summer, they have served well, I would probably not have always agreed with them but that does not diminish their contribution or my respect. There is a life out of the States and life is fragile. Those who remain may have to take up roles to ensure we cover all the bases.

We do have 37 experienced States' Members at the moment and two Alderney Representatives,
2120 to challenge and steer the States and the Island through to our next election. We need to find a time when it is safe for the electors to vote, as well as for the candidates. An autumn election is too soon, as preparations would start many months before, while we as a States, we as an Island and we as the world, are still fighting the pandemic. We would not need the distraction or the draw of resources or risk the community by having an election too soon. So I do reluctantly move that we
2125 have the elections deferred until June 2021.

Thank you, sir.

The Deputy Bailiff: Members of the States, I am going to call a pause at this point in the debate on the basis that we have had about 90 minutes so far and in my estimation we will not conclude
2130 the debate this evening, satisfactorily. I have got a list of people who have already indicated that they wish to speak, who I will be turning to in the morning, if they repeat their requests, but I am assuming that it is the wish of the States to adjourn simply overnight and therefore I am propose that we adjourn until 9.30 a.m. tomorrow morning.

I will explain to you that you will receive two invites, to the morning and the afternoon session
2135 tomorrow and it is the morning invite that you will need to accept in order to be able to join the morning session that will start at 9.30 a.m.

Now I would simply invite the Greffier to close today's session with the Grace.

The Assembly adjourned at 5.49 p.m.