



STATES OF DELIBERATION

HANSARD

UNEDITED TRANSCRIPT

**Royal Court House, Guernsey,
Friday, 14th December 2018**

PLEASE NOTE:

As this is an unedited transcript, direct quotes may not be used, as corrections will still be made before the final Hansard report is published.

*The Assembly adjourned at 1.15 p.m.
and resumed at 2.30 p.m.*

**Alderney Plebiscite, Monday, 17th December –
Thanks and good wishes to Alderney Representatives Jean and McKinley**

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The Bailiff: Members of the States, just before we resume, can I just make brief reference to the two Alderney Representatives, Alderney Representative Jean and McKinley. They will be having to leave at some point during the afternoon to catch their flight back to Alderney. As you may be aware there is a Plebiscite in Alderney on Monday so their fate, as far as this Assembly is concerned, will be in the hands of the Alderney electorate and if it were to be the case that they are not returned, then on your behalf I would just wish to thank them very much for their contribution and wish them all the very best. Thank you. *(Applause)*

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Alderney Representative McKinley.

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Alderney Representative McKinley: Mr Bailiff, sir,

Thank you very much for your kind remarks. It is quite interesting actually that both Louis and I got on at the last Election which is two years ago with nobody competing against us. There are now seven of us so we have five competitors. It has been a great privilege for us both, though I have only stood here for four years, but Louis has stood here for at least 20-odd or something like that – anyway, quite a long time. *(Interjection)*

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But to work with you in this great Assembly has been an enormous privilege and an honour and we are very grateful for all your help and for your friendship. Whatever happens may happen in here, we may disagree in here but I think generally we are all very good friends and I am very grateful to all of you. I love coming down here and I hope that we will be down here both of us once again at the end of January.

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Thank you very much. *(Applause)*

Alderney Representative Jean: Thank you very much and likewise.

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The Bailiff: Thank you very much
Greffier.

**COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE AND
POLICY & RESOURCES COMMITTEE**

**XVIII. Road Transport and Driving Licence Implications for
Driving in Europe post Brexit and other related matters –
Propositions carried**

Article XVIII

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Road Transport and Driving Licence Implications for Driving in Europe Post-Brexit and other related matters" dated 12th November, 2018 they are of the opinion:

1. To agree that the UN Convention on Road Traffic, 1968 ("the Vienna Convention") should be extended to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter;

2. To agree to the adoption of the legislative and regulatory measures necessary to demonstrate compliance with the requirements of the Vienna Convention, as detailed in sections 7 to 12 of this Policy Letter under the heading in each section "Compliance requirements for the Vienna Convention";

3. Following relevant approvals, to direct the Policy & Resources Committee to initiate the request to the UK authorities to extend the Vienna Convention;

4. To agree to the adoption of the other legislative and regulatory measures that are not specifically required for compliance purposes, as detailed in sections 8, 9 and 11 of this Policy Letter under the heading in each section "Other proposed changes";

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

The Deputy Greffier: Committee *for the* Environment & Infrastructure and Policy & Resources Committee – Road Transport and Driving Licence Implications for Driving in Europe post Brexit and other related matters.

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The Bailiff: Deputy Brehaut will open the debate.

Deputy Brehaut: Thank you very much, and before I start I have to thank Deputy Rhian Tooley for her Christmas present some small plastic road signs, just how thoughtful she is.

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We all understand I think the context for Brexit, there is a great deal for all of us, and I know we all do take an interest in national politics and international politics. So I think we all understand the context and the necessity to meet requirements when eventually we reach that Brexit decision. I will not elaborate on the broader context I think that is understood.

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So in order to ensure that Guernsey issued driving licence holders can continue to enjoy the right to drive in Europe post Brexit it has been recommended to the States of Deliberation that Guernsey ratifies the International Convention on Road Traffic 1968 in short the Vienna Convention.

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This position is supported by the Committee *for the* Environment & Infrastructure as the Committee with responsibility for road transport and the Policy & Resources Committee with of course their responsibility for international relations.

This is unashamedly a contingency plan that aims to avoid any unnecessary risks or threats to the current benefits enjoyed by many thousands of Islanders who drive abroad each year irrespective of the eventual outcome of the UK's withdrawal negotiations.

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Now I know when we talk about driving in Europe generally it is often said that there are people who have cars within – I will deal with this in a bit more detail later – who do not drive in Europe on a regular basis, but I was interested to hear the President of Health & Social Care say that if operations take place in Northern France then it might not be that unreasonable for some families to then aspire to take their car into Europe to see their relative when they are in Northern France.

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If the Assembly does not agree to the proposed extension of the Vienna Convention to Guernsey today then the risk of future disruption for Islanders when attempting to drive in Europe post Brexit will increase from 29th March 2019. This is not a risk that my Committee are prepared to take.

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The process for ratifying international conventions is complex and in order for the Island to meet the various compliance and application requirements, proposals need to be submitted to the UK Department for Transport and the Foreign & Commonwealth Office at the turn of the year to ensure ratification at the UN's offices in New York on 29th March 2019.

Once we have signed up to the Vienna Convention we will be obliged to implement all of the changes that are detailed in this policy letter within the time frames that have been stipulated.

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The UK like Guernsey is currently a signatory to a number of road traffic agreements namely the Paris Convention of 1926 and the Geneva Convention of 1949. However, not all European

Union European Economic Area Member States are party to these conventions and so guaranteeing the right to drive in those countries post Brexit will be reliant on the ratification of the Vienna Convention in the absence of other satisfactory agreements being in place. Members
75 will be aware by now, I think, that these countries are Germany, Switzerland, Latvia, Lithuania, Estonia and Croatia.

The Vienna Convention updates previous international treaties on road traffic signed in Paris and Geneva and introduces various additional road safety features relating to the rules of the road and the requirement for periodic technical inspections of motor vehicles. There has been a lot of
80 chatter in the community, and not unreasonably, regarding MOTs but I think it is important the wording is periodic inspection of vehicles.

So why the need for change now? Well in whatever format it might eventually take the UK's withdrawal from the EU will almost certainly result in greater scrutiny of all GB registered motor vehicles and drivers in Europe post Brexit. In the absence of a deal the withdrawal means that the
85 rights conveyed to UK drivers under membership of the European Union will be lost and any rights moving forward would be reliant on any pre-existing international treaties that the UK is party to.

Ratification of the Vienna Convention therefore offers both the UK and Guernsey the guaranteed right to drive in all EU Member States post-Brexit subject to adherence to any
90 requirements for facilitating that right including the issuing of international driving permits.

The same rights and requirements will be conferred upon all motor vehicles and driving licence holders belonging to other signatories to this Convention, importantly when driving in Guernsey.

Why Vienna instead of just sticking with the Geneva Convention, and I think that is a question that has been asked certainly by one or two Members of the States. The Vienna Convention is
95 based on a higher set of road safety principles thereby increasing safety standards in the domestic environment and at the same time reducing the risk of Guernsey registered vehicles and Guernsey issued driving licence holders being subjected to challenge when driving in Europe post Brexit.

Without it there is also no legal basis to drive in German, as I said before, Switzerland, Latvia, Lithuania, Estonia and Croatia. This is important and impacts not only the driving of Guernsey
100 registered vehicles in these countries but also and importantly the hiring of a vehicle on a Guernsey issued driving licence.

The Geneva Convention International Driving Permits and that is a licence in multiple languages will still be required for driving in those countries that are not signatories to the Vienna Convention including Cyprus, Ireland, Spain, Turkey, Iceland and Malta, who of course have met
105 the much higher EU standard when it comes to driver licencing and vehicle registration matters and that is an important point because Guernsey's base line, Guernsey's starting point for the condition of vehicles and the regulatory requirement in the absence of periodic testing or MOTs we offer a very low starting point on legislation that has been *in situ* now in some countries for over 50 years.

So who is in and who is out, there is a full list of Member States who have ratified various conventions in Appendix B of this policy letter.

In addition to the benefits described above it also makes sense for Guernsey to be signed up to the same Convention as the UK and of course our nearest neighbour Jersey who recently took the decision to ratify the Vienna Convention in time for the 29th March 2019.

I think it would certainly look odd to other countries if the UK and Jersey ratified the Vienna Convention and Guernsey did not. It would also not reflect well on an Island which prides itself as a modern innovative and diverse jurisdiction on the international stage if some of the most basic international obligations on road safety were not extended to our shores, as I have said earlier, some 50 years after being introduced in numerous countries across the world, many of which of
120 course are much less affluent than we are.

How would ratifying the Vienna Convention really benefit Guernsey drivers in practical terms. In addition to entitling Guernsey issued driving licence holders to drive legally in the six countries listed above, whether in a Guernsey registered motor vehicle or in a hired motor vehicle

125 ratification of the Vienna Convention will also show to Europe that Guernsey takes its road safety obligations seriously.

Also the more relevant and up to date official documentation that can be issued when driving abroad means that you are less likely that drivers will be challenged or subjected to greater scrutiny.

130 Guernsey issued driving licences already conform to EU standards and are easily recognisable and the issuing of Vienna IDPs those international driving permits will likely be accepted far more readily than the existing Geneva International Driving Permits.

The ability to assign a vehicle registration number to a trailer, and that includes a caravan or a horsebox for that matter, being towed in international traffic and issuing a registration certificate for that vehicle should also make for easier passage when travelling through Europe. Trailers in 135 Europe have to be registered as a stand-alone vehicle. So it is right that Guernsey has to comply and we cannot afford to be exceptional in that case bearing in mind the speeds that are driven in Europe.

Under the Vienna Convention an IDP can also be issued for up to three years as opposed to just 12 months under the Geneva Convention thereby reducing the cost and inconvenience for 140 anyone regularly driving in Europe.

Driving in certain European Community Member States where there is no current right to do so must also raise potential concern regarding the validity of motor vehicle insurance. Now I am sure many people have driven having little – and why not – being blissfully ignorant of the ratification and what sits beneath the Geneva Convention, and the risk of driving without 145 insurance is something that nobody can afford to ignore.

What if the UK parliament accepts the proposed deal negotiated with the EU and extended transitional arrangements are put in place? It is possible although seemingly less likely now that the UK could agree a deal with the EU and introduce a transitional arrangement whereby nothing changes until December 2020, and I think somebody asked me in the lunch break what are the 150 timeframes on any transitional arrangement and it is December 2020 or later. In the event that this happens it is more than likely that any new agreement being applied to Crown Dependencies would still require certain standards to be met, probably in excess of Vienna.

In other words implementation of these contingency arrangements are likely to be beneficial for the Island irrespective of whether or not any withdrawal agreement is approved, simply doing 155 nothing at this time is not an option.

So what are the Isle of Man doing? The Isle of Man has elected not to ratify the Vienna Convention at this stage, that is not to say it will not and at some point in the not too distant future it may choose to do that. Initial confusion over the compliance requirements with the introduction timeframes for periodic technical inspections of motor vehicles may well have 160 influenced their decision. Of course geographically they are in a – I am just about to make this point – it should also be recognised that the Isle of Man is geographically located between UK and Ireland the latter of which is only a signatory to the Geneva Convention and so it may well be perceived that the risk to residents in the Isle of Man are not the same as to Guernsey and Jersey who have direct ferry links to France and easy connectivity to the rest of Europe, relatively that is.

165 The UK, Jersey, and Gibraltar are all ratifying the Vienna Convention to mitigate risks for driving in international traffic and as outlined above Guernsey is recommended to do likewise.

What about Alderney and Sark – this is primarily a matter for the States of Alderney and Sark Chief Pleas to determine although officers have liaised with both Islands in respect of their options in this regard. Of course the same principles will apply as they do here in Guernsey but to 170 a lesser scale. If they stick with the Geneva Convention then Alderney registered vehicles would likely be subject to greater scrutiny in Europe and would not be entitled to be driven in six EU EEA Member States.

In terms of driving licences both Alderney and Sark residents hold Guernsey issued driving licences so would still be able to benefit from Vienna International Driving Permits if Guernsey 175 ratifies the Vienna Convention. Even in the event that the Islanders themselves do not do so.

Will Guernsey motorists continue to be allowed to drive in the UK if Guernsey does not ratify the Vienna Convention? Yes they will. The Department of Transport has confirmed that the existing arrangement whereby Guernsey motorists can drive freely in the UK will not be changed post Brexit.

180 Public interest to date has concentrated on the need to introduce periodic technical inspections for motor vehicles, but what other obligations are required to ensure compliance with the Vienna Convention? There is no doubt the biggest change relates to the introduction of periodic motor vehicle inspections and we know that our community is certainly taking a great interest in the necessity to inspect vehicles, but we did approve earlier in this sitting the
185 introduction of a formal register of driving instructors; included in this Billet is updating of existing seat belt legislation which is overseen by our colleagues within Home Department; updating of various road safety legislation including giving statutory authority to the Guernsey Highway Code which is useful and helps clarify, because often people refer to the Highway Code not appreciating that it has at times little or no standing; the introduction of a system of trailer registration, which I
190 referred to earlier; revised vehicle construction standards; and amendments to existing international circulation legislation – more on these in a moment.

But with regard to periodic technical inspections I shall attempt to address some of the public observations that have been made in this regard. Why can't we continue to rely on the police vehicle rectification scheme as a means of checking road worthiness of motor vehicles? Well the
195 police vehicle examiners fulfil a valuable role in inspecting motor vehicles either as part of a planned roadside inspection or as part of their general enforcement of road traffic legislation. It simply cannot hope to inspect anything other than a very small fraction of the number of vehicles on the Island's roads. It is envisaged that this important role will continue into the longer term alongside a mandatory inspection regime, but it has to be recognised that roadside checks can
200 only account for several hundred vehicle inspections per annum as opposed to the tens of thousands that would be covered by a formal vehicle inspection regime.

So when would the periodic testing of motor vehicles be introduced? In discussions with the UK Department of Transport officers have worked tirelessly to negotiate a solution that satisfies the UK in terms of Guernsey meeting the compliance requirements within a reasonable timeframe
205 for ratification of the Vienna Convention, but also practical and not overly burdensome on the public of Guernsey. I think it is a really important point because this is new for Guernsey we at times almost pride ourselves by the lack of any intervention with regard to the use of motor vehicles. So we acknowledge that it has been a delicate act in arriving to periodic inspections that are perceived as reasonable.

210 In doing so it also has to be recognised that the UK will need to defend its decision for permitting the Island to join its ratification of the Vienna Convention if subsequently challenged by any existing European Member States who are signatories to this Convention. To this end I am pleased to report that it has been agreed at officer level that the introduction of a periodic technical inspections of motor vehicles in Guernsey other than licenced public service vehicles
215 which are actually tested already will start not later than April 2021 and in this case only in respect of vehicles entering international traffic or for not new vehicles being imported into Guernsey.

Testing of motor vehicles including motor cycles and domestic traffic would start no later than April 2023 with the intention that all motor vehicles are tested by 2025, thereby giving car owners plenty of time to prepare for the changes.

220 Will motor vehicles need to be tested annually? No, except for licenced public service vehicles and commercial vehicles over 3,500kg. Unlike the UK which tests cars annually from their third anniversary it is being proposed and been accepted at officer level at the Department of Transport that Guernsey has made a reasoned case for not introducing inspections until cars are five years old and then only every three years after. So five years from new and then three years after.

225 There is a section in here, who is going to do this testing, whether it should be the States, how much it should be cost, but actually that is for another day. I think what we need to do today is to agree the ratification, as time is against us, and move forward.

230 The operational side of things, Jersey have gone with a test facility for example or may do because they already have one constructed which they use, but that is not a decision we can make here and now.

235 Why not just have a MOT for people who drive off Island as surely this only affects a relatively small number of people? There is an expectation in the Vienna Convention that standards will apply domestically as well as internationally. This is because EU registered motor vehicles will be driven in Guernsey and there is rightly an expectation that the same standards are applied here as elsewhere. It must be recognised that this Convention as I have said earlier and not to labour the point is now 50 years old and demonstrating why the Island cannot comply fully with such a requirement now some 50 years later is simply not tenable.

240 More importantly the Department of Transport has also confirmed in writing that it would not be acceptable to only test motor vehicles in international traffic for the purpose of ratifying the Vienna Convention.

245 It should also be recognised that the number of Islanders benefitting from such changes is not as small as some people might think. Over 4,700 different Guernsey registered motor vehicles were driven in to France through the Port of St Malo last year and many hundreds more Islanders will have sought to hire a motor vehicle in Europe or further afield, including in some of the countries that currently do not recognise Guernsey-issued driving licences.

Taken over the next five years this could impact up to one in three Guernsey issued driving licence holders. It is therefore important that our motor vehicles and driving licences meet the requirements within international standards at all times.

250 So just briefly recapping on what is contained within the legislation that will be necessary. The introduction of a formal register of driving instructors, we saw that before us; update of existing seat belt legislation, that is included within the Billet; updating of various road safety legislation, including the Highway Code; the introduction of trailer registration; revised vehicle construction standards; and amendments to existing international circulation and regulation.

255 Sir, Members I commend this policy letter to the Assembly, these proposals, and have highlighted in this speech and would ask that Propositions 1 through to 5 – sorry I commend these proposals to the Assembly for the reasons I have highlighted in this speech and would ask that Propositions 1 through to 5 are approved in order that the Vienna Convention can be ratified by Guernsey as a means of mitigating the risk associated with driving in Europe on the 29th March 2019.

260 Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, I have got bits and pieces of a speech.

265 Like everything I do not go to Wikipedia or Google I actually went to the UN site and the first thing I looked at and I think some of it was taken up in Deputy Brehaut's speech, which I do apologise I heard him mention so I am happy for him to interject if I did miss it when I was out there trying to write something up which is about to turn out quite badly.

270 When I did start we have got contained in the policy document and I did hear Deputy Brehaut referring to those that had signed up to the Viennese Convention. I think they are Southern Ireland, Malta and Cyprus all four Members of the European Union and I think Iceland as well under an EFTA agreement none of which are signatories to the Vienna Convention and with the exception of Ireland and Iceland I am not entirely sure what ferry goes from Iceland to St Malo but there might be one one day but people from Iceland appear to be able to drive in Europe and it seems to be as usual sort of European inconsistencies in their rules for everyone.

275 I will mention something actually when I looked through it what was not included in the policy letter and the joint policy does a good job of showing everyone who has signed up to it, but what it did not show you is that signatories of the Convention have made declarations under the same table and reservations. The Bulgarian one things like for example in the People's Republic of

280 Bulgaria mopeds are treated as motorcycles, so that is a declaration made upon ratification. Denmark has reservations and they have also made reservations in Article 18, Article 33, Annex 5.17(c) Article 54 paragraph 2; Finland reservations with Article 11, 1(a), 2 – some of them are fairly minor I must admit – 3 with respect to Article 33, and it goes on as has the – ah the United Kingdom declares that in accordance with Article 54 2 now declares that for the purpose of the application commensurately treats mopeds as motorcycles. So there are variances. Now for some reason Guernsey has gone for an absolute wholesale adoption, hook, line and sinker, no variations at all. I find it quite odd that as someone who has got about as international – I will go for it, is it a give way, what is it, what are – okay so I will give way to Deputy Hansmann Rouxel.

290 **The Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you Deputy Inder.

It is just to clarify that we are not signing up, the UK is signing up and they are extending their ratification to Guernsey. So anything that we do we have negotiated with the UK and pushed those boundaries as far as we can with the UK based on what they are signing up.

Deputy Inder: Well okay, I thank Deputy Hansmann Rouxel for that intervention. But the negotiations did not turn out too well did they because we are signing up to every single article in the Viennese Convention.

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Deputy Langlois: Point of correction, sir.

The Bailiff: Deputy Langlois.

305 **Deputy Langlois:** As Deputy Hansmann Rouxel said we are signing up to the UK or we are extending the UK's signature. The UK has made six reservations, so the six reservations will also apply to us, and we are not going in with a plain vanilla signing of the Convention we are adopting in effect the same one as the UK with six reservations.

310 **Deputy Inder:** Okay, I will accept that through you, sir, to Deputy Langlois and obviously to Deputy Hansmann Rouxel as well. Again they were both apparently in the room.

But I have got a fairly international family I am one of the few people probably with Deputy Paint who can go to Europe but cannot work in it, my wife is Ukrainian she travels into Ukraine on a Ukrainian passport. I carry a Guernsey driving licence she carries a Guernsey driving licence my children have got British passports and I have driven from **Le Vive???**[14:58:25] in a Moldavian hire car into Poland with probably the worst set of documents you could ever have. Now we are told here that as soon as Brexit happens we may lose as a Western European country it is quite possible that at the Brexit cut off will never be able to go into France again unless we have an MOT.

320 Now the European Union has bilateral agreements with and it is 30 miles outside one of the largest borders in Eastern Europe is actually the Ukrainian border, they have sensibly got options where they want to see traffic, they want to see as from an European point of view they want to actually see Ukrainians coming into Europe, they want to see Europeans going into Ukraine they want cultural exchanges and actually want to help the Ukrainian come here. Only eight hours from my mother-in-law's house there are Russian tanks. It is probably the worst place in the world to actually drive a car and I have driven from **Le Vive???**[14:59:26] into Poland with the most messed up documents you could ever. I would not have let myself into Poland (*Laughter*) I will give way to Deputy Brehaut.

330 **Deputy Brehaut:** Thank you.

Can I say you are doing that but at your own risk. So as a Government we cannot expose our community to that risk, we have to prepare for that risk and ensure that it is covered in the best way we can.

335 **Deputy Inder:** Okay, all right, okay. We are heading towards Christmas so a bit of light relief. But the fact remains – from Deputy Brehaut not from me – but the fact remains for some reason we have gone for absolute adoption and with the greatest respect through you, sir, to Deputy Brehaut, I was going to say this is a back door MOT, actually I think it is a front door MOT. I suspect Environment & Infrastructure are absolutely excited – is there an intervention – no they are not disagreeing with me – were excited that they had the opportunity to give the vast majority of people on this Island the MOT through this.

340 I genuinely think they could have done a bit better, and I am not convinced that they could not for example unless I am not understanding this possibly United Kingdom does not consider itself bound by the provisions of the following articles and it goes on to number, I do wonder if
345 Guernsey could not have said something similar, we do not consider our domestic traffic bound by the provisions of the following articles and made some reference to Article 3 and make some explanation, the majority of the people in this Island are unlikely to be travelling to European countries. We could have adopted the whole thing in principle but it appears for some reason we have just gone all guns blazing just wholesale adoption of this without any reservations and that
350 is it we are going to get the MOT in two or three days' time.

Already we have got creep, already we have got creep I am going to say that it was the GMT but it was one of the chaps in the garages I think it was the head of the Guernsey Motor Trading Association, and I think it was last Friday he spoke about the relationship he had about this, and they are all quite excited about it, quite clearly and quite sensibly I would agree they are the
355 people to actually do it if this is adopted rather than this States sanctioned monolith which is one of the suggestions. He suggested well of course we could do the basic model but we could start adding things on like emissions. We have not even signed it and we are already heading to a full-blown MOT.

So this is entirely up to you. I wish I had had possibly the sense at the time to attempt some
360 kind of amendment. I do not fully trust this document to be honest with you. I think it has been overstated, oversold and I genuinely think that the real purpose of this, the opportunity has been taken by the Department to give us the MOT and if you start actually properly looking through this out of this every time we get anything related to transport this will be thrown in our faces. I will remind you people that in December 2018 you signed up to the Vienna Convention and in the
365 Vienna Convention it says x, x, x and x. We are going to change the transport industry for ever over this and not necessarily to the benefit of all of our Islanders.

Actually strangely enough it is going to benefit the people who can afford to leave the Island not the people who never leave the Island.

Thank you, sir.

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The Bailiff: Deputy Paint.

Deputy Paint: Sir, surprising or not I come from exactly the same direction as Deputy Inder. I fully agree that people with vehicles of any sort have to meet the laws and wants or needs of
375 other countries you just do that normally, it is just a shame that other people do not do the same to us, that is in the way we live, the way Guernsey's face is being changed very quickly and I am not happy with that.

I cannot see any reason at all why people who own vehicles here do to drive them here with being reasonable vehicles under the laws we have got now but we can still apply with these
380 Conventions. I have not got a problem, I go to France quite regularly and much further afield driving I have an international driving certificate which I think it runs out in January now but I am going to renew it and it is good that it is going to be put to three years and I do not go to those

countries without meeting their laws, habits and conventions. It is another thing that is being forced on us.

385 So I would like Deputy Brehaut to answer the questions I am asking him now. Is it possible that we allow local drivers that do not take their vehicles outside this Island to continue as they are at the moment or not? I hope very much so that he answers my question as he missed one yesterday and I am pleased he brought it up. I asked about driving instructors and I said that in the UK I understood that the existing instructors were given grandfather rights, he never answered that question so could he perhaps answer that?
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The Bailiff: Are you giving way to Deputy Brehaut?

Deputy Paint: I will give way to Deputy Brehaut.
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Deputy Brehaut: Thank you, sir.

No there were no grandfathering rights in the provisions that we adopted. I am sorry if I missed that yesterday but with regard to the registration of driving instructors there is no provision for grandfathering rights.
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Deputy Paint: That is one question answered, sir, I look forward to the next.
Thank you.

The Bailiff: Deputy Tindall.
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Deputy Tindall: Thank you, sir.

Sir, I just wish to stand up to say I support all the Propositions. Not only does this enable all Bailiwick residents to drive abroad but I believe it will improve road safety on our Island, to have a proportionate inspection regime and in particular to give statutory authority to the Highway Code.
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I also add as Vice-President of the Development & Planning Authority something with regard to paragraph 11.11 it says:

'There is no doubt that the introduction of a comprehensive regime of periodic technical inspections of motor vehicles will represent a step change for Guernsey and, irrespective of the operational model selected, will present a variety of logistical and operational challenges that will have to be overcome; including land availability, set up cost and access to qualified technicians.'

415 With regard to the challenge of land availability it is believed there should not necessarily be any planning related issues, but it is mainly a problem of the difficulty in finding a site of the right size and physical configuration. Under the flexible policies of the IDP it could be a possible use of disused vineries but in particular S5 which is relating to the development of strategic importance, which will ensure that the DPA and the IDP do not represent a roadblock in relation to progressing any essential development required.
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Thank you, sir.

The Bailiff: Deputy Gollop.

425 **Deputy Gollop:** Sir, like Deputy Inder I think the most sensible of the options is to give the testing work to the local motor trade and vehicle garage industry because I know in the past the States have sometimes not always seen eye to eye with that sector, but it did contribute a lot to the movement of *Enough is Enough* and I think if you look at the sector as a whole it is a significant contributor to our economy and employer of people. Therefore I am reluctant to go down the Jersey route of a specific if you like monolithic testing centre, or let alone the States
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organising it, you will add delay you will potentially add bureaucracy and I think it would be missing an opportunity.

I do have a lot of sympathy with Deputy Paint's view that there could be all kinds of exceptions within Guernsey especially with the older generation driving cars of a classic veteran or whatever vintage, usual vehicles to show a certain leniency for vehicles that are unlikely, if ever, to leave the Island.

But I must say all in all given the short time that we have had to consider this I do support the principles of signing up to the Vienna Convention. And I think the difficulties we are seeing across the water with the United Kingdom Government with the Prime Minister and Cabinet indicated that regardless of referenda that we like to have now and then, they often over simplify what are extremely complicated issues, and the reality is that for 30 or 40 years we have lived in a globalist almost co-dependency world of international organisations and those issues are not necessarily shaped by crafty or grandstanding politicians they are more often shaped, through you, sir, through Judges and the Courts who will perhaps make decisions that ensure that people have to get international recognition for minimum standards. That is also the case through insurance policies and through medical policies and if you like health and safety.

I think it is difficult for Guernsey may be slightly easier for Sark or Alderney to exist without being part of an internationally regulated level playing field. So to that extend I support the Vienna Convention and I actually think in a way Deputy Brehaut and his Committee have been incredibly generous to the motorists of the Island, because not only are they not imposing a Government or particularly expensive system but they are giving the concession of first inspections after five years and then every three years instead of the mandatory annual issues in the UK. True the mileage figures are slightly different, but then we know that Guernsey cars generally do not do motorway mileages, but they are exposed to difficult road conditions, declining road conditions in some respects and the salty sea air.

I have to say to give a little bit of anecdotal background I was on the Friends of the Earth Committee 25 years ago, I was traffic and transport co-ordinator. I sat on Deputy Dean's Traffic Committee until I lost my seat on that. I sat on Deputy Bougourd's Traffic Committee, I sat on Deputy Mellor's Traffic Committee and I sat on Deputy Yvonne Burford's Environment Department, and all that time I was broadly a supporter of MOTs and I was a minority voice with most Members being absolutely opposed both in practice and in policy. But I knew the time would come when in order to meet our international obligations and ensure that virtually all vehicles on the roads of Guernsey are relatively safe and help vulnerable road users as well as their occupants and owners, that MOT was around the corner.

I think it is part of our transport policy part of our transport solution. It is not the be all and end all and yes mission creep might have to be postponed I think we will probably be doing better if we had more of a carrot rather than the stick approach and we actually facilitated purchase of new vehicles especially electric vehicles for example, we should show more by example in the States of Guernsey, but I think now is the time to work with Jersey. I met my Jersey colleagues a few weeks ago there were one or two who were against the move but clearly a majority of the Assembly realised that it is sensible policy in the context of the uncertainty of Brexit.

Although Deputy Inder entertained us with his trips to the frontier land of the Carpathians and so on the reality is that I do suspect some motorists from Guernsey have probably gone into Germany without having all the relevant papers and they may have got away with it, but we have to plan for all eventualities as we learnt from the previous debate.

We do not know whether there will be a crackdown in various ports including St Malo on Brexit type cars, we do not want to be on the wrong side of those issues, because I do fear that if somebody who was local got prosecuted in France or some other European country for not having the right documentation, indeed the policy letter suggests Spain is already quite tricky, then what could happen? There could be a court penalisation, there could be impounding of a

vehicle, there could be untold expense. I think we wish to avoid that so following the lines of the joint policy letter is the way to go today.

485 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I am almost the opposite to Deputy Gollop.

He over the years has always supported the idea of some sort of MOT, it is not a MOT of course but vehicle checks. I throughout my time as a politician have always been opposed to it knowing it was too bureaucratic for a small Island like Guernsey. I do wonder though whether we have just reached the stage where even though I do not want to do it today and I really do not, in order to be responsible for the large number of people who do take their vehicles from Guernsey to Europe we are just going to have to do it. We are just going to have to suck it up and do it, I think.

495 I have to say that is not me. I never take a vehicle to Europe, I do occasionally hire one for a week on a Greek Island somewhere, but a bit like Deputy Inder I think I can get away with it with my Guernsey local licence and probably still would.

I do dispute his claim though to having the dodgiest set of documents ever, because I can trump that easily. When we used to have those little green paper Guernsey driving licence they were useless so I got myself an international driving licence from the AA down at the White Rock and it had rubber stamps on and it was stamped in two categories one for cars one for motor bikes, I arrived in India took it straight to a rubber stamp maker in Delhi and said make me a stamp that would make that please, a few hours later I could drive a mobile crane, a heavy goods vehicle and a bus. So I think my documents were probably dodgier than Deputy Inder's. (**Deputy Inder:** You win.)

500 In spirit I am with him on this and I am with Deputy Paint, I just think though that there are tens of thousands of people, certainly up to about 10,000 people I think who do on a fairly regular basis a lot of them own properties in France I just think we probably have to go with this.

510 Just one question though for Deputy Brehaut. How long does an Alderney registered car have to be in Guernsey before it has to change registration, because otherwise surely we can all just use the loophole of registering our cars in Alderney bringing them down on the Isis or whatever and run them round indefinitely in Guernsey although it would be no good for people who want to go to France I accept that because they would not be properly covered but for the rest of us it would be a nice little scam.

515 **The Bailiff:** Alderney Representative Jean.

Alderney Representative Jean: I would just like to clarify that point that Deputy Roffey made, that is very interesting and as on the paper it seems to indicate that hopefully Alderney will not be involved in this because it would be rather onerous. I would like a fairly clear explanation whether Alderney can be left out of this because all you Guernsey folks coming over to Alderney to register your car that would be a bit of a journey for you just to register the car wouldn't it?

Thank you, sir.

525 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

I would just like to say that I am overly happy with the Vienna Convention and a lot of things that are being added in to it. It is not just MOTs, it is rear seat belts, exhausts and there are a lot of other things. But I do think it is something that we do need. So I will vote for it but it is a reluctant vote for it.

530 I think it will eventually make our roads safer and I think it will also help with the air pollution as well.

535 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

I just want to make a comment about on page 21 where it talks here about mounting on a footpath driving. As we know that has been a bit of a bone of contention because currently it is not illegal, reading the wording here it implies it is illegal if you read the Highway Code but actually in the law it is not illegal. If under here is this implying that they are going to try and make it illegal to drive on a pavement, because common sense is going to have to prevail, because I do not know where they think the police are all coming from, because most roads in Guernsey you cannot pass traffic unless you actually go on a pavement sensibly and carefully as is explained in the law currently rather than actually saying that you have got to stop because it will cause more accidents than not in most cases when you are in a row of traffic and you have to pass another vehicle. So I would guess that is coming back – I will get confirmation from Deputy Brehaut when he actually stands up if that is coming back with more defined wording that may be the time to amend it, but if not I would like to know exactly what they are going to put in there if they are going to make it illegal to drive at any time on the pavement.

The Bailiff: I see non-one else.
Deputy Brehaut will reply.

555 **Deputy Brehaut:** Thank you very much, sir.

Deputy Inder raised the issue of Guernsey signing up belt and braces ahead of everyone else and gave the examples of Ireland and Malta but they have to meet higher standards, they are meeting those higher standards already and I tried to make that point in my opening speech. I appreciate he did not hear it all but Guernsey is starting from particularly, you could almost say without standards almost in some areas, so that is the base we are starting from.

No-one is suggesting that you cannot drive in France without being a co-signatory of the Vienna Convention because there are existing provisions and it this point I made about risk appetite whether as a community we want to expose ourselves and drivers to risk.

Deputy Inder said he was in Poland and Ukraine, well sleep safely because they are both signatories of the Vienna Convention so they have signed up, and I think if Poland and the Ukraine can do it then certainly we can.

Deputy Inder: Sir, point of correction, Ukraine is not a signatory of the Vienna Convention.

570 **Deputy Brehaut:** Yes, I have been advised that it is (*Interjection*) Sorry Geneva I beg your pardon, Geneva.

Deputy Inder: I did not drive from Geneva.

575 **Deputy Brehaut:** Sorry, I will give way. I beg your pardon.

Deputy Oliver: Thank you, sir.

Sorry, could Deputy Brehaut just say that again because I think I misheard him. Did he say that if we did not sign up to the Vienna Convention that we could still drive in France anyway and we would not actually need it or is it that if you did not sign up to it you cannot go to France? Could you just clarify that please?

Deputy Brehaut: Guernsey is a signatory of the Geneva Convention so you can drive with an international driving permit. But with the UK moving to the adoption of the Vienna Convention

585 then we are suggesting that Guernsey does that to be compliant with the UK and with Jersey and other Crown Dependencies with the exception of the Isle of Man.

The point I just made to Deputy Inder is the risk appetite and you do drive at your own risk, or do if you choose to ignore international regulations.

590 Deputy Inder went on to say that the Committee were excited about the possibility of introducing a MOT and that is just not factual and it could not be further from the truth. When we debated the Integrated Transport Strategy the original which became the Integrated Transport Strategy through the minority report at the debating stage it was suggested that Guernsey adopted a MOT, we were asked to put that amendment in, I placed an amendment to introduce a MOT because the request came from the floor of the Assembly and the MOT was not adopted.
595 Subsequently Deputy Chris Green along I think with Deputy Dave Inglis placed an amendment to introduce a MOT and the States for the second time did not adopt it. E&I have never pursued a MOT. If this Convention was not in front of us today then we would not be in isolation suggesting that Guernsey adopts periodic inspections at this time or a MOT. But to be compliant to the changing world around us then we see the responsible thing to do is to sign up.

600 Answering Deputy Paint's question directly I know I used perhaps a clumsy phrase but I will repeat it again. It is this idea that you can be just a little bit pregnant, where in other words you adopt the Vienna Convention and say actually we signed up to the principles through the UK of the Vienna Convention we will adopt it all but actually do you know we will not because we do not think it is entirely necessary for a certain group of people. So you have to take it in the round
605 as a whole, you have to adopt all of the stipulations within the Convention.

I thank Deputy Tindall for her support and I think this is what she touched on this essentially is a road safety issue and we tend to overlook that. Anyone as it stands now and I know I have made a comment similar to this before but you can buy a car on Guernsey by the side of the road for £500 or £600 and within hours theoretically be driving through Europe having had no periodic
610 inspection or any test whatsoever. I am hoping – bearing in mind that people have their cars serviced now annually anyway, the vast majority of people do with perhaps a prompt from a garage possibly, but they have their cars serviced annually and it would make sense if the first adoption of this could coincide with when people's annual inspection was due just to minimise the cost to them.

615 Yes Deputy Gollop the local motor trade they have been arguing for years, and certainly they are the most obvious vested interest, but I think the GMTA have advocated for road safety for rear seat belts to ensure that the vehicles people are driving now are safe and for all the occupants as well as being road worthy.

With regard to Deputy Lowe's point on pavement surfing, or driving on the pavement it will
620 become illegal, and actually the 1928 Law from memory stipulates that you can walk on the kerb with a handcart, with a swine and a donkey – because I will not use the other – but that is what it says. Now I appreciate that the pavement is a refuge for the pedestrian, it is the place of safety for the pedestrian, from 1953 when there were 12,000 cars in circulation to today where there are 44,000 licences issued and many more cars in circulation, including 11,000 commercial vehicles,
625 people tend to default to the pavement unthinkingly, consequently people are less inclined to walk and use the pavements which is that horrible catch 22. So I would like, I hope the Home Department, in fact the Home Affairs Committee could almost have been the third committee bringing this policy letter if we think about what it contains. I hope there will be a clear message to say that on exceptional occasions when roads are too narrow you can mount the pavement it
630 does not mean that you drive on the pavement and maintain your speed, and that is not the point that I am making. I will give way to Deputy Lowe I am sorry.

Deputy Lowe: Thank you very much.

635 Certainly Home Affairs and I expect every Member in this Chamber would not be promoting that anybody drives on the pavement to be dangerous, equally if it becomes law. The law is the law and the law cannot be exempt because it might be okay, in the same way it might be okay for

me to drive home tonight at 45mph.No, it is not; the law is 35 at the most, so I think you have to be very careful here of bureaucracy, of actually putting in something which cannot be complied with.

640

Deputy Brehaut: Sir, with all the work done by officers behind the scenes over the months and thinking about it for a couple of years leading up to this we would not put anything to an Assembly or propose to our UK counterparts at the Ministry of Transport that we would not be compliant, but I really do want to work on correcting this narrative and discussion around motor vehicle usage on the pavement, because we must all send a strong signal to say that do your level best to ensure that you do not have to mount the pavement and certainly when you do mount the pavement you do not do it at speed. I understand when a vehicle is coming the other way whether it is a lorry or a bus and the road is thin you may have to get out of the way but it is quite commonplace on Guernsey for people to pre-empt, they will drive on the pavement long before anything is driving towards them.

645

650

I did have a note from Deputy Brouard asking, because this was touched on by Deputy Inder made the point about there is a difference between national and domestic, and his question was with regard to scooter usage, and that scooter usage for 14 year olds is one of those things that sits domestically and will continue. So it is covered broadly with that.

655

I do not know if there were any other questions, and I would ask Members to support this policy letter.

Thank you, sir.

The Bailiff: Members – ah Deputy Lester Queripel.

660

Deputy Lester Queripel: A recorded vote please, sir.

The Bailiff: I was going to put all five Propositions together, does anybody want to have a separate vote on any of the Propositions? No. In that case all five Proposition will be voted on together and it will be a recorded vote.

665

There was a recorded vote.

Carried – Pour 26, Contre 8, Ne vote pas 0, Absent 6

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

The Bailiff: The voting was 26 in favour with 8 against. I declare the five Propositions carried.

COMMITTEE FOR HOME AFFAIRS

XX. Amendments to the Population Management Law – Resident Permits and Certificates – Propositions carried

Article XX

The States are asked to decide:

Whether, after consideration of 'Amendments to the Population Management Law – Resident Permits and Certificates' dated 12 November 2018, they are of the opinion:

1. That the Population Management (Guernsey) Law, 2016, be further amended:

a. to remove the concept of an Established Resident Permit;

b. to provide that a person who completes eight years' continuous residence in the Local Market is entitled to an Established Resident Certificate;

c. subject to (b), to remove the restrictions on who may hold an Established Resident Certificate;

d. to remove the restrictions on the period for which a Family Member Resident Permit may be granted;

e. to provide that, in respect of the issue of an Open Market Resident Certificate to the occupier of a property inscribed on Part D of the Open Market Housing Register, the Administrator must be satisfied that the applicant is the owner of the whole dwelling he is occupying or proposing to occupy;

f. to provide that holders of Short Term Employment Permits and Open Market HMO Resident Permit (Part D) can occupy as a tenant a property inscribed in Part D of the Open Market Housing Register without the need to be accommodated by a householder; and

g. to make any necessary consequential amendments flowing from the above.

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

The Deputy Greffier: Article XX – Committee for Home Affairs – Amendments to the Population Management Law – Resident Permits and Certificates.

670

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

675 Sir the Population Management (Guernsey) Law has now been in place for over 18 months, replacing the previous Housing Control Law which has existed in various forms since the late 1940's. The framework formed by the Law and policies was designed to be more flexible and responsive than its predecessor.

680 Since its commencement on 3rd April 2017 this flexibility has been demonstrated on a number of occasions through the small changes to our Employment Permit policy with the addition of roles in sectors such as health and hospitality, to the more significant policy changes like the reintroduction of the nine months on three months off permits to support local businesses.

685 This policy letter builds upon this approach as the Committee through engagement with employers, industry and individuals seeks to develop the Law's application and that the service provided is alert to opportunities for continuous improvement. In the spirit of public sector reform we are constantly seeking to improve the way our services work and the experience our customers receive.

690 Firstly Propositions a.–d. make recommendations to simplify the provisions relating to established residence for both the general public and the administration of the regime. The Law introduced the concept of milestones in terms of acquiring residential qualifications i.e. the first milestone of becoming an established resident and the second milestone of becoming a permanent resident.

695 As resolved by the States' Assembly in June 2013 an established resident is defined as Individuals who have lived continuously and lawfully in Local Market property for eight years. They will acquire the right to continue living in the Island permanently if they so choose. An individual who completes 14 years continuous and lawful residence in the Local Market is defined as a permanent resident.

700 An established resident has the ability to continue to reside in Local Market dwelling until they reach the date on which they would gain their Permanent Resident's Certificate. However, if the holder leaves Guernsey before gaining their Permanent Resident Certificate they will no longer be an established resident and their right to live and work in Guernsey will come to an end. While all persons reaching this milestone are defined as an established resident in reality their experiences are currently very different.

705 There are two types of established resident a certificate holder and a permanent holder. Established Resident Certificates are issued to those people who are already a lawful householder at the time they reach their established resident status, an example as a long term employment permit holder. Established Resident Permits issued to people who are residing as a dependent of a householder usually family members and who do not have the ability to occupy a Local Market dwelling in their own right. An Established Resident Permit holder is still required to reside as a dependent of a lawful householder and is not able to occupy a Local Market dwelling in their own right until they become a permanent resident. There is no discernible benefit to them having reached the first milestone and holding an Established Resident Permit. It is considered that there is no population justification for the prohibition of Established Resident Permit holders being householders as the individuals in question have acquired a certain status under the Law and can if they wish remain in Guernsey indefinitely in the same way as an Established Resident Certificate holder can.

715 Propositions e.-g. are solely a technical amendment to the Law to ensure it complies with the original policy intent approved by the States' Assembly in June 2013 in relation to tenants of Part D of the Open Market.

720 The States clearly resolved at that time that tenants of a Part D house in multiple occupation would be able to benefit from the Open Market status in the property and would be free to live in the Island and to work in any employment for a maximum period of five years continuous residence in the Island.

725 However, currently under the Law there is opportunity for some tenants where the property owner is not in residence to benefit from an Open Market Residence Certificate that enables them to remain in Guernsey indefinitely as long as they hold such a document and accommodate their immediate family members. This was not the intent of the States, therefore an amendment to the Law is required.

730 I want to take this opportunity to clarify that the recommended changes do not impact in any part of the Open Market than Part D properties. Furthermore the ability of the owners of Part D properties to live in their property and accommodate their family members will be affected in no way.

The changes brought before you today by the Committee *for* Home Affairs are intended to improve the administration of the Law ensuring it remains relevant and fit for purpose to assist in the States achieving their strategic objectives.

735 The Committee *for* Home Affairs remains involved and supportive of the work being led by the Policy & Resources Committee on the Strategic Review of the Law which will come back to the States in early 2019.

I ask Members to support this report.

740 **The Bailiff:** Is there any debate?
Deputy Tindall.

Deputy Tindall: Thank you, sir.

745 I am grateful for Deputy Lowe's reassurance in respect of the Open Market position with regard to Part D in particular to f. the main point being that there was a query with Open Market residents who felt that their rights were being eroded again, and I am grateful to the confirmation, also the emails and explanations.

750 However, it still strikes me that whilst the owner occupier will not be affected, there may be people affected, there may be people who arrived who took on a tenancy who are now having rights removed, and I would like further reassurance that there are not any people affected, or indeed those people who may be affected will have their rights protected if they came here on the assumption that they would be able to stay longer than five years with their family.

With regard to the other elements I certainly have no issue with those.

Thank you, sir.

755 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Sir, I rise simply to declare that my partner will become an established resident next July.

760 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir, thank you.

765 I would have liked to have been succinct and brief with my questions to the President of the Committee but I have not succeeded as I have sought to make a bit of a point through them too. So I do apologise in advance for going round the houses a bit on it – there is no pun intended though there is one there – but I concentrate mostly on the Local Market and this is a very complex area so I am really looking for clarity and to sort out the feelings in my head about this.

770 Let's look at the backdrop that is painted in the 2018 Guernsey Facts and Figures booklet which gives an earnings ratio of 13 times annual income to purchase a dwelling as at June 2018 and the average price of a property being £410,830 along with median earnings at £32,360 per annum, it is clear that young local families in this bracket have a limited scope to purchase property.

775 The thrust of my question is that having identified finally that our Island children of today who are the young adults of tomorrow are so important to the future success of Guernsey and in trying to support them to be first time buyers in the housing market making Guernsey an attractive place for them to return to after time off Island stretching their wings. How does this fit with the change to proposed granting established residency to those who effectively are living *en famille* at eight years perhaps entitling them to buy into the Local Market. I give the *caveat* that my query relates really to a particular segment of those within this group living in so called *en famille* being those who are part of the extended family unit perhaps in-laws who are retired. It is likely that given the opportunity to purchase Local Market they would be looking to step down the rungs of the ladder and to land on the same one that many first-time buyers have stood upon looking at the same price bracket and the same property size.

785 We are told in the policy letter that there is flex in the current policy and the established residency regulations at the moment are discretionary giving a degree of latitude on decisions made. It looks to me with the removal of any discretion on this policy we are diminishing potentially the pool of available properties for the first-time buyer market for our young adults of tomorrow, and I can only see this as detrimental to efforts to attract and retain our young talent who will take our Island forward.

790

As far as I understand we as a States do not have statistics on the numbers of relevant immediate family members residing in a Permit Holders household. I would like to have confirmation from Deputy Lowe about this please. If we do not then why not? And if we do could she please share those figures?

795 Since Members may be aware that Deputy Le Clerc and I have been looking at ways with local Banks and making enquiries with Treasury to make it easier for first time buyers in these challenging times so it should come as no surprise that I do not think we should be making it any more competitive, expensive or difficult for local families to purchase homes which will happen if the Law is amended to allow the wider and easier access to Local Market for home purchase by Permit Holders family members or extended family members.

800 The States removed TRP restrictions on housing enabling Permit Holders to purchase any dwelling to live in. I believe that this action took away our housing protection to the purchaser of lower priced dwelling to the resident local lower income Islanders who must now compete with Permit Holders on higher incomes, and this has impacted on our property market especially in the first time buyers segment. This sentiment was recently echoed by Charles McHugh at the recent Chamber Lunch on the Local Property Market.

805 Clause 3.3 of the policy letter refers to other immediate family members for example spouse or children but of concern to me is that the Population Law definition of immediate family also includes parents and parents-in-law family members of Resident Permit Holders.

810 The policy letter gives no statistics on the numbers of these older people within the Permit Holders household although they are likely to impact on our community in many ways, including health care costs. Having moved in with family in Guernsey it is not unlikely that they will have sold their UK homes and unsurprisingly in the long term living with their children and grandchildren in a nuclear household might not be an attractive proposition, therefore it is logical that they might be keen to purchase. They would be competing with our already resident older community who might wish to downsize into smaller dwellings.

815 Some Deputies have suggested that more of the older members of our community should be looking actively to downsize into smaller houses in previous debates recently. We are constantly told we have an aging population and therefore it follows that many people will want to downsize.

820 So I would like clarity as to whether this revisions enables these parents and parents-in-law of Permit Holders after eight years residency in the Permit Holders household to be able to lease that household and purchase and reside in Local Market property.

825 I would also like to ask Deputy Lowe why no stats have been given to us on the number of family members who if this revision to the Law is passed will benefit from the removal of current restrictions and be able to move into Local Market property.

Further flex on the access to Local Market housing is an unidentified risk and until we know precisely what the risk is on the availability of that sector to our Local Market housing which are within the price range of our local population I am afraid I cannot agree to this amendment.

830 Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much.

835 Deputy Dudley-Owen as always has given a very thoughtful speech reflecting perhaps to her commitment to enhancing the skills base of the local population and employment prospects that they bring.

840 I actually broadly speaking as Deputy Yerby and other Members know I am in favour of liberalisation of these rules, but I do take on board the fact that for me I am a bit reluctant to vote for most of this today – I will come on to some of the other sections in a minute – precisely because of the context. We have, sir, I cannot even lift it, it is too heavy a Billet, it is bigger than two Bibles, and it is two weeks after the last States' meeting at a time when we are having extra

Committee meetings too. This kind of serious policy letter about reforming what used to be the Housing Law, Population Law is of great significance and I am not sure Members have had a chance to seriously consider the ramifications of this let alone the community as a whole.

On the questions that Deputy Dudley-Owen raised about the Established Residents Permit she was quite right, if you turn to 3.3 it says:

'The two documents do not confer the same rights on the holders.'

In other words those who had an Established Resident Permit would have to stay in the household of somebody who had an Established Resident Certificate. Under the reform suggested that will not be necessary, so by implication if relationships break down for whatever reason then there will be a greater demand on housing.

I was a bit concerned on the sort of corporate governance point of view that you read in the – because I used to sit on the Housing Committee which ran in a different way of course it was a politically based committee – that it says for example that there has been a certain amount of confusion amongst applicants and that this in fact will make things easier from a Housing Committee point of view – well from a Population Management Committee perspective, it eases perhaps, yes as it says at 3.11:

'This leads to confusion in the application process, and takes up staff time in explaining the difference – an explanation that can be difficult because of the lack of evidence to justify the position.'

Well we spent 10 years getting to this point of a Law that I actually tried to repeal an earlier and voted against on some occasions, precisely because I questioned the wisdom of some of it, and here you have actually some evidence that it is confusing, it does create staff problems, and there is not any evidence behind some of it. So therefore we are having a philosophical change of getting rid of the Permits and just having a Certificate after all of the thought that was given into what used to be what was it the gold standard the silver standard permits. I think that is unsatisfactory.

I am pleased at the pragmatic attitude shown on the nine to three months, because again that was something critics including myself called for to continue and it did not, and I think perhaps Home Affairs have shown that they are listening after all on that one.

But Deputy Dudley-Owen raised the interesting seminar Chamber of Commerce held when Mr McHugh was questioning our housing policies, and the Deputy is quite right in suggesting that over time, and planning does not necessarily do anything to prevent this in certain instances, houses do creep upwards, they start as small maisonettes or cottages and they get larger. Now I think people have the freedom to do what they like with their homes and I thought the old policies and rateable value were difficult, but clearly there is an issue here. Therefore I would support the States doing a bit more to look into the supply side of housing.

But this report says there is no evidence I note that there is any problem with housing availability for extra people who may qualify to be householders in their own right. Well that is quite an assertion given the issues that we face with social housing, but perhaps strengthens the case for the Island Development Plan that perhaps we do need these additional housing sites in the north of the Island some Deputies were a bit reluctant to see.

Anyway moving on from that, the thing that really brought me to my feet and caused concern amongst people I have spoken to including some Douzeniers in St Peter Port is the changes to the Open Market, because the seminar Deputy Dudley-Owen referred to had another speaker as well as Mr McHugh, Mr Eisenberg, who is a well-known supporter and activist within our community on many levels, and he was putting forward the message that maybe the States of Guernsey carelessly or otherwise sometimes passes legislation or creates policies which do not enhance the attractions of the Open Market and there have been a fair number of changes made over the years, which have brought to a degree greater restrictions. This is another one.

I mean the clue is really in the phrase historic phrase from the old Housing Law 'Open Market'. It means by definition that it is open to the 10% or less of the population who choose to live in it. There used to be a price premium for living in it by rent or purchase. But the States unfortunately
895 is eroding that differential precisely because we already make little distinction between renting in the Local Market and renting in the Open Market for short term workers for example.

So we have seen the situation of demand problems for people on low incomes who are local and we want to protect local housing for local peoples whilst Open Market lodging houses whether they particularly like all of them or not have actually found it difficult to accommodate
900 people.

Here we see again a change to Class D. It restricts it to owners rather than tenants. They talk about an owner as if it is a single person which does not sound necessary politically correct in my view because you often have partnerships, male or female who are owning these properties, and they also exclude the possibility of tenants having rights for their family members. Well isn't that a
905 restriction on the Open Market.

In a way this small policy letter completes further work that we have seen in the last few years whereby the Local Market is liberalised to extra people and the Open Market is slightly restricted, which is not really I think what the community wants to see.

My most favourite point here is that I particularly support as a regular participant of their services the hospitality and tourism sector and so on, and I fear that if we bring about some of these changes that the difficulties that the new rules will bring in about Open Market tenants in property Category D having abilities to live here longer than five years and their families could restrict the free availability of worthwhile employers and maybe even proprietors in some of our entrepreneurial business and tourism sectors. It certainly will not do them any good because it
910 introduces another check. A check different from Jersey a check different from the United Kingdom.

Rather than just go into it late on a Friday afternoon just before Christmas I think we should have more time to consider all of the economic, social and legal ramifications of these changes even though I am pleased to see that the Home Affairs Department are actually listening to some
920 of the points that have clearly been made to them over the last year or two.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

My points and queries are I think linked to some of the ones raised by Deputy Dudley-Owen and there are a number of parts of this policy letter I want to pick up on but my eyes are drawn to 3.17 on page 7 where it says:
925

'There will also be some risk in so far as it will become more difficult to control access to Local Market housing but there is no evidence that this will cause problems at this time and if any evidence is seen at a later date then the position can be revised. This would require a further amendment to the Law.'

So my questions initially are how will this situation be monitored? How will this evidence be gathered if there is any evidence to gather? Will there be a proper method employed to ensure that early intervention can be activated if problems are being caused on the Local Market front. In other words if it is making it even more difficulty, it is already difficult, it is underplayed in this report I think, if it is making it even more difficult for young Islanders and young local families to
930 access affordable properties affordable housing.

Because as you know the TRP restriction was removed a number of years ago and the impact of that was meant to be monitored and there was a provision in the legislation for the TRP restriction to be reinstated if the impact upon the local populace particularly young local people with families seeking to access affordable housing was affected detrimentally, and I do not know
940 how that removing the TRP restriction basically was that the housing or the properties at the lowest end of the market the most affordable end that area of housing was not accessible to

Licence or Permit holders only to locally qualified people, residents, and I do not know if the responsibility for monitoring the removing of that TRP restriction is within Home Affairs mandate or does it belong to Policy & Resources, I am not quite sure now, it was a few years ago that that
945 decision was made, I am not quite sure now where that responsibility lies to monitor the effects of removing the TRP restriction. But I just wondered if it is being monitored can we have an update in regard to what effect the removing of it is having or has had and are there any plans perhaps to look at that area again.

I am concerned because Deputy Gollop was speaking about perhaps there is a need then to
950 create more affordable social housing and perhaps it should be I think he spoke about the north of the Island. But actually I do not want us to get to the point because Deputy Dudley-Owen did speak about often the difference between the incomes of local people and people who have gained Permits to live in Guernsey and often people that have Permits if they have come to work for the States or perhaps for a local bank get quite generous relocation packages which gives
955 them an advantage. But I do not want to get to the point where young local people where the only choice they have got is to actually access one of these specially created affordable housing complexes. I think they should have a wider choice than that. It will almost create a two-tier system where people who qualify on the basis of the Permits being spoken about here can access a much wider range of properties and homes than the local people the young local people that I
960 am talking about. So I do have real concerns with this. I think the effect of that has been played down in this policy letter.

There is another little section somewhere a bit further back on page 2, 2.4 there is just a little comment at the bottom, the last sentence of that says:

965 'Housing is... secondary, but nevertheless [an] important, consideration.'

Well I still think that is playing it down. So I am really trying to ascertain the impact this will have upon young local people with families. How will that be monitored? Will it be effectively monitored? Will there be an opportunity to intervene at an early stage if it is seen to be impacting detrimentally upon them? I also would like to find out or get some update in regard to the TRP
970 restriction that was removed how that is being monitored and who has responsibility for that?

Thank you, sir.

The Bailiff: Deputy Inder.

975 **Deputy Inder:** Thank you.

I think, sir, I am going to echo both Deputy Dudley-Owen and Deputy Laurie Queripel's sentiments.

I think going back some ways and I think it is sort of related in a way I think sometimes we do things or have done things which we do not always understand what the outcome, or we do not
980 understand what the effect of... I think one of the worst decisions that any States has made strangely enough was the removal of something called profit dwelling tax. That was back when – bear with me for a couple of minutes – that was when sensibly you could not flip a house within a year. If you bought a house you had to have it for a year and a day before you sold it or any profit that you made would have been taken by the State. Now what happened straight after that
985 people with vast amounts of money when there were more doer uppers back then, they were basically buying houses and sticking a bathroom in painting the bedrooms making a turn on them and over that period houses were going up sort of £25,000, £35,000, £40,000 a year. Now what that did, it may well have been of benefit to the building industry but it did not benefit people like myself. I was already on the path by then so it did not really affect me. But what it did not do it
990 did not allow the smaller houses to be bought done up and then moved on. What we had effectively a lot of people with existing wealth, developers, private individuals were buying up houses effectively slapping some paint on throwing a fairly bad bathroom in it and turning them over for £30,000 or £40,000.

995 Now that is done that is gone, but I just want to read 2.11 and if you could all sort of think on what Deputy Dudley-Owen was saying and Deputy Queripel:

'Based on feedback from industry and the Administrator of Population Management, the Committee has already made change to existing policies...'

Of which I am fairly sure I will have voted on and agreed at some point in my short life as a politician and probably even shorter the way I am going.

1000 But this seems very... when they say the Administrator of Population this has all got a business focus, I understand why it has – Deputy Lowe is shaking her head, well I am happy to be corrected again it will not be the first time in this session. But my real concern is that – and I have said this before – one of the reasons and I think I spoke to Deputy Langlois outside when we were talking outside only half an hour ago (*Interjections*) all right I know you got me again Deputy Hansmann
1005 Rouxel we were. One of the reasons some of us have done quite well, and the only reason we have done quite well is because we were born 30 years before everyone else. That is the only reason. In my particular life I have done all right at advertising and marketing, we had a five or six man team when we started, we were in a burgeoning finance industry everyone wanted our work we were funky young guns, people threw money at us. I was not that funky. Seven or eight years
1010 later I moved into digital. We were the only digital agency on the Island and clients were coming, we could basically write our own cheques. Now if I had been anywhere else in the UK I would have been a provincial ad man or a provincial owner of a digital company. We would not have had the luck that we have had here.

1015 What I am worried about is a potential gaping hole. What we do in society, society does a very good of looking after the poorest, you have got a benefits system, and the richest 3p on a pint of milk does not actually matter. My greatest fear for our society going forward, and I am related to this, and I have said this before and I will say it to you again, those in this Assembly who have got teenagers they are the future, they are the ones who are going to be paying for the hospital beds, the pensions and eventually they will benefit from them, if you can say benefitting from a hospital
1020 bed is a good thing, but ultimately that working population, that social cohesion, that culture, they are not going to come here anymore. We are already seeing evidence of people leaving the Island going off and doing greater things, naturally people go and come back, they are not coming back to the Island. My fear of this is that we do things in this Population Management which are basically generally business facing for all the right reasons but they do not look at the societal effect of this.
1025

I have got a great concern those of us that have done all right out of the system over the last 30 or 40 years, those have got good pensions, possible rental properties, possibly still in business, my fear is that as Neil Inder who was a 19-21 year old came into an Island where it was very easy to start a business, those opportunities are not there anymore. It is not as easy for Neil Inder to
1030 come back to the Island as a 22 year old and start those businesses any more. My fear of this and I am now trying to relate it to the policy letter through you, sir, to Deputy Lowe, is that I do not think this policy letter understands or reflects what is actually happening out there in society we are gradually putting a rift in the – I am going to give way to Deputy Laurie Queripel.

1035 **Deputy Laurie Queripel:** Thank you, sir.

I am very grateful to Deputy Inder for giving way.

I just wonder in regard to the theme he is on at the moment I know we have seen a diminishing of the waiting list in regard to people trying to access social and/or affordable housing. Is he of the opinion as I am that perhaps that list is going down because a lot of our
1040 young people have probably given up hope of accessing affordable housing or they have actually – we hear these stories they are anecdotal I know, but there are people leaving the Island, your people with young families leaving the Island simply because they have given up hope of ever owning a property on their own Island, and I just wondered if he agreed with that point?

1045 **Deputy Inder:** I absolutely agree with you, sir, and I know it is anecdotal and no-one wants to
hear an anecdote, but I have got no reason to make it up, I have done okay, I am alright Jack, I
really am, I am absolutely fine. I have got no reason to make this up, but we are seeing people
that are leaving this Island. I can give you anecdote, after anecdote, after anecdote, these are
1050 people that are my sort of age they have got to the point their kids are 15, 16 year olds, they are
selling up and they are leaving the Island. They are taking the capital gains they made, they are
selling their houses off and they are leaving, they are taking their children away.

Now Health & Social Care and I do not mean this unkindly as probably quite happy all the 50
year olds are going because once you start hitting 50 things start falling off. But what they are
taking with them – (*Interjection*) well you are heading in that direction. I say you, I did not mean
1055 you, Deputy Soulsby, I meant the royal you, we start heading in a certain direction after possibly
50 years old – I have to put my feet on the bed to put the socks on nowadays – but what these 50
year olds are doing they are not developing businesses any more and they are taking their
children with them. That is my greatest fear.

I know I have gone on a fairly standard rant, but I do not think this policy letter reflects some
1060 of the concerns that I am seeing out in the community out of that whole stretch between the 20
year olds that we need in this Island and the 50 year olds that are leaving and I think I am making
some kind of sense but I am probably not, but I will sit down.

If you can make any sense out of that Deputy Lowe good luck trying to respond.
Cheers.

1065 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I rise simply to deal with the matter regarding dwellings profits tax. Deputy
Inder thought it was the worst decision the States had ever made.

1070 Dwellings profit tax as he rightly said was only applicable on properties for a year and a day
and the tax was not calculated until the increase in the value of the property had first been index
linked and secondly any improvements had been factored in. As a consequence in the five years
preceding its dissolution not a single penny of dwellings profit tax was levied. It was a redundant
tax there was no point to keep it, that is why it was abolished, and it was certainly under any
1075 stretch of the imagination anything other than an entirely sensible decision.

A Member: Hear, hear.

1080 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Sir, it is really I think a point of correction to what Deputy Trott just
said. I do not believe the tax was abolished, or the Law was abolished, it was suspended, so if it is
of any help to Deputy Inder he could come along and try and reinstate it. I think it is still there but
only suspended.

1085 Thank you, sir.

The Bailiff: Deputy Roffey.

1090 **Deputy Roffey:** I rise for the point of pedantry, sir, I think it was a year and a day if you lived in
it, and five years if you were not living in it.

The Bailiff: Deputy Hansmann Rouxel.

1095 **Deputy Hansmann Rouxel:** I was not going to say anything but I do feel that we possibly are
still holding on to the concept of the Housing Licence and I think that it is a very difficult task that
Deputy Lowe and her Committee have in trying to extricate that from.

It is good that these points have been raised, but they show that there is... it is the follow on of the policy.

1100 The decision to sort of tidy up what would be inequalities within or inconsistencies in the Law is entirely good and proper. The fact that there is, and what appears to be, an effect on the Local Market is something that we have to acknowledge and we have to then mitigate that.

1105 Unfortunately you cannot keep inconsistencies in the Law and treat people who are in very similar situations differently just because the effects of that Law might have something. We have already established a policy and we have put mechanisms in Law to allow people if somebody has lived here for eight years they become an established resident and they should all be treated the same. If you have lived in a place for eight years.

It does come down to human rights as well. If you live in a place for eight years your human right is to stay in that place, and that flexibility that we have had previously, if you have lived here for eight years and you have contributed then you should all be treated the same at that point.

1110 The effects that we are trying to mitigate, and that is part of Housing Strategy and looking at the effects that are tumbling out of the changes to the Population Management Regime, and we should be looking at how we incentivise or give young people and first time buyers looking at those incentives like Deputy Dudley-Owen and Deputy Le Clerc are looking at that help first time buyers, all of those mitigations and all of those incentives to actually help what essentially are things that you cannot avoid or consequences of us changing from one system to the other.

I could carry on talking but I will not.

The Bailiff: Nobody else is rising.

Oh Deputy Le Pelley.

1120

Deputy Le Pelley: Sir, HM Procureur is actually working on something which I think you may be aware of, but whilst we are waiting for that I do not know if Deputy Lowe wanted to stand and speak.

1125 **The Bailiff:** My understanding was that what she is working on is a sursis (**Deputy Le Pelley:** Yes, she is.) but if Deputy Lowe were to reply to the debate it would be a bit late then to be laying a sursis.

1130 **Deputy Le Pelley:** Sorry, I beg your pardon. I thought Deputy Lowe wanted to stand to say something not to actually reply.

The Bailiff: I am not going to propose an adjournment but if anybody is wishing to propose an adjournment to enable a sursis to be laid they need to stand up now and do so.

1135 **Deputy Le Pelley:** Then may I do that then, sir? May I ask for an adjournment while we lay a sursis?

The Bailiff: Right.

1140 **Deputy Le Pelley:** I need to be seconded by somebody.

Deputy Dudley-Owen: I second.

1145 **The Bailiff:** I put to you then the motion that we adjourn to enable a sursis to be laid. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that is defeated. No, you want to go on to a recorded vote on that, do you, Deputy Dudley-Owen?

Deputy Dudley-Owen: May we have a recorded vote please, sir?

1150

The Bailiff: So what we are having is a recorded vote on whether we adjourn to enable a sursis to be laid.

There was a recorded vote.

Not carried – Pour 13, Contre 17, Ne vote pas 2, Absent 8

POUR

Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy Kuttelwascher
Deputy Tindall
Deputy Gollop
Deputy Lester Queripel
Deputy Le Pelley
Deputy Meerveld

CONTRE

Deputy Lowe
Deputy Hansmann Rouxel
Deputy Brouard
Deputy Yerby
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy Roffey
Deputy Prow
Deputy Ferbrache
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy Stephens

NE VOTE PAS

Deputy de Sausmarez
Deputy Oliver

ABSENT

Deputy Fallaize
Deputy Graham
Deputy Le Tocq
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Mooney
Deputy Merrett
Deputy St Pier

The Bailiff: Well Members, the voting was 13 in favour, 17 against, with two abstentions, so you voted not to adjourn.

1155

So Deputy Lowe will reply to the debate.

Deputy Lowe: Thank you, sir.

1160

What I can say where the Members that actually wanted for us to adjourn because they wanted to place a sursis, just following on from Deputy Gollop's only had two weeks, you have had this from 12th November, not two weeks, you have had since 12th November, so to wait right until the very end of the debate to consider a sursis is not really the best of good governance to be honest. But I accept anybody's democracy to be able to do that.

1165

Deputy Tindall: Point of correction, sir.

The Bailiff: Deputy Tindall point of correction.

1170

Deputy Tindall: I would just like to add or point out and correct Deputy Lowe voting to adjourn does not necessarily mean that we would have supported the sursis.

Deputy Lowe: I thank you for that Deputy Tindall, and I do accept that.

1175

So I will start in reverse order. I would like to thank Deputy Hansmann Rouxel, you would think she was a Member of Home Affairs Department, absolutely brilliant how you explained the Law, because it is the Law and so many people do try to look at the old system and those are some of the problems that they had on the Population Management when people did come in to find out about their permits, they would still be talking about TRP and they could not get that out of their mind, they want to always go back. Indeed some businesses do as well but thankfully we have moved on quite a bit, but there is still an element of people who still confuse the two.

1180 But it was the States' decision it is not Home Affairs' decision it was the States' decision to say
let's look at population and be more flexible with our population. We have people that we try to
encourage to come over here whether they are working in finance or any other sector and we said
here in the States of Guernsey that we wanted to recognise that and treat people more fairly than
1185 we had done previously, because they were going to be part of our community, because they are
helping our community thrive, because without people coming over here we have not got enough
of our own to be able to have businesses to be able to operate.

So Deputy Inder said it is business led, to a certain element there is, but it about people led, it
is about making sure that we have got a community here that can actually operate, whether that
is staff at the Hospital; whether that is in finance; whether that is teachers, the very teachers that
1190 you are talking about for your daughters at school, if we did not have this type of population
management that we have now, there was more restriction on the teachers coming here to
Guernsey to be able to teach the children in the schools.

So the flexibility of the new Law has actually worked very well. There will always be
opportunities to be able to change it, because that is the idea it was designed like that to be
1195 flexible. So I hope that he will within time recognise that actually it is working and it is doing the
job that it is meant to do.

We have got the review going on which he knows is coming back in the first quarter of next
year and if there is an opportunity there where you like to perhaps consider changing it the
opportunity would be there to do an amendment or indeed a requête.

1200 But I would encourage you and any of the others whoever it is in this Assembly or indeed
outside of the Assembly if you have any doubt you do not totally understand the Population
Management Law please come and talk to the staff because it helps them if we all understand it,
because people contact us as Deputies and ask queries and it is so much easier if we understand
it ourselves. So I encourage all of you or any of you to go and speak to the staff if you are in
1205 doubt whatsoever.

I now move on to answering a couple of questions that came forward. Deputy Tindall she
asked about Part D any Part D who holds a valid Open Market Residents Certificate will be able to
remain living in such a way until the Permit expires.

1210 Deputy Dudley-Owen, she was on about extracting information from the system and wanted
to know about the data. We do not currently have the ability to extract information, and I have
already mentioned that on a previous time when questions were asked here in the Assembly. It is
all part of the IT system which we are working on, but obviously there are only so many things we
can do on the IT system and some areas where IT is more important than others at the time, but it
is it a case of it is being ignored it is on the radar to be looked at.

1215 Yes Deputy Tindall I am happy to give way to you.

Deputy Tindall: I thank Deputy Lowe for giving way.

1220 Sorry, it took me a few seconds just to think about the answer that she has just given to me. I
actually asked if anyone was affected by the change, not what the effect was. I appreciate that it
was an additional question and she may not have that information, but if she does I would be very
grateful to hear it.

Thank you.

1225 **Deputy Lowe:** No I have not got that information in front of me but I would not expect to, to
be honest, because that is more detail. More than happy to get that for you, equally any time as I
said if you want to contact the Population Management they are always forthcoming with giving
any information that you may require but I will let you have that next week some time.

1230 So moving back to Deputy Dudley-Owen. Yes this would enable any person who has
completed eight years Local Market residence to live independently. That is what the States
actually decided that they felt that this was appropriate to recognise, because now eight years

under the Law is exactly that. So if you have got the Law for this side saying eight years it is only right that we replicate it across because it could be challenged. So that is the reason for that one.

1235 Deputy Gollop, I have covered that it was published on 12th November. You need more time instead of a Friday afternoon, well the States (*Interjection*) excuse me Deputy Gollop I know you are talking to me but you are supposed to go through the Chair, but Deputy Gollop you are one of the ones that set the Schedule you accepted the schedule two weeks ago, and that was on the schedule for today, and as I say it has been published since the 12th November.

1240 Also a rejection of the technical amendment on the Open Market Resident's Certificate would actually be contrary to previous Resolutions of the States. A rejection would be a more fundamental change in policy than an approval.

1245 You also mentioned the Open Market as well and mentioned a gentleman who spoke at one of the lunches that you went to. I think if you had taken notice of what has been happening with the Open Market, the Open Market sales have rocketed and there is an article by Swoffers who are one of the main ones for Open Market, there are others, who have been publishing about the data of over 20. So it actually contradicts what you were told at that lunch, because Open Market sales are doing very well.

1250 Deputy Laurie Queripel he said how will the evidence be known? Can it make it more difficult for locals? I can assure you that that was one of the main things that has always been around the table for us when we have been discussing the population management. We are all very conscious about the Local Market, we are usually at the front of the queue to make sure we can do what we can to ensure that our locals are not being penalised by the Population Management Law. But again it goes back to what Deputy Hansmann Rouxel was saying before, people have moved over here it is not to push to locals out it is to make sure that after the eight years under the Law that assists those that are here working here but equally not to the detriment of the locals, and the Local Market youngsters or not youngsters.

1260 There are many properties available and I accept that you will be aware if you look around, look in the paper if you are not out and about, there are quite a lot of dwellings that are empty, brand new Local Market, so yes the properties are there it is whether the youngsters can afford them which is out of the States' hands. That is nothing to do with the States, that is developers you need to be talking to not to me as President of – Housing, of Home I am not Housing Deputy Le Clerc can keep that one – of Home Affairs. So yes it is not a shortage of housing at all.

So I accept that there will be people –

1265 **Deputy Laurie Queripel:** Point of correction if I may, sir.

Deputy Lowe: Yes –

1270 **Deputy Laurie Queripel:** I was not just talking about a shortage of housing I was talking about a shortage of affordable housing and with the TRP restriction removed that means a Permit holder can access property at the lowest valued end of the market. That was my concern.

1275 **Deputy Lowe:** Yes, I accept that, that goes back to what we were saying before. With removing that under the old Housing Control Law the States approved that. The States said that is the way we were going. I know that not everybody liked it and I accept that but equally as I say there are many Local Market, affordability is not down to the States it is down to the developers, and we know just in the north you will be fully aware as a Deputy like myself is something like how many 1,200 or 1,500 permissions for development still in the pipeline there because there is just not the market to be taken up at this moment in time because there are so many empty new developments which have not sold at this present time.

1280 So I hope I have reassured you all, and it is a States' policy it is not a Home Affairs, we are implementing what you directed us as a States, and I ask Members to support the States' report before you.

The Bailiff: Deputy Dorey.

1285

Deputy Dorey: Could we have separate votes on e. and f. please. 1.e and 1.f.

The Bailiff: Yes, but when you say separate votes on those e. and f. together but separately from a.-d, or do you want a.-d. then e. then f.

1290

Deputy Dorey: I am happy to have e. and f. together.

The Bailiff: Okay. So unless anyone suggests otherwise I am going to propose that we have a vote on a.-d. first, then e. and f. and the g. Nobody is suggesting otherwise, so I put to you first Propositions 1a.-1d. Those in favour; those against.

1295

Members voted Pour.

The Bailiff: I declare those carried.
Next Propositions 1e. and 1f. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare those carried.
And 1g. Those in favour; those against.

Members voted Pour.

1300

The Bailiff: I declare that carried.
Then finally Proposition 2. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**Motion to change order of business –
Motion carried**

The Bailiff: Now Deputy Trott.

1305

Deputy Trott: Thank you, sir.

Now the next four items are all P&R matters. HMP has reminded me, for which I am grateful, that item XXIV is more time critical than the previous three, due to the need for Royal Assent and the rapidly approaching 29th March, a date that requires no further explanation. So under the circumstances, sir, I move that the Assembly takes XXIV next.

1310

The Bailiff: So I put to Members the Proposition that we take Article XXIV next. Those in favour; those against.

Members voted Pour.

The Bailiff: We take Article XXIV next, please, Greffier.

POLICY & RESOURCES COMMITTEE

**XXIV. Implementation of International Sanctions Measures –
Propositions carried**

Article XXIV

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 30 October 2018 of the Policy & Resources Committee, they are of the opinion:

1. To approve, in addition to those measures approved by the States at their meeting held on 7 June 2017 (see Article IV on Billet d'État No. XI of 2017 - P. 2017/38), legislation enabling the temporary implementation of United Nations financial sanctions measures and the future implementation in the Bailiwick of sanctions measures that the United Kingdom may enact under new dedicated sanctions legislation that it has recently introduced, as described in the Policy Letter, and

2. To approve the Projet de Loi entitled "The Sanctions (Bailiwick of Guernsey) Law, 2018" and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

1315 **The Deputy Greffier:** Policy & Resources Committee – Implementation of International Sanctions Measures.

The Bailiff: Deputy Trott.

1320 **Deputy Trott:** Thank you, sir.

Sir, in rising I ask the Assembly to note that both the Authorities in Alderney and Sark support these Propositions.

1325 So the purpose of this policy letter is to request the approval in respect of matters in the attached draft Projet de Loi namely The Sanctions (Bailiwick of Guernsey) Law, 2018 which are additional to the matters covered in the States through the Resolution of the 7th June 2017.

Sir, the matters in question are the temporary implementation of UN Financial Sanctions Measures and the future implementation in the Bailiwick of Sanctions Measures that the United Kingdom may enact under new dedicated Sanctions Legislation that it has recently introduced.

1330 Sir, our actions today will ensure that the Bailiwick's new Sanctions Regime can operate effectively as soon as it comes into force.

1335 Sir, some amendments have become necessary to the Projet de Loi in order to ensure that the Bailiwick's new Sanctions Regime can operate effectively *as soon* as the UK's Sanctions Law comes in and that is because of the manner in which the process is changing. It will effectively replace the current situation whereby the UK influence sanctions by enacting measures to enforce EU Regulations imposing sanctions, clearly that will fall away after 29th March as things currently stand.

1340 So the implementation in the Bailiwick of Sanctions Measures under the 2018 Act is dealt with at Section 1 of the draft Projet and this sets out a definition of Sanctions Measures that includes Regulations made by a UK Minister under the 2018 Act the effect of this, and this is the key point, the effect of this is that as soon as the 2018 Act comes into force and a Minister enacts Sanctions Regulations under it the Committee, the Policy & Resources Committee, will be able to immediately enact corresponding Regulations to give effect to those Sanctions Regulations in the Bailiwick.

I have had no advance notice of any questions on this matter, sir, so move.

1345

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

1350 Unexpectedly obviously we are debating this I do not actually have any specifics to mention
having gone through this particular piece of legislation at Legislation Review Panel, suffice as to
say that, however, I did raise a query when we were – ages ago – about the sanctions a piece on
the terrorist financing which was introduced by Deputy Lowe for Home Affairs. I raised the
question of how the two fitted in. I have been given rather a long email explaining the position
1355 which, for Members who are interested, I will not read out now, but are more than welcome to see
it, but basically to read out the first sentence to show that my query has been resolved. So
basically the new Sanctions Law will provide a mechanism to replace the existing practice of
giving effect to EU measures by ordinance as explained also by Deputy Trott, but my query was
the Terrorist Asset Freezing Law is already outside this existing practice hence the reason why it
will continue.

1360 Thank you, sir.

The Bailiff: I see no-one else.
Deputy Trott do you wish to reply?

1365 **Deputy Trott:** I do not believe there was a question in there, but I would like to see sight of
that email, so maybe if Deputy Tindall could forward it to me I would look forward to reading that
over Christmas. *(Laughter)*

1370 **The Bailiff:** So there are two Propositions, I think we will take the two together. Those in
favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

POLICY & RESOURCES COMMITTEE

XXI. Reform of the Marriage Law – Item withdrawn

Article XXI

The States are asked to decide:

*Whether, after consideration of Policy Letter of the Policy & Resources Committee entitled
'Reform of the Marriage Law', dated 12th November 2018, they are of the opinion:*

- 1. To approve the proposals laid out in section 6 of the Policy Letter to reform the marriage law.*
- 2. To direct the Policy & Resources Committee to oversee the preparation of the legislation and supporting policy guidance to implement the reforms as agreed in Proposition 1.*
- 3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The Deputy Greffier: Article XXI – Policy & Resources Committee – Reform of the Marriage Law.

1375 **The Bailiff:** Debate will be opened on behalf of Policy & Resources Committee by Deputy
Stephens.

Deputy Stephens: Thank you, sir.

1380 I am very pleased to lay before the Assembly Policy & Resources Committee's proposals for modernisation of the Marriage Law.

Currently we rely on the 1919 Law based on the previous 1840 Law and this has been amended over the years but has never been fully reviewed or reformed. In June 2017 the States prioritised the reform of the Law to simplify, modernise and make it more inclusive, whilst ensuring that the necessary safeguards were in place against illegal, forced and sham marriages.

1385 The Law is also not currently inclusive with those who may wish to have a legally recognised humanist or other non-religious ceremony for example unable to do so, with many couples choosing to have two ceremonies one legally recognised at the Greffe and another according to their beliefs and wishes, with the latter being viewed as the more important of the two events.

1390 Society has moved on and therefore some of the formalities are now very much out of date. For example the Marriage Register only captures the bride's father's name and occupation. The Rules have been relaxed in several other jurisdictions such as Scotland and more recently Jersey who have already seen an increase in the number of marriage tourists.

1395 Marriage is a solemn undertaking and a legally binding event and should be seen and conducted as such. But the role Government should play in people's private lives has been questioned throughout the review and it is the view of the Policy & Resources Committee that this should only be to the extent that the marriage is legally recognised and that any vulnerable people are safeguarded against being forced or coerced into a sham marriage. It is not to prescribe whether the ceremony is only held in certain locations at certain times for example. Neither is it to place unnecessary or duplicate controls in place that are already covered by existing legislation, such as regulations or licensing requirements relating to running events in certain venues such as is the case with Health & Safety and Fire Regulations and capacity and other licencing requirements for venues.

1400 I do want to thank all the representatives of religious groups, celebrants, industry and others from the community that have been involved and contributed to the proposals that are laid before you today. This has been a collaborative effort.

1405 So turning to the proposals, we believe that these proposals are forward thinking, modern and progressive and will reform marriage in a way that is strongly supported by many in our community. These changes will make the process of getting married simpler and more inclusive while striking a balance between having sufficient safeguards in place where needed and not being overly prescriptive or controlling when it comes to personal beliefs or choices.

1410 Couples will have greater freedom and choice about what many see as the most important day of their lives, they will have greater choice about who conducts the ceremony, where it is held and when. To an extent they will have greater control over the content of the ceremony in that they will be able to include some religious content, should they wish to, but with clear distinctions being drawn to ensure that a civil ceremony is not conducted as a religious ceremony would be. Couples will be able to marry outside on a beach if they wish or in their parents' back garden and have very much more choice in venues.

1415 The changes made to the giving notice procedures and the extension of both the notice and licence validity period will give couples more certainty when planning their big day which is often, I understand, at least a year in advance now of the day when they marry.

The use of digital technology will make the whole process easier and more straight forward for many in particular those not normally resident in the Island and this could benefit the Island's economy by encouraging more marriage tourism than currently exists.

1425 The celebrant will be given greater authority and the appropriate supporting guidance to effectively fulfil their roles in lined with the new polices.

Government however, will maintain the responsibility of effectively scrutinising eligibility to marry ensuring that people are free to do so and that appropriate steps are taken to try and prevent sham or false marriages.

1430 Government will also retain the monitoring of the quality provision to ensure that the solemnity and dignity of the occasion is respected. We are not hoping through these proposals to become the Las Vegas of the British Islands.

1435 More effective safeguards will be put in place than those of the past to address the risks associated with illegal, forced or sham marriages, and these reforms will provide a consistent approach to how people get married across the Bailiwick and bring us in line with changes already made in other places.

I commend the policy letter to the Assembly.

Thank you, sir.

1440 **The Bailiff:** There is amendment that has been circulated.
Deputy Yerby.

[Amendment](#)

In Proposition 1, after the words "to reform the marriage law", to insert the following:

"subject to the deletion of the proposal numbered 20) in paragraph 6.1 and the substitution of the following:

20) The wording of the vows, in the case of a religious ceremony, must be in accordance with the form of marriage ceremony recognised by that religion or belief; and, in the case of a non-religious ceremony, may be in any form agreed between the parties to be married and their celebrant, provided that it includes both:

i) a declaration by the parties, in the presence of each other, the celebrant, and at least two witnesses, that they accept each other in marriage; and ii) thereafter, a declaration by the celebrant that the parties are then married;

on the basis that it should be the signing of the marriage certificate by the parties to the marriage, in the presence of the celebrant and of at least two witnesses, rather than the words of the vows, which effectively forms the marriage contract."

Deputy Yerby: Thank you, sir.

In laying this amendment I should probably start by declaring an interest of a sort. I hope to be marrying the woman that I love of this year (**Several Members:** Hear, hear.) and although that will be a little early for these changes I guess it is relevant to the discussion at hand.

1445 I will briefly read the amendment for Members. [*Deputy Yerby read the amendment.*]

Sir, I wholeheartedly welcome the policy letter brought by the Policy & Resources Committee. I think it is a very welcome and timely liberalisation of Guernsey's Marriage Laws and this amendment I believe simply extends the spirit of that policy letter.

1450 The version of the amendment that Deputy Soulsby and I are finally laying differs slightly from the version that I originally shared with Members in that it includes that final clarification that we think it should be the signing of the Marriage Certificate in the presence of witnesses and a celebrant which effectively forms the marriage contract. That is reflected in proposal 21 of the policy letter as it is currently written.

1455 The reason for that is that obviously in the process of drafting and finalising this amendment we had occasion to have some discussions with the Law Officers and with P&R's policy officer advisors, all of whom very much stressed the importance of their being certainty of the marriage contract being made and the moment at which that is made. I am very aware that it is the view of those advisors that the words of the vow should form some part of that contract, and I am sure that Deputy Stephens in her response to the amendment will reflect that, but that is obviously something that Members must take on advisement and consider whether they think it is appropriate or not.

1460 Deputy Stephens said in opening that the role of the States must be to ensure that marriages are capable of being legally recognised and that vulnerable people must be protected against sham marriages, and this amendment I would stress is wholly compatible with both of those aims.

1465 There are many checks and balances and safeguards in the process which the Policy & Resources Committee has set out in this policy letter, all of which are capable of ensuring that both those conditions are met, and this amendment in no way undermines any of those things, it simply stresses that the moment at which the contract is formed is the moment at which that Certificate is signed and the wording of the vows themselves do not form part of the contract.

1470 As I am sure Deputy Soulsby will say, as she seconds this amendment, marriage is rather a binary state, you either are married or you are not, and if you neglect your partner a little bit when she is felling poorly you are not breaking the terms of the vow in terms of sickness or health although I would not recommend neglecting your partner in that way. *(Laughter)*

1475 Ultimately it is a yes or no question and there must be a moment at which you become married or otherwise.

I would say, sir, that most of us will approach this policy letter from either a Christian background or more familiarity with a Christian approach to marriage, in which the exchange of vows is the thing that is at the heart of the ceremony and the point at which the marriage is considered to be solemnised. But that is not the case in every religious tradition. In a traditional Hindu marriage or a traditional Jewish marriage you might not exchange vows at all. In a traditional Quaker marriage the nature of the vows that you exchange might be quite different to the nature of the vows you would exchange in an Anglican ceremony.

1480 The policy letter quite rightly recognises that the Anglican Church had its own approach to marriage and that this is set out in Church Law and that this should be respected and does not need to be supplemented by a form of words proposed by the State.

1485 If this amendment is supported then we will simply extend that recognition and respect to every religious tradition which puts forward marriage celebrants by saying that the form of marriage recognised by that religious or belief body and carried out by a celebrant in that tradition will be sufficient to mark the moment at which the marriage is solemnised.

1490 Sir, I would say that of course it is equality of surface if we treat everyone the same way by saying you must all say the same words, but it is equality of real substance if we treat everyone the same way by giving them the same respect and by saying that what your religion what your tradition considers is a valid way to form a lasting union between two people is equal in our eyes and in the eyes of the Law. That is true inclusion, sir, and truly in keeping with our principles.

1495 That is what this amendment does in respect of religious ceremonies. In respect of non-religious ceremonies the whole premise of the policy letter is that couples should be free to make their commitment to each other in their own way in a way that reflects their relationship in a way that reflects what is important to them and again this amendment extends that principle by saying that the words of the promises that the couples make to each other in their entirety should be words chosen by those couples and agreed with their celebrant.

1500 Sir, I must stress other jurisdictions do this. It is sensible and practical and will make Guernsey an ever more attractive place to get married. It is not something that is beyond our wit to do and to do safely and effectively and I think it will be broadly welcomed by the community in the same manner as the policy letter as a whole has been.

1505 Sir, as I draw to a close I would like to assure that Members that notwithstanding the fact that I am hoping to enter into a same sex marriage endorsing an amendment which is led by me is no reflection of Members views on same sex marriage and I would not want Members to think that a vote for this amendment changes in any way the positions that they have put on the record in that respect. Although of course I would very much welcome them doing so in certain cases.

1510 Sir, finally most of us would say either that we stand for family values or at the very least that we value the family whatever shape that family takes. That discretion is a way of putting into words our instinctive understanding that births and deaths and lives and loves the quiet cosy realities behind our front doors and among our friends and within our faith groups speak more to what it means to be human than the great grand themes of politics.

1515 What we decide to do now has much more potential to bring people fulfilment and joy than almost anything else we have debated this year.

Sir, as we go into the season of good will I ask Members to support this amendment and to give Islanders of all faith and none one more reason to enjoy some festive cheer.

1520 **Several Members:** Hear, hear.

The Bailiff: Deputy Soulsby, do you second the amendment?

Deputy Soulsby: I do, sir.

1525

The Bailiff: Deputy Stephens, do you wish to speak at this point?

Deputy Stephens: Yes please, sir, thank you.

1530 In representing the views of the Policy & Resources Committee I have to say that Members are relaxed about the amendment. But to inform Members in their own decision making I do think it is important that I outline some of the issues that have been raised with me in relation to the amendment to aid decision making and just in fairness to give a different view of some of what Deputy Yerby has said. I have no intentions of trying to sell Deputy Yerby anything but I would like to outline some of the issues that have been raised.

1535 The Scottish model that the amendment is, I believe, based on does not neatly fit into the approach proposed in the policy letter. They do not have civil celebrants for example and all vows are vetted and approved for use by the Registrar General before a celebrant is authorised. So it is not as flexible as the amendment suggest.

1540 I think uncertainty would remain around the wording to be used, exposing the celebrant to potential legal challenge if they made a mistake, as well as the possibility that the marriage could be declared void at some point in the future. Using the current wording of the vows for legal consistency helps to avoid any risk of challenge either to the celebrant or couples themselves.

1545 Uncertainty tends to create complexity which goes against the simplification aim of the reforms. Government's limited role, it has been suggested, would not be fulfilled by a need to ensure marriages are legally recognised and sufficient safeguards are provided as this responsibility would pass to the celebrant who may not wish to take on that responsibility and could have the unintended consequence of limiting the number of civil celebrants and therefore the number of civil ceremonies that would be performed.

1550 Removal of legal contracting words completely would remove one of the very few minimum requirements that are to be specifically stated in Law so that the contracting part can be recognised. For some the wording is very important and it is a test of peoples' willingness to commit to freely marry as they signify consent and agreement to the marriage verbally.

1555 The amendment as it is suggests conflict with other proposals in the policy letter and I think this is an issue that Members need to consider because in the future drafting of the Law and in practical considerations this may have implications. It conflicts with proposal particularly No. 19, the vow wording which would have to be removed if the amendment was approved and potentially also No. 28 which was intended to remove the need to specify the content of the Register in Law so that it could include information relating to both parents regardless of gender and to enable this aspect of procedures to be digitalised in future. By changing the requirement to the signing of the Register which would then become the only legal aspect then this would in all likelihood need to be specified in Law.

1560 Now in the policy letter the current proposals which are laid before you for a decision today are clear, simple, straightforward and apply equally to all marriages while enabling couples to add their own personal wording or music or other touches to the ceremony as they choose. For reference, sir, I would ask maybe Members turn to Appendix E at the end of the paper which gives the minimum wording that is required.

1565

I also with your permission, sir, feel it might be appropriate at this moment to refer to HM Procureur just to be sure that I have not missed out any of the issues that could arise from the amendment with regard to drafting or to actual practical implications afterwards.

1570 Thank you, sir.

The Bailiff: Madam Procureur.

The Procureur: Thank you Deputy Stephens.

1575 Sir I think the issue is hopefully fairly straight forward and potentially there is a work around from the drafting of the amendment.

The issue that arose was and there may be a misunderstanding with Deputy Yerby's intent for the amendment. As stated in the policy letter and particularly paragraphs 20 and 21 Deputy Stephens is absolutely correct there needs to be some kind of legal *minima* in terms of the declarations that are made by both couples. That is important in the context of wording of the vows because actually if those legal declarations are not made then there is no indication that the couples have capacity, consent to giving each other in marriage effectively. So the signing of the Register although the policy letter is correct and there is no difference here that actually the Law will deem the marriage to be formed on the signing of the Register the wording of the words is important because it contains those legal declarations as legal *minima*.

1585 Now if the amendment, and I am sure Deputy Yerby will be able to elaborate, if the intention is simply to ensure that the legal *minima* will be retained but there might be other wording as well then there is no conflict with the policy letter. The policy letter as written simply provides that those are the legal *minima* and anything else can be included. If that is the spirit of the amendment then there is no difficulty with that, it is just a simple clarification of that point.

The Bailiff: Are you giving way? (*Laughter*)

The Procureur: In so far as those Rules apply, sir, yes, and in so far as they do not, yes.

1595

The Bailiff: I think Deputy Stephens gave way to you. Are you happy to give way, Deputy Stephens? Are you happy to give way to Deputy Yerby.

Deputy Stephens: Yes, sir, I am happy.

1600

The Bailiff: Deputy Yerby.

Deputy Yerby: It is not the intention of the amendment that legal *minima* as HMP put it in terms of the actual spoken vows will apply.

1605 The intention of the amendment as I set out quite clearly in my opening speech and as we have discussed in correspondence is that the vows as spoken should be either in the form approved by the religious or belief body in the case of a religious ceremony or in the form chosen by the couple getting married in a non-religious ceremony, and that the contracting element should be the signing of the Marriage Certificate in the presence of witnesses and it is my view that the other processes stipulated as part of the process of getting married are sufficient to check capacity, protect against sham marriages and so on. So that is what it is.

1610

The Bailiff: Madam Procureur.

1615 **The Procureur:** So if that is the intention then my view is that that does cause difficulties, not insurmountable difficulties, but very simply it places all the onus of ensuring that the declaration is legal upon the celebrant who will not be trained, and certainly it is with all due respect to Deputy Yerby, it is perhaps slightly misleading to refer in that respect to the Scottish system because the

1620 Scottish system does not have the same concept as this policy letter is proposing, which is to enable civil celebrants to take this element of this ceremony. The Scottish system is overrun by Registrars who have more experience in these issues, and it is different faith groups that put their wording to the Registrar to be vetted.

1625 So although if the States wished there to be no legal *minima* in that sense obviously that is a matter for the States. It would be a difficulty in the context of this policy letter because all the burden of being able to assure that legal the wording is correct falls upon that celebrant, and it may sound a little odd but I know there have been circumstances that have arisen in Jersey for example where couples have wanted to express themselves in a way which actually it is quite difficult to determine from a legal sense is that a yes or is it a no. It may sound a little bit odd but those cases do arise.

1630 So I think all we are saying is that from the policy letter that did provide clarity and that did provide certainty of the legal *minima* and that does protect all celebrants and couples going forward.

I hope that assists.

1635 **The Bailiff:** Deputy Stephens.

Deputy Stephens: Thank you, sir.

1640 So my assessment of the situation is that the question for Members to consider is where does the burden of demonstrating the legality of marriage against future challenge lie within the procedures and for celebrants as described in the amendment.

By loading responsibility on to the celebrants in giving them the task of negotiating wording of vows with the couples that they offer the marriage service to then the celebrants assume responsibility for demonstrating the legality of the ceremony against future challenge.

1645 **Deputy Yerby:** Point of correction.

Deputy Stephens: I give way.

Deputy Yerby: It is a point of correction.

1650 **The Bailiff:** Point of correction, Deputy Yerby.

Deputy Yerby: I believe this is a misunderstanding in the advice given by HM Procureur or in Deputy Stephens speech.

1655 What I am trying to get to with this amendment is to say that the wording of the vows and they are important that is absolutely true but they are important for each person and each couple in their own way, should not, does not, form part of the legal contracting relationship between the parties, so the question of whether the celebrant is responsible for determining whether they are legally effective is moot because they will not have legal force. That is what I am trying to get to.

1660 **Deputy Stephens:** Thank you.

Again with your permission, sir, I wonder if I might refer to HM Procureur and just ask the simple question when is a marriage made?

1665 **The Procureur:** Sir, that is a grey area because it is not expressly dealt with in the legislation and in essence it may be useful to refer to the Appendix E that Deputy Stephens referred to before. The reason the marriage vows are important is because they demonstrate that a person is orally allowing themselves, and whatever words they might want to call to be taking marriage as wedded wife or wedded husband, that is what the vows... they may say anything else as well
1670 under the policy letter but the legal *minima* is that that declaration is made that they are willing to

consent to the marriage, so what the signing of the Register does is it evidences that the marriage has been formed but the wedding vows are very important because they orally express that the couples are consenting to each other to be given in marriage. It is a little bit like signing a contract it is not a great analogy but one might say well it is only the signature on a contract that matters not the wording in the contract, but that would not be true the whole thing is the entirety of the contract and when the contract takes effect but the content is just as important as the signature. What we are saying in Law under the policy letter or what will be said in the legislation is that the marriage will be deemed to be formed once it is signed by that does not lessen the importance of the wedding vows that will have gone before.

1675
1680 I hope that assists.

Deputy Stephens: Thank you very much for your help.

Sir, I still go back to my previous point really which is the decision I think for Members is does the risk that the amendment brings in, actually is it worth that risk or is it worth relying on the words as outlined in Appendix E to actually demonstrate the legality of a marriage.

1685 Now as I said at the beginning of my response to the amendment P&R Members are relaxed with regard to the amendment as long as it provides for the community a workable system of marriage.

I really do think it is really up to Members to make their minds up and I do not think I can assist them any further.

1690 Thank you, sir.

The Bailiff: I am just wondering. I can see a number of people wanting to speak. Clearly there are issues around this. It is late on what has been a long week would it be the wish of Members that we defer this debate until January to give further consideration.

1695 It is a matter for Members, it is not for me, but I am just going to put to you the option that we defer this debate until – because there is clearly some unfinished business that is going to have to come back in January – that we defer this to the January meeting. Those in favour; those against.

1700 *Some Member voted Pour, others voted Contre.*

The Bailiff: We will continue then, that was I think – oh all right, in that case we will have to have a recorded vote. We have a recorded vote on whether –

1705 **Deputy Tooley:** Sir, can I just ask are we calling the whole meeting to an end or just deciding that this particular item has got to wait?

The Bailiff: We are at the moment just deciding this particular item.

1710 **Deputy Tooley:** Well, there is not a sursis to defer this. I do not understand why we are deciding to defer this, rather than any of the other documentation.

1715 **The Bailiff:** I am suggesting it because I can see quite a lot of – we can carry on sitting to complete this – I can see the number of people who are interested means we will not finish by 5.30 p.m. So either we are going to have to end up sitting late this evening, we sat late at lunchtime. And do we sit late or do we adjourn it at 5.30 p.m. and come back in January.

1720 **Deputy Tooley:** Well, sir, with respect, as was pointed out earlier, we voted to agree the Agenda for this meeting at the end of the last meeting. We should be following the agenda as it was laid out, surely.

Deputy Stephens: Sir.

The Bailiff: Deputy Stephens.

1725

Deputy Stephens: Sir, if it would help, may I propose a motion to withdraw the item?

Deputy Brouard: Yes, and I will second it.

1730

The Bailiff: Right. So Policy & Resources are proposing to withdraw this item. That is proposed by Deputy Stephens, seconded by Deputy Brouard. Those in favour; those against.

Some Member voted Pour, others voted Contre.

The Bailiff: I am not going to call that one, we will go to the vote on whether to withdraw. The motion is to withdraw this item.

There was a recorded vote.

Carried – Pour 15, Contre 14, Ne vote pas 0, Absent 11

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

1735

The Bailiff: I said it was close.

Well, the voting was 15 in favour, with 14 against. The item is withdrawn.

Deputy Roffey: Mr Bailiff, can I ask your clarification?

1740

The Bailiff: Deputy Roffey.

Deputy Roffey: Items that are not completed are done at the beginning of the next Agenda in several weeks' time, but this one has been withdrawn so it has to come back again to be rescheduled. So the earliest now it can continue is February, is that right?

1745

The Bailiff: That is how the Rules work. Unless I were to receive a request to issue an additional Billet, and if I were to consider there are exceptional circumstances, I think that is wording in the Rules then I could allow an additional Billet to be laid to enable it to be debated in January. It would be a matter for Policy & Resources as to when they wish to bring it back and whether they want to say it is exceptional circumstances.

1750

Deputy Tooley: Sir, I was going to suggest we could also lay an amendment to the Schedule.

1755

The Bailiff: It has been withdrawn. It has been withdrawn, so it is not in play.

Deputy Trott.

Deputy Trott: Thank you, sir.

1760 I mean the reason it was withdrawn is because the Policy & Resources Committee in good faith had undertaken to support Deputy Yerby's amendment the advice, which I do not think it is the first time we have heard it, but let's be honest we have all been working extremely hard over the last few days and weeks, needed to be taken seriously. We will do our best to get this back in front of the Assembly as expediently as possible and will if at all possible continue to support the Yerby amendment.

1765 We may need to be patient for a few weeks but the intention of the sponsoring Committee on this occasion remains the same assuming of course a legal remedy can be accommodated.

The Bailiff: Greffier.

POLICY & RESOURCES COMMITTEE

XXII. Revision of Double Taxation Agreements (arising from the effects of the OECD/G20 Base Erosion and Profit Shifting Multilateral Instrument) – Propositions carried

Article XXII

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Revision of Double Taxation Agreements (arising from the effects of the OECD/G20 Base Erosion and Profit Shifting Multilateral Instrument)" dated 2nd October, 2018, they are of the opinion:

1. To declare that the amendments to the Double Taxation Agreements ("DTAs"), made with Cyprus; Hong Kong; Liechtenstein, Luxembourg; Malta; Mauritius; Monaco; Seychelles and Singapore, by the Multilateral Instrument:

(a) have been made with the governments of other territories with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of those territories, and

(b) it is expedient that the DTAs, as so amended, should have effect in relation to income tax in accordance with section 172(1) of the Income Tax Law, notwithstanding anything in that Law or any other enactment.

2. That sections 172(1) and (1A) of the Income Tax Law be revised:

(a) to put it beyond doubt that the amendments to Guernsey's DTAs by the Multilateral Instrument, and future DTAs, or subsequent revisions to existing DTAs, which contain provisions that may be considered as relating to, or which could be considered to be consequential or supplementary to, non-double taxation issues, may be declared by the States as having effect in relation to income tax if the States considers it expedient and appropriate to do so; and,

(b) that a consequential amendment be made to section 75C of the Income Tax Law, which would permit the Director to use the powers to obtain information, contained in Part VIA, of the Income Tax Law, to the extent that it is necessary to do so, for the purpose of the implementation of such provisions.

1770 **The Deputy Greffier:** Policy & Resources Committee – Article XXII – Revision of Double Taxation Agreements (arising from the effects of the OECD/G20 Base Erosion and Profit Shifting Multilateral Instrument).

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

1775 Sir, the principle purpose of a Double Taxation Agreement DTA is for two governments to agree procedures for the prevention of double taxation and tax avoidance and evasion with respect to their domestic affairs.

1780 Now, sir, DTAs are commonly negotiated and signed on a bilateral basis and that is how Guernsey's current DTAs came into existence. However, more recently the OECD the Organisation for Economic Development and Cooperation has been developing the Base Erosion and Profits Shifting Initiative, BEPS for short, which is aimed at combating tax avoidance. Now one outcome of the BEPS initiative was the creation of a multilateral instrument which committed jurisdictions can sign. Once the relevant provisions are given domestic effect they will amend the jurisdictions effected DTAs to ensure those DTAs meet the revised international standards. That, sir, is in short
1785 the purpose of this policy letter.

Members will note that Guernsey currently has 13 fully comprehensive DTAs and a further 12 partial DTAs.

1790 Now, sir, BEPS is based on the premise that in an increasingly interconnected world national tax laws, many of which have their origins over 100 years ago have not always kept pace with global corporations, fluid movement of capital, and most recently the rise of the digital economy, leaving gaps and mismatches that can be exploited. In some cases to generate double non taxation, which can undermine the fairness and integrity of tax systems.

1795 BEPS is aimed at tax planning strategies that exploit these gaps and mismatches in tax rules to artificially shift profits to low or no tax jurisdictions where there is often no significant economic activity resulting in little or no overall corporate tax being paid, and BEPS is of major significance for developing countries which have a heavy reliance on corporate income tax particularly from multi-national enterprises.

1800 Finally, sir, during the early part of 2016 an inclusive framework was established by the OECD as a group of jurisdictions that were committed to the principles of BEPS and the implementation and subsequent peer monitoring of the minimum standards contained in those action plans.

Guernsey has publicly committed to implementation of recognised international standards in tax matters and as a consequence has joined the inclusive framework, and the support of this policy letter enables that continuation of cooperation, sir.

Thank you.

1805

The Bailiff: Any debate? No.

We will go straight to the vote then. There are two Propositions, I think it is just two, yes, two Propositions I put both to you together. Those in favour; those against.

1810 *Members voted Pour.*

The Bailiff: I declare them carried.

POLICY & RESOURCES COMMITTEE

**XXIII. Double Taxation Agreement
with the Government of the United Kingdom of Great Britain and Northern Ireland
for the elimination of double taxation with respect to taxes on income and
on capital gains and the prevention of tax evasion and avoidance –
Propositions carried**

Article XXIII

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Double Taxation Agreement with the Government of the United Kingdom of Great Britain and Northern Ireland for the elimination of double taxation with respect to taxes on income and on capital gains and the prevention of tax evasion and avoidance" dated 2nd October, 2018, they are of the opinion:

1. To declare that, in accordance with section 172(1) of the Income Tax Law, it is expedient that the Double Taxation Agreement that Guernsey has entered into with the Government of the United Kingdom of Great Britain and Northern Ireland for the elimination of double taxation with respect to taxes on income and on capital gains and the prevention of tax evasion and avoidance should have effect, with the consequence that that Agreement shall have effect in relation to income tax, notwithstanding anything contained in the Income Tax Law, or any other enactment; and,

2. in respect of the 1951 "Agreement between His Majesty's Government and the States of Guernsey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income", revoke its Resolution that that Agreement should have effect made on 13th February 1952, under section 23(1) of the Income Tax (Guernsey) Law, 1950 as amended, in accordance with section 172(2) of the Income Tax Law.

1815 **The Deputy Greffier:** Article XXIII – Policy & Resources Committee – Double Taxation Agreement with the Government of the United Kingdom of Great Britain and Northern Ireland for the elimination of double taxation with respect to taxes on income and on capital gains and the prevention of tax evasion and avoidance.

1820 **The Bailiff:** Deputy Trott.

Deputy Trott: Thank you, sir.

1825 As Members will know the principle purposes of a Double Taxation Agreement are for two governments to agree procedures for the prevention of double taxation. That is taxation under the Laws of both territories in respect of the same income and to prevent tax evasion and avoidance.

1830 Sir, prior to 2008 Guernsey had only two DTAs, one with the United Kingdom which came into force in the early 1950's and one with Jersey which came into force in the mid 1950's. In 2012 the DTA with Jersey was replaced by a new agreement which broadly followed the OECD model one of the two most commonly used templates. The other being the United Nations model on Double Taxation Convention between developed and developing countries.

Now, sir, the main aim of the OECD model is to provide a means of settling on a uniform basis the most common problems that arise in the field of international jurisdictional double taxation. The Council of the OECD recommends OECD member countries when concluding or revising bilateral conventions to conform to that model.

1835 The purpose of this policy letter is to seek this Assembly's approval in accordance with the relevant section of the Income Tax Law in order for the provisions of the new DTA to be given domestic effect. It is, sir, quite simply as simple as that.

The Bailiff: Any debate? Deputy Tindall.

1840

Deputy Tindall: Thank you, sir.

I just wish briefly to say that in respect really of both this policy letter and the previous one there is a great deal of wish out in the business industry, the finance industry sorry, to agree as many double taxation agreements as possible. So from my perspective updating this one with the

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UK is an essential part of the tools in the box for our industry and I would greatly encourage further DTAs. Indeed I would greatly encourage the industry to come forward to tell us what DTAs they need, I should add, to enable to have a greater ability to promote the wonderful industry that we have on this Island, and therefore I am very supportive of this policy letter in and of itself.

Thank you, sir.

1850

The Bailiff: Any further debate?

Deputy Trott.

Deputy Trott: I rise simply to agree entirely with Deputy Tindall's comments. In my view the broader the reach that we have of DTAs the better it is for this community not only in the business that it does but the message it sends out that we are at the absolute premier league end of international tax compliance and cooperation.

1855

The Bailiff: There are two Propositions, I put both to you together. Those in favour; those against.

1860

Members voted Pour.

The Bailiff: I declare them carried.

STATES' TRADING SUPERVISORY BOARD

XXV. Guernsey Post Limited – Annual Report and Accounts – Proposition carried

Article XXV

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Guernsey Post Limited - Annual Report and Accounts' dated 4 October 2018 they are of the opinion:

1. To note the annual report and accounts of Guernsey Post Limited for the year ended 31st March 2018.

The Deputy Greffier: Article XXV – States' Trading Supervisory Board – Guernsey Post Limited – Annual Report and Accounts.

1865

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I have nothing to add, I ask the States to approve it.

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The Bailiff: Any debate? No. Oh, Deputy de Lisle.

Deputy de Lisle: I had a couple of points on this, sir.

1875 First of all to recognise the pleasing result an operating profit of £1.3 million and a profit before tax of £1.9 million, the second best operating profit performance in over a decade, and a dividend of £600,000. I take it that is a dividend to the States of Guernsey.

The second point the migration to electric vehicles in Guernsey and Alderney is commendable, as is the decision to adopt renewable energy solar panels on the roof space of the Post's Headquarters.

1880 The third point, sir, is to recognise the fact that Guernsey Post has this year again been awarded the Investors in People Gold Level Standard remaining one of the top accredited organisations across the UK. To achieve this status is quite a privilege and a direct acknowledgment to the continued hard work and commitment of staff and unions in adapting – and this is important – adapting and improving the way the work is conducted and the working environment. I commend the efforts of Guernsey Post in the past year or so with respect to that.

1885 There is one further point, and that is that I notice that there is concern which has come through for a couple of years now in terms of the fact that there are declines in core letter revenues due to the reduced number of letter post, whereas the parcel post seems to be doing well, particularly with regard to the internet.

1890 I would like to just suggest here, and I notice today for example this Christmas it is 41p to send a Christmas card by post whereas it is 46p I think on the regular basis to send a letter locally. It seems to me that more could be done to reduce the price of postage, particularly within the Bailiwick here, in order to perhaps push the whole business of letter post and letter revenues.

1895 I just think of the way in which – we were speaking just the other day about the way in which the bus service is being used with really minimal fares in many ways. 55p I think if you have got the particular consignment and also the fact that they are reduced, well no fares for OAPs and young school children and so on. That perhaps has moved the ridership up to 1.8 million I think it was saying recently and that is quite a success story. I must say though going back to 2007-08 when I was Minister of the Department we were up to 1.5 million but they dropped subsequently but they are up again at 1.8 and a lot of that is the result of the fares structure, to be quite honest, and the fact the tourists of course can go round the Island for £1 but to go round the Town on the train it is £5 –

The Bailiff: Is this to do with – ?

1905 **Deputy de Lisle:** So what I am suggesting, sir, is that postal rates come down (*Laughter*) for letters in order to promote the letter post, because as I tell people if you do not use it you will lose it.

Thank you, sir.

1910 **The Bailiff:** Anyone else?
Right Deputy Ferbrache will reply.

Deputy Ferbrache: Father Christmas might be able to change things at Christmas but normal people cannot.

1915 There has been a fall in normal post I believe it is expected sadly that that will continue. The bus service which we all applaud is heavily subsidised, the postal service is not.

It is remarkably well run in a very difficult market. I am very grateful that Deputy de Lisle made his comments about the quality of the staff, they are fantastic and therefore we should approve these accounts.

1920 **Several Members:** Hear, hear.

The Bailiff: There is a single Proposition to note the Annual Report and Accounts of Guernsey Post Limited for the year ended 31st March 2018. Those in favour; those against.

Members voted Pour.

1925 **The Bailiff:** I declare it carried.

**XXVI. Guernsey Electricity Limited –
Annual Report and Accounts –
Proposition carried**

Article XXVI

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Guernsey Electricity Limited – Annual Report and Accounts' dated 1 November 2018 they are of the opinion:

1. To note the annual report and accounts of Guernsey Electricity Limited for the year ended 31st March 2018.

The Deputy Greffier: Article XXVI – States' Trading Supervisory Board – Guernsey Electricity Limited – Annual Report and Accounts.

The Bailiff: Deputy Ferbrache.

1930

Deputy Ferbrache: Again, sir, I ask for it to be approved.

The Bailiff: Deputy Gollop.

1935 **Deputy Gollop:** Deputy Ferbrache has nothing to add, but I thought I would add a bit.

Just like the previous one we have to salute Guernsey Post for having the electric vehicles and of course that helps Guernsey Electricity.

1940 It is generally a good report but nevertheless there has been feelings in the community and also in the media perhaps that we are facing a change of direction maybe in electricity with an increase in standing charges due to structural changes in the market. I think therefore we have to look at the accounts today and for the future.

1945 If one turns to the five year performance summary there are perhaps one or two slightly scary things there because most years they are only making a surplus well collectively of maybe around £1 million over five years and the pension deficit, which was revalued I think, went up from £26 million in 2016 to £41 million in 2017 over five years and now it is down to £35. But effectively you look at the expenses and the cost of sales and the income which are fairly close together there is not a huge margin a lot of the deficit there is linked to previous States' decisions which I know Deputy Ferbrache was long campaigning about before he re-entered politics directly. So that is a concern.

1950 I would hate the relatively tense finances of Electricity to influence or to prevent shall we say more environmentally sensitive projects such as the Millbrook solar panel roof that Deputy de Lisle mentioned coming on line, because on the one hand I think we as a society are trying encourage new forms of renewable energy in Guernsey and in Alderney, but at the same time the financial model we have should not go in a direction against the consumer. I am referring to the point that came up in the Post report perhaps sometimes we lack vigorous consumer champions inputting into these boards because there is not any more direct political involvement on the boards and we have not got an active consumer group on the Island or a Jersey style consumer body and the consumer organisations that the Trading boards tend to consult with tend to be large or commercial users and I think there are perhaps roles for more open and up to a wider
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1960 campaign, although I gather Guernsey Electricity is actually talking to the public through a

selection of focus groups. But notwithstanding that I think we will need a strategic debate on energy and the way we charge for electricity in the next year.

The Bailiff: Deputy Le Clerc.

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Deputy Le Clerc: Thank you, sir.

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It is just a quick point to make. In the previous report on the Guernsey Post the directors remuneration had gone up quite considerably, however, there was a note saying that there had been no increase in remuneration on Guernsey Post directors from 2010 until 2017, but in the Electricity fees, directors fees, salaries and other benefits it has gone up from £696,000 to £922,000 so £200,000 but there is no such note and I just wondered why there had been, what I regard as, a significant increase in directors remuneration for 2018.

The Bailiff: Deputy Tindall.

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Deputy Tindall: Yes, sir.

1980

I just wanted to observe that both these two accounts were actually in black and white, which I think maybe Deputy Lester Queripel may appreciate, but also there are some quite good infra-graphics and also the way in which it seems to be laid out. I just wanted to congratulate in that regard and to make it easier for the reader.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: I do not know the answer to Deputy Le Clerc's question. I will find out about it and let her know. But in relation to – and I am grateful for Deputy Tindall's comments – in relation to Deputy Gollop's question it is Christmas but you cannot give everything away, and the profits that are made over the years are paper thin in connection with what is a very capital intensive business, and the actual unit rates have not gone up for years. Now I do not know of many other businesses where that is the case. So the fact they are making any profit is fantastic. The fact they are doing in a difficult market a fantastic job should also be acclaimed.

1990

I ask these accounts be approved – I am not giving way, no. (*Interjection*) Thank you, thank you very much for that.

As I ask the States to approve it.

1995

The Bailiff: There is a single Proposition again, to note the Annual Report and Accounts of Guernsey Electricity Limited for the year ended 31st March 2018. Those in favour; those against.

Members voted Pour.

2000

The Bailiff: I declare that carried.

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That leaves just one item of business which is the debate on Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services Report on Bailiwick of Guernsey Law Enforcement. It is late in the day under the Rules I am required to adjourn a meeting as near as maybe to 17.30. It seems to me if we are to start on that item it is going to be way past 17.30 before we will adjourn. So I think it is inevitable that matter has to be carried over to January. That is not a matter I am going to put to you, because I have the power to adjourn a meeting as near as maybe to 17.30 and that is what I am doing.

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But the one item that cannot be deferred is the Schedule for Future States' Business, which I will probably take –

POLICY & RESOURCES COMMITTEE

**XXVII. Schedule of Future States' Business –
Approved**

Article XXVII

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 30th January 2019 and subsequent States' Meetings, they are of opinion to approve the Schedule.

Deputy Trott: Yes, indeed, sir, thank you.

2015 Members will have noted that our workload when we next convene on 30th January despite having two substantial items on it and important matters is much more modest than it has been during the December gathering. So clearly, sir, we will have plenty of time to deal with the HMRC matter in the normal course.

2020 **The Bailiff:** In that case I put to you the Schedule for Future States' Business. I have not received notice of any amendment. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**Season's good wishes and
thanks to States' employees**

2025 **The Bailiff:** As this is the last time we meet this year I wish you all the compliments of the season for you, your families and your loved ones, and I hope you have a lovely restful Christmas and come back for what I have no doubt will be a very busy time in 2019. So all the best wishes to you all.

Deputy Lowe: Thank you, sir.

2030 I thank you on behalf of the States, and indeed wish you and your family a very happy Christmas, and would you be kind enough to pass on our best wishes and happy Christmas to His Excellency and Lady Corder, please, on behalf of the States.

2035 Yet again I would like to express to all the States' employees, because without our States' employees we would not have the operations that we have got before us today. So again a happy Christmas to all our staff right across, including many of those who have to work over the Christmas period. We thank them for their commitment to the States.

Members: Hear, hear.

2040 **The Bailiff:** Thank you very much. Thank you everyone.
Please close the meeting Greffier.

The Assembly adjourned at 5.25 p.m.