



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Monday, 11th January 2021

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

Volume 9, No. 1

Present:

Mr William Tate, President

Members

Mr Bill Abel

Ms Annie Burgess

Mr Ian Carter

Mr Kevin Gentle

Mr Christian Harris

Mr Rhys Jenkins

Mr Boyd Kelly

Mr Graham McKinley, OBE

Mr Steve Roberts

Mr Alex Snowdon

The Greffier of the Court

Mr David Knight

Business transacted

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States of Alderney

*The States met at 11.00 a.m. in the presence of
Lieutenant G T Workman RN (Rtd) representing
His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

Billet d'État for Monday, 11th January 2021

Welcome to the three new States Members and the new Greffier

The President: Before we start the meeting, might I firstly welcome our three new States Members, who are taking their seats for the first time, and also welcome our new Greffier, Mr David Knight.

Procedural

The President: Now, once again, we find ourselves in uncharted waters, and we have to adapt to a situation which has presented itself, which required us to move quickly.

I think I should just explain very briefly why we have done that, and I think the arrival of the first batch of the AstraZeneca vaccine has required that we have a meeting this morning in order to put in place the necessary protection for people who are carrying out the vaccinations, to ensure that they are immune from civil liability. This vaccine has been authorised, but only provisionally, and therefore it is of huge importance that this protection is in place.

Those of you who have read the Billet for Wednesday will have seen that, at Item XIV, we were going to debate and pass the resolution which provided that protection. But the vaccine arrived on the Island on Friday, and the priority now is to start to roll out the vaccination programme as quickly as possible, and in so doing, we have had to play our part, and so we are going to adopt this morning, I think, an approach which I suspect has never been done before; as with so many things around the COVID crisis, the law never anticipated that we would have to take these sorts of measures, and therefore, we have managed to find a way in which we can bring Wednesday's meeting forward until today, and we will simply debate one Item, which will be Item XIV, which

provides immunity from civil liability, and the intention, then, will be that we adjourn the balance of the Items until Wednesday at our normal time.

25 We have yet to appoint Committees, which we are required by law to do at the first meeting of the States of Alderney for 2021, so those Committee appointments will be made on Wednesday.

30 We have found what I hope is a creative way of being able to resolve a problem so that the good news which arrived on the Island can be converted into the practical roll-out of the vaccine as soon as possible. And, despite what some might have thought, this process had to be carried out within the law which governs our States of Alderney, and so, it would have been very tempting to be able to just convene on Saturday morning, as some people had suggested, and pass this resolution but I have to be satisfied that we have complied in its entirety with the relevant legislation to ensure that we have delivered the right outcome. So we have done it as quickly as possible, it has involved a huge amount of work over the course of the weekend. I am going to commend Mr Gentle at this stage, because we do not have Committees at the moment, but he was the Deputy Chair of P&F, and he has stepped up, and we have worked together over the weekend, together with the Greffier, together with the Law Officers in Guernsey, together with all the other States Members, so that we have come up with a solution which we hope will meet the needs of the moment. And also, our thanks to Ms Trousdale, who also had to interrupt her Sunday to come in and to type and to publish the appropriate documentation.

40 So that is the background to it. Forgive me if I have to take it very slowly, because we need to be sure we get this right and we have worked out the process.

I. Opening of the States of Alderney Annual Meeting

45 **The President:** I think, Mr Greffier—and you will, no doubt, be guiding me throughout this process—we should deal firstly with Item I, which is, simply, the opening of the States of Alderney annual meeting.

The Greffier: Yes, sir.

50 Item I is merely to open the States Meeting, you have heard the prayer and the roll call, the next matter is standard, sir, it is the suspension of the Rules.

Suspension of Standing Orders to Rules of Procedure to provide for the Proposition at Item XIV to be debated

55 **The President:** So what we have to do now is to suspend the Rules of Procedure which govern the way in which we conduct these meetings, and Section 45 of the Government of Alderney Law, 2004, provides that the States can make Regulations for the conduct of these meetings, which we have in the Rules of Procedure, but in addition, if it is appropriate, those Rules can be suspended, and therefore, the Rules of Procedure as they normally are would not apply. So there will be an application to suspend the Rules of Procedure, and if that vote is carried, then we will be in a position to carry on and debate this Item.

60 So I am going to enquire of Mr Gentle whether it is his intention to move that Proposition under Rule 24 to suspend the Rules of Procedure insofar as is required to allow us to debate a single Item this morning.

65 **Mr Gentle:** Yes, sir, I would like to move a Proposition to suspend Standing Orders in accordance with Rule 24 to the extent required to debate Item XIV today and to defer the other Items until 5.30 p.m. on Wednesday, 13th January.
Thank you.

The President: Thank you.
Mr Snowdon, I think you are going to second this Proposition.

70 **Mr Snowdon:** I am, thank you, sir.

The President: Thank you.
So that is the application; does any Member object to the suspension of the Rules?
75 We will take that as a negative. So I think, Mr Greffier, we can say that that Proposition succeeds.

The Greffier: Thank you, sir.

**XIV. The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability)
(Alderney) Ordinance, 2020
Approved as amended**

Item XIV

The States of Alderney is asked to approve "The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2021".

80 **The Greffier:** And then, if we can move on to Mr Gentle's amendment. It is an amendment to Item XIV which reads as follows, the amendment to Item XIV, the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2021, the amendment is that the States is asked to resolve to amend the wording of the draft Ordinance by changing the date of the expected States Resolution in the opening sentence from 13th January 2021 to 11th
85 January and in section 8 changing the Commencement date from 14th January 2021 to 11th January 2021.

The President: Thank you. Before we debate that, just for the sake of formality, Mr Greffier, could you just read Item XIV?

90 **The Greffier:** Yes, Item XIV is the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2020, and the States of Alderney is asked to approve the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2021. This is proposed by Mr Gentle and seconded by Mr Snowdon.

95 **The President:** Now, Mr Gentle, you were the Convenor at the People's Meeting, were there any comments on this Item at the People's Meeting?

100 **Mr Gentle:** Sir, yes, there was; the only comment was myself, as the Convenor, and the Deputy Chief Executive clarified the Item.
Thank you.

The President: Thank you very much indeed.

105 We are looking now at the amendment to the Ordinance itself, and I think, Mr Gentle, you are going to move that amendment.

Mr Gentle: Yes, sir, I am. There is not a lot to say as far as this amendment goes.

Amendment:

The States is asked to resolve to change the wording of the draft Ordinance by changing the date of the expected States resolution in the opening sentence from 13th January 202 to 11th January 2021 and in section 8, changing the Commencement date from 14th January 2021 to 11th January 2021.

110 **The President:** Well, brevity is always a good thing in these circumstances. And I am guessing, Mr Snowdon, you are of a similar mind?

Mr Snowdon: Yes, Mr President, thank you.

115 **The President:** Does anybody else want to make any representations on the amendment? Then we can say that that amendment is carried, Mr Greffier. So we have now substituted Wednesday's date for today's date, which means that, when this Proposition is passed, if it is, then that law is in place.

120 So now we move to the main Proposition, as amended, and again, Mr Gentle, I suspect slightly more voluble this time.

Mr Gentle: Thank you, sir,

125 Mr President, sir, colleagues, in August 2020, the States of Deliberation approved the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Amendment Ordinance 2020, which enables vaccines with temporary authorisation to be used in the Bailiwick. This ordinance first requires the Committee for Health & Social Care to designate a named vaccine for COVID-19 via regulations, having consulted with the Policy & Resources Committee, the Policy & Finance Committee of the States of Alderney, and the Medical & Emergency Services Committee of the Chief Pleas. The Committee for Health & Social Care is also advised by the Medicines Committee, established under sections 2 and 3 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law 2008. If, when a vaccine or vaccines for COVID-19 receive their full marketing authorisation from the MHRA or European Medicines Agency, it is expected that any potential issues or risks associated with their use would be insurable by the States of Guernsey in the normal way.

135 On 2nd December, the Policy & Finance Committee were made aware that there was an urgent need for COVID-19 vaccinations to be designated as being acceptable for use in the Bailiwick. The Committee for Health & Social Care has a legal requirement to consult us here in Alderney prior to making regulations locally authorising the vaccine to be sold, supplied, and administered by the Bailiwick, under the Human Medicines Regulations 2012. The recommendation to the Medicines Committee from the medical professionals was that HSC be recommended to approve the designation of the now-currently in use Pfizer-BioNTech vaccine to be used in the Bailiwick, and now we have the addition of the Oxford-AstraZeneca vaccine.

145 This Ordinance in front of us is a carbon copy of the one adopted in Guernsey. It ensures that anyone lawfully involved in supplying or distributing or administering a vaccine with temporary approval—which is the case with BioNTech, but more importantly, the Oxford vaccine—is fully protected and cannot, as an individual, be subject to civil liability for loss or damages if the job is done correctly. No medical professional or anybody involved in the supply will be subject to a claim in damages arising from lawful use of a vaccine that has been legally approved.

When the draft legislation came before P&F in December, the view of Public Health in Guernsey was that they were not expecting to be ready to vaccinate in Alderney until mid-January,

150 so the time of the States meeting this Wednesday did not present a problem. However, as with so many aspects of this pandemic, the anticipated timeframe does not always accord with the realities of the situation. That said, this achieves the required outcome, which is a law to provide civil immunity for all those involved in the provision, distribution, and ultimately, the administration of the vaccine.

155 Thank you.

The President: Mr Snowdon, you are going to second this Proposition.

Mr Snowdon: I do, sir, and I reserve my right to speak, if that is okay.
160 Thank you.

The President: Would anybody like to make a contribution to this Item?
Mr Harris.

165 **Mr Harris:** Thank you, sir, fellow colleagues.

Obviously, the importance of this Item cannot be understated. I just really want to give thanks to all of those that worked hard over the weekend—specifically, Mr Gentle, who gave up pretty much all of his weekend to deal with this Item—so thanks to all of those who have worked hard to bring this Item to an urgent vote; we are all very grateful for the work put in for that.

170 Also, a big thanks to our medical professionals, who have worked, and continue to work, exceptionally hard for all of us in Alderney during this ever-changing, challenging situation. Thank you.

The President: Thank you. Would anybody else like to make a contribution?
175 Mr Snowdon.

Mr Snowdon: I was last, second to last...

The President: Well, I do not think anybody else—oh sorry, did you want to speak?
180

Mr Roberts: Yes, sir, I would like to speak. I would like to speak last if that if that is possible.

Mr Snowdon: We have a lot of stuff that comes to the States of Alderney, and a lot of stuff is just rubber-stamped through, but I think this Item is absolutely essential, and I am really disappointed that there seems to have been quite a bit of a mix-up that we have got to this stage.
185 We received an email from the Island Medical Centre at 4.14 p.m. on Friday saying that, basically, 300 jabs were coming to Alderney, out of 500 jabs that were given to Guernsey, which is fantastic news, and I think we are very lucky in the situation globally, that we have got those vaccines coming here.

190 However, it was concerning to learn that the programme was meant to be rolled out, starting with the Connaught Care Home, on Saturday morning; however, it deferred until Wednesday, due to us needing to pass this very important Item today. I think this actually demonstrates the need for this Chamber to work a lot quicker when needed. We need to be able to open this Chamber up with not a lot of notice and pass stuff, if it is essential, that needs to be passed—in this context,
195 so the vaccine could be delivered. Personally, I feel quite sorry that it was not delivered over the weekend, and I think there was a lot of work, and I thank the President and Mr Gentle for trying hard, but I just thought that, in the future, we need to make sure that we can deliver things ASAP if we need to in this Chamber.

200 I think it is also unfortunate that Mr James Dent, who has worked very hard for us, and is the current CCA rep, is in France. Looking at that situation, I am not quite sure if that is the right thing, that we should have a member who is currently off island; we should have had one of the

members here. However, I would like to thank Deputy Peter Ferbrache and Deputy Al Brouard, who are members of the CCA, who did input and gave guidance to myself and the President, I really do thank them for that.

205 But you are right, there were over 150 email exchanges to get to this meeting. But what I do not want to see is that the States of Alderney stop the job, and I am really concerned that it has taken until today, when actually, maybe, we could have sat on Friday, we could have sat on Saturday morning and resolved this quicker, so that the programme would not be delayed, as we have seen today.

210 We cannot delay with COVID, and it is essential that we work forward to overcome these issues. I think there needs to be a discussion at the next P&F about how we actually deal with this. We did start up the Alderney Emergency Pandemic Committee with P&F but were told we did not have the resources, actually, to sit properly with this Committee although there was a resolution from P&F at the time.

215 It is funny how Brexit on the Sunday, just a couple of weeks ago, we were able to sit on a Sunday and pass that, but we have had to wait until today to actually pass this. We are elected into these roles and we are trusted by the public to carry out these roles, and I think, really, we need to come together and work out a process that can work and can deliver. This Chamber needs to see a lot more action just in general, and Items like this that are so essential and so important
220 for the Island, the Chamber needs to be able to open the doors and deliver for the public, and we need to pass stuff pretty quickly. So I do think we need to have a review of the whole situation.

Going back to the Item, I think we should really thank Guernsey for the input and support they have given us, especially Dr Brink, and for their continued support. There will be challenging times ahead, and hopefully this Item will be passed quite soon, but I think we really do need to keep our
225 finger on the pulse, moving forward. It is difficult, I think we are going to overcome it, but there is going to be a rocky road ahead.

Thank you.

The President: Mr Roberts.

230 **Mr Roberts:** Thank you, sir, and I thank Mr Snowdon, and I fully concur with all he has to say, actually.

I would just like to thank the medical services on the Island for their patience in this delay. They have been as brilliant as ever in their preparations to administer the AstraZeneca vaccine to the
235 most vulnerable in Alderney, the frontline heroes, our sick, and our elderly.

I would just like to thank the President for bringing this matter forward from Wednesday at this late hour, as every day counts in our fight to keep Alderney safe. Each and every States Member here today wanted to meet on Friday, but it seems that this was not possible.

240 It seems crazy. The drug came early Friday, yet could not be used, and it sits in the fridge at this very moment because of legislation – passed as fit by the UK, Jersey and Guernsey on 28th December. It leaves me wondering who carries responsibility for the three-day delay? We could say, ‘We have got it now, let us go, there is nothing to be gained by complaining or soul-searching; let us get on with it.’ But what worries me is what other late or looming legislation relating to COVID is not in place today? And that is why I raise these questions.

245 One returning islander carrying the highly contagious enemy could infect half the Island, so every day is, indeed, precious. It takes two or three days for the Oxford drug to become effective, and that is my very point. Appointments were, indeed, cancelled on Friday, and no one can deny that very fact. We would have immunised at the weekend, as Mr Snowdon says, it was in place. It is my job to challenge, sir, I was elected to do so. I hope that there will be an inquiry, so we can
250 make sure that Alderney does not get caught napping again. I do not blame any States Member here today; they were all unanimous, in person, they wanted it sorted Friday, but they were unable, and I commend them for that. They all really tried to get it through on Friday; they wanted it.

255 Thank you, sir, for bringing this matter forward two days, and I really do appreciate it; that
saved two days, and I commend you for that, and I know it has been a tangled web of legislation
for Mr Gentle all weekend, he has worked very hard, and I commend him for that, and I commend
the President for that. But we really have to get our act together. What other legislation is not in
place? Why is it not in place? Why was it not in place? Guernsey did it on the 28th; that should
260 have flagged it up. We should have been ready. We were expecting this vaccine this week, it was
coming, it was promised, and we were all expecting it.

It is what it is, let us get on with it, let us get the population immunised and go forward, and
we are very lucky to have the number that we have, and I have to commend the medical services
and the powers that be for actually getting those numbers, because we do have a sizeable batch
come through, so let us get on with it.

265 Thank you.

The President: Any other contributions?

Now, before, Mr Gentle, I invite you to exercise your right of reply, I think, given what Mr
Snowdon and Mr Roberts have had to say, then I think it is only right that I respond to their
270 observations.

When we were made aware of this on Friday afternoon, as I have already indicated, we have
to conduct in a democracy our meetings in accordance with the law, and it is not for me to try and
find a way of doing that at very short notice or just doing it, for the reasons that I explained earlier.
This was a unique situation, and it was not like Brexit, where—

275 **Mr Snowdon:** Point of order, sorry, sir, but I would just like to point something out, if that is
okay: you are absolutely right, the problem being that, really, I think with this, the CCA, which is
set up for emergency legislation, should have maybe passed this on our behalf, and then we
stamped it through on Wednesday, if that was an option. But thank you for all that you have done.

280 **The President:** That is not an option, as I understand it.

Mr Snowdon: Sorry, sir. I believe it was an option for this afternoon if we did not have this
meeting today. However, it would have been good if that option would have been, maybe, pushed
285 at the weekend.

The President: Well, Mr Snowdon, you are our alternate representative on the CCA.

290 **Mr Snowdon:** I am, sir, but I am not appointed under the oath like James Dent is.

The President: I see. I will continue, if I may.

Because we had already issued the Billet, we had had the People's Meeting, and we were going
to debate this issue on Wednesday, I had to take urgent advice from the Law Officers about
whether or not I could bring this meeting forward, and if so, in what circumstances. Her Majesty's
295 Procureur considered this matter on Saturday afternoon, she gave me advice. I had a conversation
with her and I was then presented with options, which I then conveyed to Dr Simmons, and Dr
Simmons' choice was that we should have the meeting this morning, and she would arrange to
start rolling out the vaccine process this afternoon, so that was her choice.

300 So, I have to say, I reject the suggestion that we could, acting within the law, have held this
meeting before today because the law, as I said, makes no provision for these situations. In
consultation with the Procureur, we decided that we could do this in the way in which we have
done it this morning. We acted as quickly as possible, and there was no alternative to having the
meeting this morning. So I am afraid, I reject any suggestions that we could have done it earlier.
Mr Gentle has worked tirelessly all weekend, as have I, as have the Law Officers. I was not guided
305 by the Chief Minister of Guernsey or the President of Health and Social Care; they just wanted to

know how I was going to deal with this. I told them how I proposed to deal with this, and they were fully supportive of the approach I had taken. So in those circumstances, at the risk of repetition, we did this as quickly as possible, as professionally as possible, and within the terms of the Government of Alderney Law 2004, and I will say no more.

310 Unless anybody else has anything to say then, Mr Gentle, I will ask you to exercise your right of reply, if you choose to.

Mr Gentle: Thank you, sir, colleagues.

315 I was not planning to, until I heard a couple of the speeches. I think this is an example of where the fact that we, here in Alderney, being a legally independent jurisdiction actually has worked to our disadvantage. If, on health matters such as this, we want to be able to move at the same speed as Guernsey, we may need to entrust them with law-making authority to be able to decide such matters as this on our behalf, and ensure that this sort of situation does not happen again.

320 Thank you, sir.

The President: Mr Greffier, can we move, please, to a vote?

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Abel	None	None
Ms Burgess		
Mr Carter		
Mr Gentle		
Mr Harris		
Mr Jenkins		
Mr Kelly		
Mr McKinley		
Mr Roberts		
Mr Snowdon		

The President: Mr Greffier, have I missed anything?

325 **The Greffier:** No, sir, I think matters are complete now.

The President: Thank you.

I have just had confirmation, yet again, from the Greffier that the way in which we have approached this is law making and not law breaking, and I think that pretty much sums up the position.

330 So before the meeting is closed, this is a historic day, and we should now look at the huge positives about where we are. We have the vaccine and we will start the roll-out today. So, let us view it in that light, and I think, in those circumstances, Mr Greffier, we can close the meeting.

335 **The Greffier:** Yes, sir, the remaining matters will be adjourned until Wednesday so I may close, sir.

The States adjourned at 11:31 a.m.