

STATES OF JERSEY

r

DRAFT EMERGENCY POWERS AND PLANNING (AMENDMENT No. 2) (JERSEY) LAW 200-

**Lodged au Greffe on 6th October 2005
by Senator P.V.F. Le Claire**

STATES GREFFE



Jersey

DRAFT EMERGENCY POWERS AND PLANNING (AMENDMENT No. 2) (JERSEY) LAW 200-

REPORT

As the States move towards ministerial government it is wholly appropriate in my view that the opportunity to reassign the responsibilities of the Emergencies Council are handed to the Chief Minister. I have consulted briefly with the President of the Policy and Resources Committee on this issue and he agrees with me that this should be so. The amendment allows for the Bailiff to continue to have rights of access and personal representation at all meetings he would wish but places the overall responsibilities of any emergency and the Council's day to day state of preparedness to an elected member of the States who can be held accountable for any action or indeed any oversight or in action by both the Assembly and the electorate.

My rationale is as follows. In my opinion it is vital, that an elected member of the States with as much experience as possible be in a position to take responsibility before, during and after any island emergency. The Chief Minister naturally will have access to all departments and will be aware as to their capabilities and their state of readiness.

Placing elected members, specifically in charge of emergencies, gives the elected member an accountable role within the Assembly and to the public. Should an emergency not be handled as well as it might as we have seen recently in New Orleans an elected member can be held accountable by a vote of no confidence and failing that at the next election in which that member stands. It would also remove what is in my view the burden of responsibility upon the Bailiff who may or may not know as much about the infrastructure of the public service and its capabilities as perhaps the Ministers in the future. However it is a matter of great concern that the Bailiff be available and entitled to attend and speak at any meeting that the Bailiff wishes to attend. In the future I believe also the Deputy Bailiff also should be afforded that opportunity in the Bailiff's place. The international respect that they command and I acknowledge, would in my view be invaluable if calling upon foreign or UK authorities for dramatic and extensive intervention in respect of the Island facing a large disaster. As we are situated so near to the world's largest nuclear reprocessing plant and significant nuclear power station (which is enlarging ---and discharging) a total evacuation is not beyond the realms of possibility. In outlining this worst case scenario and resulting death toll that would accompany such an event I present this proposition for urgent address to ensure the Island is best positioned for any such a disaster. It could of course be limited to an outbreak of disease like the pandemic bird flu or a ferry disaster or a large town fire or flood. The incidents are potentially many but a realistic focus on these types of situations should be considered ahead of any event.

Also in the future I believe there should be further amendments to safeguard the public by allowing this membership to be extended also to the Chairmen of the scrutiny panels through the Chairmen's Committee of the Scrutiny Panels to allow a representative and or their delegated representative that shall be **an Elected member of the States**, as well. This I would imagine would be an elected member of scrutiny.

What I would suggest in time is the following;

Responsibility for the Chairman of the Emergencies Council would always be an elected member of the States. The most senior.

In normal practice- to the Chief Minister under (a)--

or in his or her absence

to an Elected Member of the Council as acting Chairman; who would be delegated or authorised to act on their behalf as under (b) but not limited to

and in the event that said delegation could not be made by the member with the most seniority in the Assembly.
With large disasters many government and key personnel may be killed or injured or in any event perhaps away from the island on holiday or business at the time.

I trust members will support this amending law.

Financial and manpower statement

I do not know what the financial consequences will be to enact this amendment I do not believe it to be significant. The same can be said for the manpower issues. The consequences of not doing this now allows for us to be slack in these issues and this Council and that could be devastating in both terms of finance and manpower to our community in the future

Explanatory Note

Article 1 firstly deletes the existing provision of the Emergency Powers and Planning (Jersey) Law 1990 (the “1990 Law”) whereby the Bailiff is a member and the Chairman of the Emergencies Council. The remaining membership of the Council would then be the Presidents of the Policy and Resources Committee, the Home Affairs Committee the Environment and Public Services Committee, the Health and Social Services Committee and the Economic Development Committee and a Connétable nominated by the Comité des Connétables. The second amendment made by this Article is to make the President of the Policy and Resources Committee chairman of the Council. The third amendment would entitle the Bailiff to attend and be heard at a meeting of the Council. The Lieutenant-Governor and Attorney General are already so entitled.

Article 2 makes provision for the move to ministerial government, having regard to the amendments to the 1990 Law made by the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005 which will come into force on the abolition of the existing Committees of the States. Those amendments substitute the appropriate Ministers as members of the Council, in place of the Committee Presidents. *Article 2*, then, would make the Chief Minister Chairman of the Council, in place of the President of the Policy and Resources Committee.

Article 3 is the citation and commencement provision. It has the effect that, if ministerial government is in place when the Law is brought into force, the amendment made by *Article 2* immediately takes effect, making the Chief Minister the Chairman of the Council. If it is not in place, the Law will continue to operate with the President of the Policy and Resources as Chairman, until such time as ministerial government takes effect.



Jersey

DRAFT EMERGENCY POWERS AND PLANNING (AMENDMENT No. 2) (JERSEY) LAW 200-

Arrangement

Article

- 1 [Article 1 amended](#)
- 2 [Amendment consequential on the move to ministerial government](#)
- 3 [Citation and commencement](#)



Jersey

DRAFT EMERGENCY POWERS AND PLANNING (AMENDMENT No. 2) (JERSEY) LAW 200-

A LAW to amend further the Emergency Powers and Planning (Jersey) Law 1990

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 1 amended

In Article 1 of the Emergency Powers and Planning (Jersey) Law 1990^[1] –

(a) in paragraph (1), sub-paragraph (a) shall be deleted;

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraph –

“(1A) The President of the Policy and Resources Committee shall be the chairman of the Council.”;

(c) at the beginning of paragraph (2) there shall be inserted the words “The Bailiff,”.

2 Amendment consequential on the move to ministerial government

In Article 1(1A) for the words “President of the Policy and Resources Committee” there shall be substituted the words “Chief Minister”.

3 Citation and commencement

(1) This Law may be cited as the Emergency Powers and Planning (Amendment No. 2) (Jersey) Law 200-.

(2) Subject to paragraph (3), this Law shall come into force on the seventh day following its registration.

(3) If Article 42(3) of the States of Jersey Law 2005^[2] is not in force on the day described in paragraph (2), Article 2 of this Law shall come into force on the same day as that Article.

[1] Chapter 23.100.

[2] L.8/2005.