

## MINUTES

MICHAELMAS MEETING of the Chief Pleas held on the 5th day of October, 2005, in the presence of John Michael Beaumont Esquire OBE, Seigneur; Lt.Col.R.J.Guille MBE, Seneschal; A.W.J.Adams, Prevôt; T.J.Hamon, Greffier; Mrs.W.Kiernan Treasurer, and the Constables.

Members were present as follows:-

23 Tenants, 11 Deputies and the Seneschal

Apologies were received from Sieur D.Hurden, Sieur L.P.de Carteret, Sieur D.Spence, Sieur C.Spence, Sieur P.Perrée, Madam S.Thorpe, and Madam Char.

The Seigneur announced that there had been a visit from Mr.Alex Allen of the Department of Constitutional Affairs (D.C.A.), who was met by members of the Court and a few members of Chief Pleas. His visit mainly consisted of a briefing on constitutional matters.

Dep.P.Williams spoke of the “Britain in Bloom” contest, in which Sark won a silver gilt medal in its category. He congratulated the organizing group for all the hard work, especially Mr.Craft and Ms.Langford, and the many people of Sark who helped. This was a fine result as there were only 7 winners out of the 59 in the category, which showed how well Sark had done. He gave good wishes to the Guernsey Parish of St.Martin’s who will be representing the Bailiwick in the contest in 2006.

1. **MINUTES:** The Minutes of the Extraordinary Meeting held on 23rd August, 2005 having been circulated, were approved as a correct record. Proposed Dep.Cocksedge, seconded Sieur Gomoll. Carried.

Matters Arising: Education: Dep.Cole said that following the Education Committee’s report to the House at the last meeting, members may wish to be informed of progress in appointing teachers. He said that the Committee advertised in the Times Education Supplement for a teacher for Class 1 and for a Headteacher/fourth teacher, to take the school forward with the online teaching and learning, toward GCSE courses. In excess of 140 enquiries were received resulting in 40 firm applications. Applications are still coming in although the closing date has now passed. From the 40 a short list of 6 strong candidates has been drawn and the interviews will take place on Friday, 7<sup>th</sup> October, so that the new teachers can join the school for the start of next term in January.

2. **QUESTIONS NOT RELATED TO THE BUSINESS OF THE DAY.** None

3. **DOUZAINE:** Douzaine Members: Dep.W.B.Mercer and Dep.R.J.Dewe were retiring members of the Douzaine but were eligible for re-election. Both indicated their willingness to stand and there being no other nominations from the floor they were duly elected.

4. **DOUZAINÉ : CONSTABLE** The President of Chief Pleas invited the retiring Constable to speak to the House and Mr.Ewan de Carteret thanked the many people who work with and assist the Constables including the Seneschal for his advice on Court matters, the Fire Service personnel who on many occasions have supported the Constables with excellent back-up and particularly Mrs.Wendy Kiernan, the Assistant Constable, for her patience and professionalism. He described Mrs.Kiernan as “his rock” and said that she would be sorely missed and wished her well in her move to the post of Treasurer. The highlight of his term of office had been the 60<sup>th</sup> Liberation Celebrations and he thanked all the people who give their support and time freely. There had also been a wonderful Royal Visit and he thanked the Special Constables who gave up their time to assist the Constables. He said that as long as the Sark people support the Constables, and the majority of them do, and are prepared to serve then this is a good system for our very unique Island.

The President of Chief Pleas thanked Mr.de Carteret and said he continued to have many dealings with the Constable’s Office and he wished to thank Mr.de Carteret, on behalf of the House, for his two years of hard work for the Island. He, like his immediate predecessors, has had an extremely busy year, not least and once again with the unusually large number of Chief Pleas sittings that had to be prepared for, albeit that the Assembly Room has made life easier for him this year. The President said that there have been 14 days on which the House has sat formally during Mr.de Carteret’s term of office (one day less than his predecessor) and was pleased to report that the Constable had continued to uphold the traditions of his Office and it had been a pleasure to work with him. He kept the Seneschal informed but with sufficient lack of detail to keep him impartial for his judicial role. He had also had a busy year policing the Island as can be seen from the Constables Report which, of course, hasn’t stopped since the report was compiled, as well as his civil functions of licences, etc. He has been firm but courteous with the public and has not been afraid to take some difficult decisions. .On the civil side he organised a most successful 60<sup>th</sup> Anniversary of Liberation celebrations and had thought he had got away without a Royal Visit but we sprung the visit of Prince Andrew on him just a few weeks before the event. The President thanked Mr.de Carteret, on behalf of the Island, for his service to the community. Sieur Baker echoed the President’s thanks.

Sir Peter Miller asked if future Constables Reports could show the number of offences in the previous year so as to get some comparison.

Mrs.Gail le Lievre was elected to serve as Constable.

5. **VINGTENIER:** Mr.Christopher Bateson was elected to serve as Vingtenier.

6. **DEPUTY PROCUREUR:** Sieur Baker proposed a vote of thanks to Mr.Loic Willis for his service to the Island in the past as Vingtenier and Constable and in his present role as Deputy Procureur. He was unable to continue as Deputy Procureur because of family commitments. The Douzaine were putting forward Mrs.Linda Williams as Deputy Procureur. Carried.

The President of Chief Pleas thanked Mr. Willis for his year as Deputy Procureur and wished him well in the future.

**7. ASSISTANT CONSTABLE:** The President of General Purposes & Finance Committee (G.P.& F.) thanked the present Assistant Constable. As the Constable had stated, Mrs. Kiernan was his rock and that is a statement heard from all the past Constables who have worked with her since she was appointed. She does exactly what it says – assists the Constable. Without the Assistance Constable's help it would be extremely difficult to carry on as Constables and he proposed a vote of thanks of the House. The G.P.& F. had received 4 applications for the post and it was true to say it was one of the most difficult tasks for the Committee and they proposed that Mrs. Fiona Hamon be appointed as Assistant Constable. Carried.

The President of Chief Pleas gave a vote of thanks to Mrs. Kiernan from Chief Pleas.

**8. CONSTITUTIONAL STEERING COMMITTEE:** The Committee presented a Report on the Projet de Loi entitled "The Constitution of Sark Law, 2005". The President said that they had been informed that the Projet de Loi did not, in the legal opinion given to the D.C.A., meet the human rights requirements in the make-up of Chief Pleas and as a result could not be presented to Her Majesty in Council in its present form. This left Chief Pleas with two courses of action – to ignore the advice given and continue in the knowledge it would not receive approval from the D.C.A. and that therefore it would not be receive Royal Assent from Her Majesty in Council or, as suggested by the D.C.A. after discussion, to withdraw the Projet at this stage. It is the opinion of the Committee that this would be the correct course of action. The rest of the Law appears to be in good order and a lot of the 1959 Reform Law remains, although modernised.

The President of Chief Pleas said that it was not the time for debate but that the House should agree the Proposition and withdraw the Projet. Dep. Gurden asked if the elections would go ahead with the same number of Deputies in the light of this decision and was informed that if Chief Pleas agree to withdraw the Projet it will be necessary to elect Deputies. When a new Projet is brought before the House it will be essential to look at the numbers which will be necessary for Chief Pleas to function.

Madam Rang said she felt this was obviously a question of getting rid of the Tenants and said that contrary to official perception the Tenants have never been passive and over the generations they have provided experience, wisdom, continuity, security and stability, as well as a sense of community which has now regrettably almost disappeared. If Chief Pleas go down the road of universal suffrage our Government will surely fall. She had been saying this since the whole concept came upon us and nothing would change her mind on this matter. The fragmenting of the 40 Tenements is also on the cards, thereby destroying our way of life. Therefore, she begged all members to consider this. She felt sure that no-one here today wished this to happen so they must fight this dictatorship by the British Government and keep the Tenants, albeit in equal numbers with the Deputies and if challenged call their bluff. She said she was reliably informed that small communities such as Sark, of less than 600 people, have the right to govern themselves according to what is suitable to their particular way of life and overall situation. She

appealed especially to the younger Tenants to fight their corner – their future and that of their children and grandchildren is at stake in their own Island.

Sieur Raymond asked if there was any right of appeal to Chief Pleas in this matter. Dep.Guille said that if Chief Pleas, after withdrawing the Projet for further consideration, wishes to continue in whatever way they say, no matter what the Steering Committee says then Chief Pleas could well end up being challenged. He said that if Chief Pleas decide that their original Projet is still the way forward he had no idea how the D.C.A. would accept that. He thought that it would end up in Court somewhere. The President of Chief Pleas said that the Projet was stopped by Sir David and Sir Frederick Barclay who petitioned the Queen not to approve the Law in this form. The Privy Council has not yet had sight of the Projet or the petition.. Because there is no appeal, the course of action would be a Humble Petition and he did not know the outcome of such a procedure. Sieur Raymond asked if Chief Pleas did not withdraw it today and it went forward would there then be a right of appeal against it. The President of Chief Pleas said no, one can make a Humble Petition but it would be unlikely to succeed if the Projet is not withdrawn. Sieur Raymond asked if this meant that the right of appeal is being drafted for individuals.

Mlle.Perrée asked if there could not be a Humble Petition explaining the situation direct to Her Majesty. The President of Chief Pleas said this could be done at a later date if that is the wish of the House.

Sieur Harris said that he would, with some regret, make a plea for pragmatism. He was as disappointed as other people that the Projet is unlikely to get Royal Assent. It was cleared by the Crown Officers in Guernsey and held up because it was necessary for the D.C.A. to consider matters, so it went through the process which has ended in a legal opinion. The only course is for Chief Pleas to accept that the Projet de Loi will not receive Royal Assent because it is stuck on this one point. Madam Rang made a point on the role of the Tenant in Chief Pleas. One way of linking the past to the present is to proceed on the basis of 16 Tenants and 16 Deputies and have universal suffrage for full office. Sieur Harris thought it a system well worth considering.

**Proposition “That Chief Pleas recall the Projet de Loi entitled “The Constitution of Sark Law, 2005” for further consideration. Carried.**

## **9. The Deputies of the People (General Election)(Sark)Ordinance, 2005.**

Dep.Melling asked if there was a mechanism whereby this Ordinance could be altered if the Constitutional Steering Committee’s report is acted upon. The President of G.P& F. said that H.M.Procureur’s view is that if required it can be amended by a new Ordinance.

The President of Chief Pleas said it depended on how long Chief Pleas was going to be debating the way forward once the Projet is returned. It could be 12 to 18 months before we get to a decision to have a new Law drafted and a further Chief Pleas would have to take a pragmatic view as to whether they want to curtail the term of office of 3 years for the Deputies or we would wish the new Law to come in at the end of that term. That is the issue to be debated when the report comes back from the C.S.C.

## **The Ordinance was Approved.**

Notices of the election will be coming out in November, 3 weeks before the election date of 7th December.

The President of Chief Pleas said he hoped there would be a strong number of people standing for election. With people prepared to stand it can still be recognized that this is a valid legislature and with the decisions it is going to make in the next two or three years it is important we retain a strong legislature with Deputies who are prepared to give their time for the good and benefit of the Island.

**10. G.P.& F. COMMITTEE: Salary Review.** The President of G.P.& F. said that the Committee had put in a Report at Easter suggesting various increased figures for the salaries of Island Officers and although approval was given to the increases in the report taking place on 1<sup>st</sup> July, 2005 the Committee agreed to look at the pay scales they had proposed and try and see a way round various anomalies that had been pointed out. The Committee had a meeting with the Island Officers and their concern was with the differentials. When you compare Officers salaries with other salaries they are very low. One thing which was not addressed was the various levels of responsibility which goes with the office.

It is always difficult to look at salaries. It is fair to say it is an increase which he knew many members have been surprised at but the Committee did have to come to some form of improving what we have in our report, simply because Chief Pleas did not like that report. It is quite clear that Chief Pleas did not support the first report so the responsibility lies within this House for the way forward.

Chief Pleas will remember that one thing they did approve was that the Deputy Officers should also receive a salary. If the increase to Island salaries goes forward this has a knock-on effect for the Deputies.

Sieur Baker said he found it extremely embarrassing to even talk about it in front of the people concerned, some of whom are professionals and clearly deserve an increase but was the Committee considering 55% across the board. Dep.Guille said it was across the board but in the first report G.P.& F. explained that they had started on responsibility of the particular task, i.e the differential between the Seneschal and the Prevôt. With no disrespect to the Prevôt the Committee felt the Seneschal had the most responsible office. He appreciated that the suggested increases had caused some concern around the Island and in Chief Pleas. The Committee believe it is justified but it may cause others to question whether they should be paid or not, but that is not up to G.P.& F.

The Seigneur said that he had made the first request and he disliked percentages. He had found it extremely embarrassing when it was his job to appoint the Treasurer from Assistant Constable and found he was asking her to take a decrease in salary. The Treasurer should get a proper salary and he then asked the Committee to bear that in mind. He said he supported the proposals.

Dep.Melling said this was a large amount of money at a bad time. Could it be phased in over a 3-year period. Dep.Guille said this had been discussed with the officers and received a negative response. Madam Rang said that Items 1-11 in the Budget Report should be phased in over a period of two years.but Dep.Guille said that if this was done they would still, at the end of the two years, be getting less. This would only highlight the issue that their rating would be well behind the other Island employees. Sir Peter Miller though that the proposition that the increases be paid over a period had come merit. He wondered how it could be sold to the people who have to pay, i.e. the tax payers.

Sieur Rang said that the Seneschal's salary was going to increase by £5k but in the budget it is £10k. Dep.Guille said this was approved by Chief Pleas. The Committee started from the base which Chief Pleas approved in July.

Dep.Carré referred to the Island workmen as taxpayers. They are concerned and will remain concerned and Chief Pleas must be able to justify the increases to a man who gets £13k a year for a 40-hour week. However, Dep.Guille pointed out that most of the Island Officers were no longer part time. No members of Chief Pleas could say that the workload has not increased and it is the same for the Island officers.

Sieur Gomoll said that if the perception is that the increase in salaries is the only thing which makes the budget 15% higher than last year then Chief Pleas must let the public know that it is trying to limit the public expenditure. Sieur Raymond said that a lot of the increase has gone for "Unforeseen Expenditure" which is necessary for protection against further run of reserves.

Sieur Teers said that everyone has said they might as well ask for more money but they know what rate they are getting when they are employed and they should get only RPI. The Seneschal said that at a meeting of the officers with the Committee they, the Officers, said that if such a large increase was made then it would not be subject to RPI, as was the case with the teachers.

**Proposition 1: That as of 1<sup>st</sup> January, 2007, the Seneschal, Prevôt , Greffier and Treasurer will receive a 55% increase to their salaries, with one half of this increase being paid on 1<sup>st</sup> January, 2006." Carried.**

**Proposition 1(a): That in addition each increase to be subject to an RPI increase". Lost.**

**Proposition 2: "That as of 1<sup>st</sup> January, 2006, the Deputies of Island Officers shall be paid 10% of the corresponding Officers salary." Carried.**

Committee Secretary: This was an increase which was approved by Chief Pleas in July 2005. The Secretary's workload is increasing all the time and the increased proposed would bring her salary up to the bottom of the commercial secretary rate.

**Proposition: "That the Committee Secretary's salary be increased as of 1<sup>st</sup> January, 2006, by 10.6%." Carried.**

Harbourmaster: Dep.Guille said that since the July meeting the Committee had consulted with the Harbourmaster who indicated that he would accept the RPI increase and this is in the budget. Dep.Carré said that the wording should read that the Harbourmaster “expected” rather than “wished” the RPI increase. He pointed out that the Harbourmaster’s salary is fairly low because it is closely connected to commercial activity. Should any review of contractual obligations take place with the new regime of Sark Shipping, that situation might change. The Island should then be aware that the increase in the Harbourmaster’s salary would be quite a lot of money. .

The Seigneur said that it is difficult to discuss individual salaries in Chief Pleas and asked whether General Administration could be placed in one heading, as are teachers and Island workmen, and then we would not have to discuss individuals all the time.

11. **Taxation:** Sieur Raymond said there would be some amendments. The budget is to introduce the proposed tax rates which the Finance sub-Committee recommend to Chief Pleas for 2006. The spending Committees have asked for an extra £60k which is mainly for the Officers salaries. The Committee has also increased the provision for unforeseen expenditure from £15k to £75k and is done to protect the Island reserves. The Officers salaries being split between two years, the figure for additional tax to be raised this year is £98k and the split between Direct and Indirect tax will be £30k and £68k. This is to reflect the fact that substantial increases have in the past been borne by the tax payers individually. The Direct Tax recommendation is for an RPI increase on property tax with an increase in the multiplier for the Forfait to 3.5 times and an increase in the percentage to be applied to worldwide assets to 0.3% to stay in line with the Forfait increase. The upper limit for personal taxation is increased by a similar factor.

In Indirect taxes the Committee have increased impôt to 90% of the Guernsey rate.

The Committee would like to increase traffic licenses which raise only 50% of road repairs. At the moment this is capped by an Enabling Law which will have to be altered. Accommodation license fees are also unrealistic and these will be increased next year.

If these taxes are not raised expenditure will have to be reduced. The Committee would like to bring in legislation which gets closer to a “user pays” regime and are also looking at further revenue schemes especially a Property Transfer Tax. Sieur Raymond said that he recently met with H.M.Comptroller and he saw no difficulty in drafting such legislation and a report will be brought to the next Chief Pleas.

Sieur Raymond said that he was concerned that Sark was only raising revenue from its own residents and they must try and get money from other sources. The budget papers also contain possible capital expenditure over the year, some of which can be financed from the income budget but at the moment the Island cannot fund accommodation for a 4<sup>th</sup> teacher or for the demolition of the old Island Hall and this will mean capital realisation or a massive increase in taxation.

Sieur Baker asked why there was a big increase in the Sea Fisheries requirement and was informed that it was because of the RIB, which is used by the Constables and Customs, and the

increase was to cover the increased running costs. Sieur Raymond explained that depreciation items were to cover the cost of replacing equipment.

Dep.P.Williams said that he was concerned at the lack of communication and consultation with Public Works on the subsidy cut which the Finance sub-Committee recommended and also the alteration to the Agriculture subsidy without consultation. He respectfully urged the Finance sub-Committee to have meetings with the Presidents of spending committees to find out why they put in their requests. Sieur Raymond apologised and said that they had not had the time to consult properly. Dep.Melling said it was not a subsidy. The Public Works was a service to all residents. Large items for disposal are picked up and sent out. They do not charge for the maintenance and emptying of island bins or for many other services to the Island. Should the Water Carnival Committee be billed for the workmen cleaning up afterwards? Sieur Raymond said they should be looking at getting money back from items sent to Guernsey.

Sieur Raymond said that if the £7k is reinstated then the cuts which he was happy to withdraw will also have to be reinstated. Dep.Melling said that Public Works does not work on a profit-making basis, it is just doing an essential job. Sieur Raymond said that if it is the wish of Chief Pleas that the £7k is reinstated and the impôt is left unchanged he would be happy to go forward but where is the money coming from? Dep.Cole said that if Public Works bill other Committees they are just moving money from one Committee to another. At the moment there are no charges made to parish relief recipients and if you start charging everyone it will be a charge which the Procureur will have to find.

Madam Rang said the £7k should be reinstated and the Public Works thanked for all the work they do to keep the Island clean for residents and visitors alike and she particularly wished to thank Mr.Melling.

Sieur Baker asked about the Doctor's tractor, as the previous doctor paid for his own fuel and repairs and the Seigneur explained that Dr.Teunisse had been assured he would have a tractor and when it came to do the tractor it was first of all thought it would have to be replaced but it proved cheaper to have it repaired for him. Dep.Cole, as President of the Medical Committee, said that the general consensus was that the Doctor would maintain and run it but it did not seem right to ask him to do the general repairs which were necessary.

Sieur Rang asked about the huge increase in electricity for the new school. The previous Education Committee had an estimate of use which seemed reasonable because the school was not in use. The new figures are based on actual usage and the increase in electricity charges.

There were no charges against the Community Centre, even though it has been used for several functions because it is run by the Trustees and is not expecting any money from the Island.

Dep.Melling asked if there could be an agreement in principle that the £7500 budgetted for the old Hall will be transferred to the new Hall. The President of Chief Pleas said that must await the formal proposition to Chief Pleas.

Dep.Gurden asked why there was a sum for Island Games when there were no Games in 2006 but was told that the amount needed for the next Games was being spread over four years.

In reply to Dep.Cocksedge, Sieur Raymond said that the impôt on fuel had not been calculated. Dep.Cocksedge also asked if the Island still got the impôt from sales on Brecqhou and was told by the President of Chief Pleas that all impôt receipts go into the Sark exchequer.

Sieur Teers, declaring an interest, said he was not in favour of the increased impôt which is now nearly the same as Guernsey. He did not believe it would bring in any more money but would instead have the adverse effect. He asked if the 90% of the Guernsey rate would stay the same even if they alter their rate so that we keep the differential. Sieur Gomoll said that the amount estimated was purely on the same quantity but there might be more people visiting the Island. The President of Chief Pleas said Sark had never put up impôt across the board but there is a differential between the two islands but to make a fixed differential would be binding the hands of future Chief Pleas. Sieur Raymond informed Mlle. Perrée that the poll tax and dues from the French and Jersey boats was estimated in Income but they had not yet been able to get the exact passenger figures. The income will be shown in the annual accounts. Sieur Raymond told Sieur Teers that they could not get an Ordinance ready in time to change the tractor and bicycle licences for next year. Dep.Gurden asked if the projected decrease in passenger numbers was a projection by I.o.S.S. but Sieur Raymond said they cannot project – they are being cautious.

Sieur Raymond said that they based their 90% calculation on what Guernsey rates are now and not the new proposals. They still don't know what the increase to their wines and spirits might be. He could not immediately give the financial aspect of a reduction from 90% to 75%. If the £7k for Public Works is not reinstated then we can probably take a risk on it but Dep.Melling said that the request for the reinstating of the £7k stands. Sieur Raymond asked again if we are going to reduce the amount of impôt where is the revenue coming from. We are trying to bring in a balanced budget. The amount saved on the salaries is mostly taken up by the £7k. Sieur Rang suggested raising the impôt to 75% of the Guernsey rate and raise it again once the new Guernsey rate is known.

Sieur Gomoll recommended that Chief Pleas consider a self-imposed limit on the increase in expenditure going forward, i.e. a bigger percentage than the previous year. Madam Rang said that she had hoped there would be sufficient for only a rise to 75% of the Guernsey rate but as this did not seem possible Chief Pleas should go ahead with the 90% and see what happens.

**Proposition: Proposed Dep.Melling seconded Dep.P.Williams “That Item 12, Subsidy, is reinstated at the sum of £7k for 2006” Carried.**

**Proposition: Impôt. “Proposed Sieur Teers, seconded Dep.P.Williams, That the rate of impôt be set at 75% of the relevant Guernsey rate for 2006” The Proposition was lost.**

**Proposition: “That the budget statement for 2006 as amended be approved. Carried.**

**Proposition: “That the Sark rates of Impôt for 2006 be set at 90% of the relevant Guernsey rates for 2005. Carried.**

Sieur Raymond then spoke on tax rates:

Property Tax £5.75 per quarter, raise the Personal Capital Tax to 0.3% per pound of net capital assets. Minimum Capital Tax £150., maximum increased to £4k. Age and infirmity relief remains and the Forfait will be set at 3.5%. There will be a discount of 2.5% for lump sum payment.

Mdm.Baker did not think this was a good system of tax for Sark as it did not take into account ability to pay. She thought that people over the age of 69 with assets should pay and that the relief should only be for those people who are unable to work and with very little money or assets.

**Proposition “That the Direct Taxes for 2006 (Sark) Ordinances, 2005, be approved.” Carried.**

Island Bank Accounts. Sieur Raymond was asked how many Committees managed their own accounts and he said they would come back with that information at a later stage if necessary, but the Bank wanted Chief Pleas to do this.

**Proposition: “That all the Island bank accounts be renamed as being for “The Chief Pleas of Sark” with dual signature control per a standard mandate.” Carried.**

Sieur Raymond said that Sieur Gomoll’s limited expenditure proposition was an excellent one but it may be outside of Chief Pleas’ control, i.e. spending may be imposed upon us from outside. Sieur Gomoll agreed but thought Chief Pleas should show the taxpayers of this Island that Chief Pleas were in control of the budget. The President of Chief Pleas asked Sieur Gomoll and the Finance sub-Committee to come back with a firm proposal on limiting the budget. Sieur Gomoll said he would bring it back at the next meeting. Sieur Raymond said it would not be for capital expenditure and so would not prevent any large projects from taking place.

**12. Le Vieux Clos:** Sieur Raymond said that the Island was very short of cash, unless taxes are raised or projects are financed out of the sale of an Island asset. A lot has been spent on the school and hall and it may be time to put something back. He asked the Trustees to look at all the property under their control and see if it is for the benefit of the Island. There is an existing Resolution for Le Vieux Clos that the freehold should not be sold. He asked Chief Pleas to rescind this Resolution in view of the present financial circumstances.

Sieur Rang said Chief Pleas was again being asked to sell property given to the Island. It was done for La Ville Roussel and Chief Pleas are doing it again. Sieur R.de Carteret suggested extending it by a lease, rather than selling it. The Seneschal, as one of the Trustees of Island Property, said that the decision last time was not to extend the lease or sell. If you support the given proposition it would automatically incorporate the fact that the lease could be extended. There was no definite buyer but the Trustees could re-open negotiation with any person interested in extending the lease or purchasing the freehold. Dep.Gurden said that what they

were proposing was to take the money out of one piece of bricks and mortar and put it into another. They wanted to move it from one Island asset to another and not just selling it out.

**Proposition 1: That Chief Pleas rescinds its previous decision that the Island Trustees should not sell the freehold reversion of the Vieux Clos”. On a named vote the motion was lost, 16 pour 16 contre.**

Dep.Gurden said it had been necessary to sell the freehold in order to house the 4<sup>th</sup> teacher. Sieur Rang said it would still be possible to raise other forms of revenue but Sieur Raymond said other streams of revenue would not be sufficient to find such a large capital expenditure.

Propositions 2 “That Chief Pleas requests the Island Trustees to examine the portfolio of properties that they hold for the Island to identify suitable possible sales” and

Proposition 3 “That the Trustees be empowered to receive offers for the purchase of Island properties held by them and to take suitable professional advice, in order to report to Chief Pleas on potential sales”

were withdrawn by the Proposer and Secunder.

Mlle Perrée said that instead of selling off Island property the Committee should practice good financial housekeeping.

**13. Sark Corporate Register:** Sieur Raymond said that it was hoped that such a register would provide a significant new source of revenue to the Island and the Finance sub-Committee intend to open a dialogue with Guernsey. It would be a registry which would be professionally run by Sark. As this was only a tentative beginning Sieur Raymond offered to withdraw the Proposition.

Sieur Donnelly said that such a register was long overdue. Other offshore jurisdictions have had to strive to achieve results and where there is political will they have succeeded. It would be very short-sighted if Sark does not try, diplomatically, to keep working on this. We hear a lot about human rights and we on Sark have rights as well, including the right to incorporate with limited liability locally and enjoy the same privileges as Guernsey, the UK etc. Those in the finance industry have had to work hard to remain involved and comply with recent changes in regulations. He stressed that there would be no open doors when dealing with these issues but never the less recommended that GP&F quietly, diplomatically but firmly move forward with these matters not only on corporate legislation but also in looking at the possibility of an up to date trust law.

Dep.Carré asked Sieur Raymond to consider not withdrawing this proposition. If Chief Pleas as a body send the message it might help the case. Chief Pleas must not be dictated to and ridden over and he considered this proposition to be important and make sure that Chief Pleas intend to look into it.

**Proposition “That G.P.& F., through its Finance sub-Committee, be directed to investigate and bring forward detailed proposals for Sark Company Law and to establish a Sark Company Registry.” Carried.**

**14. Medical Committee:** Projet de Loi “The Misuse of Drugs (Bailiwick of Guernsey)(Amendment)Law, 2005”. The President of the Medical Committee said that this is a criminal matter and would not usually come to Chief Pleas but the Law also includes those who hold pharmaceutical and veterinary drugs so it is necessary that Sark approves it as well. The States of Guernsey and Alderney have both approved it.

**Proposition: “That Chief Pleas approve “The Misuse of Drugs (Bailiwick of Guernsey)(Amendment)Law, 2005.” Carried.**

**15. G.P.& F.Committee:** Proposed Wire Transfer Legislation. The President of G.P.& F. said that this was brought about to prevent terrorists and other criminals from having unfettered access to wire transfer for moving their funds and for detecting such misuse when it occurs.

**Proposition: “That Chief Pleas approve that the G.P.& F. Committee consult with the Law Officers of the Crown to draft legislation which mirrors the rules established under the proposed Regulation.” Carried.**

**16. Shipping Committee:** The President of the Shipping Committee gave a verbal report of the draft time-table for Summer 2006. He also said that, with regard to the Company, when Sark took it over there were a few financial difficulties but the Company is now in the black and its financial commitments are being met on a regular basis. Passenger figures are down by 2,500 because of a bad July but Jersey figures are up around 5,000 on last year.

Mlle.Perré said that she was slightly alarmed at the number of tractors servicing the boats but Dep.Gurden said that if the Company wants to carry the volume of passengers they have to have the boats. Sieur Donnelly said there had been talk of trying to co-ordinate traffic movements. Dep.Gurden said it looks as if the Committee are going to be comfortably inside the shipping budget. Much of the work on the Sark Venture is scheduled to be done by the crew and the boat is going to be away from the Island for only 2-3 weeks.

Dep.P.Williams said that he was unhappy about the freight rates and Dep.Melling about the passenger capacity and Dep.Gurden said the Committee would be happy to discuss these things with the Directors. He said there was nothing which precludes the Company from chartering the Trident if necessary. It would only be for a short number of weeks and would ensure that people would not be left behind.

Mdm.Rang said she had been hoping to hear of reduced fares on the early boat, which would benefit the company and Guernsey people.

Dep.Mercer said that the Bon Marin was still not finished to an acceptable standard. Has this now been completed and will it be an extra cost on top of the £114k overspend. Sieur Raymond said the Directors have sanctioned extra expenditure and the gearing problem is in hand. They sanctioned this because it is a matter of safety. The trim can be sorted out by changing the propellers. There is no safety concern from the loss of power. Dep.Mercer said that some of these costs must have been known and the Committee had not brought them to the attention of

Chief Pleas. Dep.Gurden resented the implication and said that the people who gave the Committee the breakdown of figures which they brought to Chief Pleas in good faith did not include enough money for anything going wrong. He took offence at Dep.Mercer's statement. Dep.Mercer said that it seemed that the contractors had no control and the Committee had no control over the finances either and he hoped Sieur Raymond will say that the Venture is within finance and he hoped it would not be the first call on the contingency budget. Sieur Raymond said it is very difficult with a 20 year old boat knowing exactly what you are going to find when you start working on it. There is a question at the moment of the flooring under the wheelhouse but the view at the moment is that it is going to be very inexpensive. There is a proper programme of work which was not done for the Bon.

17. **G.P.& F. Committee.** The President of G.P.& F. Dep. Guille, and the Deputy President, Sieur Harris, have tendered their resignation. The President of Chief Pleas said that Dep.Guille had been a fine President of G.P.& F., ably supported by Sieur Harris. Both are resigning for personal reasons and they have both done a superb job for Sark over the last three years.

Dep.Gurden, seconded by Dep.Cole, proposed Sieur S.de Carteret, saying that this will bring the number of members up to 5, which will be a quorum and should be sufficient until the next election.

From the floor, Sieur Baker proposed Dep.Dewe, seconded by Mlle.Perré.

The President of Chief Pleas announced that two members are resigning and two persons have been nominated and as there were no more proposals from the floor, Sieur de Carteret and Dep.Dewe were duly elected on a show of hands.

**Notices:** After the Christmas Meeting there will be a Vin d'Honneur to welcome the new Lieutenant-Governor, Vice Admiral Sir Fabian Michael Malbon KBE, and Lady Malbon, to Chief Pleas, this being the first opportunity after the Lieutenant Governor takes Office later this month. It is also planned to invite the organising committee of Britain in Bloom to this occasion to thank them for all their hard work in enhancing the natural beauty of the Island. This Vin d'Honneur will be held in the new Island Hall.

The Christmas Meeting will be held on Wednesday, 18<sup>th</sup> January, 2006 and the closing date for Agenda Items and Reports is Friday, 16<sup>th</sup> December, with papers going out on Wednesday, 21<sup>st</sup> December.

October

Greffier

Seneschal.