

MINUTES of the CHRISTMAS MEETING of CHIEF PLEAS

Held in the Assembly Room, Sark on

DAY 1 - 16th January 2008 at 10.00 am.

DAY 2 - 17th January 2008 at 10.00 am.

Present: J.M.Beaumont OBE, Seigneur; Lt.Col. R.J. Guille MBE, Seneschal;
A.W.J. Adams, Prévôt; T.J. Hamon, Greffier; Mrs. W. Kiernan, Treasurer; and the Constables.

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DAY 1 - Members were present as follows: **21 Tenants and 12 Deputies**

DAY 2 - Members were present as follows: **20 Tenants and 12 Deputies**

Day 1 apologies: Sir Peter Miller, Mdm. Thorpe, Sieur Harris, Sieur Willis, Sir David Barclay,
Sieur Duncan Barclay and Mdm. Harriet Carré.

Day 2 apologies: Sir Peter Miller, Mdm. Thorpe, Sieur Harris, Sieur Willis, Sir David Barclay,
Sieur Duncan Barclay, Mdm. Harriet Carré and Sieur Jackson.

Opening Remarks

- a) His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, regretted he was unable to attend on this occasion as he was recovering from a minor operation.
- b) The Seneschal paid tribute to Sieur Philip Perrée who sadly passed away on New Years Eve 2007. He referred to the record of long service and dedication given by Sieur Perrée to Chief Pleas and its Committees over 62 years. Condolences were passed to the family. A silence was observed.
- c) The Seneschal acknowledged the work of the following Members who had retired from Chief Pleas since the last meeting – Sieur Duncan Spence, Sieur Colin Teers, Sieur Clinton Spence, Madam Claire Hester and Sieur Colin Guille. He went on to welcome the new members – Sieur Duncan Barclay, Sieur Kevin Delaney and Sieur Philip C.E. Perrée.
- d) Deputy Cocksedge asked that congratulations be passed from the House to Miss Pippa Curtis who had been selected for the England International under-17 Rounders Team.
- e) The Seneschal reported letters of thanks from Rev. Leworthy and from Pastor Browning for the financial contributions made by Chief Pleas for improvements at St. Peter's Church and the Methodist Chapel.
- f) The Seneschal informed the House that Deputy Richard Dewe had received a letter from lawyers representing Sir David and Sir Frederick Barclay, following remarks made at the Michaelmas meeting of Chief Pleas. A written apology has been sent to the Barclays. The apology was also printed in the *Sark News* without permission.
Deputy Dewe offered to read the apology but this offer was declined.
- g) The Seigneur recorded that, before Christmas, a presentation was made to John Bourgoird who was retiring after 11 years service as coxswain of the Guernsey Lifeboat. A framed photograph was present to him by the Seigneur on board the Bon Marin in Guernsey Harbour as severe weather conditions had prevented the official ceremony in Sark Harbour. The back of the photograph was inscribed with a message on behalf of the people of Sark, thanking him and recognising his years of dedication to the lifeboat service and the contribution he had made to rescues and evacuations from Sark.
- h) The Seigneur reported that he had met with the Lord Chancellor and Michael Wills MP, Minister of State with responsibility for the Crown Dependencies on 8th January. The Seigneur went on to explained that he had written to HM The Queen and the Lord Chancellor at the end of November concerning his personal position with regard to the 1565 Charter and subsequent Orders in Council and indicated that he would be pleased to discuss issues with them. That didn't happen but before Christmas the Seigneur received an indication that the Reform Law Projet was not fully compliant in its make up of Chief Pleas and did not give certainty that it would become so at the end of the four year term. It seemed sensible to meet as soon as possible and certainly before this meeting and the Lord Chancellor invited the Seigneur, the Lt. Governor and the Bailiff of Guernsey to meet him in London.
The Seigneur reminded the House that the Lord Chancellor is a barrister and had been very well briefed. The Seigneur was impressed by the Lord Chancellor's grasp of the issues, his understanding of the problems and his genuine sincerity and his acknowledgement that it had been a long haul to reach this stage. He had clearly considered the Reform Law submission together with the subsequent petitions.
A range of issues were discussed but the Lord Chancellor, at the very outset, had affirmed that he was not minded to recommend the Reform Law for approval because the proposed composition of Chief Pleas did not respect the will of the people of Sark and was not fully democratic. He made it clear that a transition dependent on a further referendum was not acceptable given the clear view expressed by the people of Sark who had supported Option A in September 2006.
The Lord Chancellor considered that Chief Pleas ought sensibly to recall the Reform Law Projet and then resolve to adopt an Option A compliant Projet as soon as possible. He indicated that if that change was made to the Projet then he would be prepared to recommend it for Royal Assent and he hoped this matter would be dealt with speedily by Chief Pleas.

During discussion, the Lord Chancellor said that he was somewhat mystified why there had been objection to a swift adoption of an Option A composition since it would give to the tenants an opportunity to have more than 12 seats in Chief Pleas as they would not be subject to any restriction.

The Seigneur was assured by both the Lord Chancellor and the Bailiff that, providing that Chief Pleas would agree to resubmitting the Law with just Option A put in exchange for the existing format, all stops would be pulled out so that a fully democratic election could be held on schedule at the end of 2008.

It was recognised by all that there might be further changes to be made down the line but they were not of sufficient importance to hold up progress to a fully compliant House. Matters of less importance such as the role of the Seigneur and that of the Seneschal in Chief Pleas could be dealt with when time to do so was available.

The Lord Chancellor wrote a personal letter, received on 14th February, addressed to the Seneschal, copied to the Prevôt and the Seigneur, those named on the Humble Petition, explaining why he had declined to put the Reform Law forward to the Privy Council and how he suggests we move forward. That letter will be available to all members at the start of the lunch break. A copy had been passed to the Constitution 2007 Committee (C07C) yesterday for an amended report to be drafted (Item 15). It was agreed that the Minister of State, Michael Wills should visit Sark in the very near future and meet C07C and have an informal meeting with all Chief Pleas Members.

The Seigneur concluded that the message from the Lord Chancellor was good and positive news. The Lord Chancellor indicated that he was prepared to recommend the Real Property Law for Royal Assent and there was a real prospect that this would be dealt with at the February meeting of the Privy Council.

- i) The Seneschal confirmed that C07C had been briefed by himself and the Seigneur yesterday and that a copy of the Lord Chancellor's letter and a supplementary report would be distributed ahead of the lunch break so that a debate could be held at the resumption after lunch. He asked that, until Members had debated the letter and report, the content should not be discussed over the lunch period other than between Members of Chief Pleas.
- j) The Seneschal reminded the House that mobile 'phones should be switched off and that photography and the use of recording devices are not permitted whilst the House is in session.

1 Minutes of the Michaelmas Meeting on 3rd October 2007

- 01 Seneschal Asked for any factual corrections and none were offered.
Acceptance of the minutes was proposed and seconded and **APPROVED** by the House.
- 02 Seneschal Asked if there were any matters arising from the minutes.
- 03 Sieur Donnelly **Page 6 Item 7.37** – He had stated that both parents served in the British Armed Forces and asked that this be included. The House **APPROVED** the change.
- 04 Dep.R. Dewe **Page 9 Item 10.02** – After the Brecqhou Liaison Sub-Committee of the General Purposes & Advisory (GP&A) Committee had been withdrawn from the inventory of Chief Pleas Committees, he had asked Sieur Donnelly on 20th December 2007 to hand over all the documents relating to it. The Chief Pleas Minutes show that the Seneschal asked the Chairman of the Sub-Committee to pass all the relevant papers to the GP&A Committee. Deputy Dewe was pleased to say that he had received the documents this morning but he has not yet had a chance to read or check them to see if they are complete and Sieur Donnelly had currently taken them back to check minutes with other sub-Committee Members.
Deputy Dewe added that the Brecqhou Liaison Sub-Committee completely disregarded Section 15 of "The Constitution & Operation of Chief Pleas Committees" by not having the presence of a member of the established staff of Chief Pleas to be present at all their meetings to keep an independent record of the decisions made at their meetings.
- 05 Sieur Donnelly Took issue with that statement as some of the meetings were with the former GP&F Committee when the paperwork was produced.
- 06 Seneschal Confirmed that the Committee Secretary or another notetaker should be present at all meetings of Chief Pleas Committees.
- 07 Sieur Baker **Page 11 Item 12.01** - questioned whether it was a true reflection of what Sieur Donnelly had said.
- 08 Sieur Donnelly Would be prepared to answer direct to Sieur Baker at a later date.
- 09 Seneschal The minutes have been agreed as a true record.
- 10 Sieur Baker It refers to help from Mr. Gary Ward of Brecqhou Developments but it was understood that the help came from a company called Mecal.
- 11 Sieur Donnelly Tried a number of contacts but it was on Mr. Ward's recommendation that Mecal was appointed. Mr. Ward had contacts in Guernsey and it was through his help that Mecal was identified and the company was particularly helpful and has been retained by Isle of Sark Shipping.
- 12 Dep. R. Dewe **Page 15 Item 19.15** – was grateful to Sieur Hurden for his further investigation and the helpful information now received about postage stamps. The issue remains under consideration and now that Sieur Jackson is returned from holiday, further discussion will take place.

- 13 Mdm. Rang **Page 6 Item 7.43** – as apologies have been made by Deputy Dewe to the Barclay family for false accusations made at the last Chief Pleas meeting, are not apologies also due to the other tenants both past and present similarly accused by some members of this House and also should not the act of punishment, i.e. the call for resignations, be rescinded?
- 14 Seneschal No propositions can be introduced within matters arising. It will be necessary to submit a report to a further meeting of Chief Pleas with a proposition if previous decisions are to be rescinded.
- 15 Sieur Gomoll Has received a letter from the Seneschal saying that the motion has no legal effect. Should not Mdm. Rang's point be considered as it was against a motion not a proposition?
- 16 Seneschal The motion was a powerful political statement endorsed by the House.
- 17 Sieur Gomoll Has no problem with a powerful political statement but he remains a member of both the Constitution 2007 and the GP&A Committees and Chief Pleas cannot suspend him from those Committees; it is for him to resign, in writing, to the Seneschal and the Committee President if he chooses to do so. He then went on to quote from the Seneschal's letter to him, dated 6th December 2007, in which this was endorsed.
- 18 Seneschal Accepted that there was legal compulsion for him to resign but in his letter, he was offering advice based on the political statement made at the meeting. It is down to Chief Pleas to take any further action which may necessitate changing the present Rules of Procedure.
- 19 Sieur Gomoll Has tried to be fair here, remembering that the Rules of Procedure were in place at the time and had not been suspended. He has offered his resignation verbally to both Presidents and verbally neither accepted the offer. He was therefore surprised to receive a written reply later accepting his resignation from GP&A Committee which was not accepted when the verbal offer was made.
- 20 Seneschal This was a censure motion by this House; another Member immediately wrote in with his resignation. If Chief Pleas wishes to go further it must decide what to do but it cannot legally request your resignation
- 21 Sieur Gomoll Could he ask for confirmation that he remained a member of Chief Pleas and of the two Committees?
- 22 Seneschal Said that until a resignation letter had been received by the Seneschal, Sieur Gomoll remained a Member of both Committees. He went on to say he had no personal conflict with Sieur Gomoll and enjoyed a good working relationship with him.
- 23 Sieur Baker 23 Members of Chief Pleas supported the proposition and there was huge public backing for some action to be taken against those involved. He was present when the conversation took place outside during a break and Sieur Gomoll offered his resignation.
- 24 Sieur Gomoll There were two conversations – the first in the House before the censure and the second outside, after the proposition had been passed, when he had offered to discuss the issue with GP&A before deciding whether to resign. A letter accepting his resignation which had not actually been given was sent by the President of GP&A and the Committee Secretary has been instructed not to issue any papers and notices of the GP&A Committee. Anything that Chief Pleas decides must be within the Rules of Procedure. This is not good governance and supports the threats from Guernsey and the UK about Sark's ability to govern itself.
- 25 Seneschal This censure is a small matter in the overall business of this House. If the House wishes to take it further, Members must return with a report and propositions to a future meeting.
- 26 Dep. R. Dewe Sieurs Rang and Baker with Deputies Olsen and Dewe were present when this offer of resignation was made. At the next meeting of GP&A Committee it was decided to accept the verbal offer and a letter (read out to this meeting) was then sent.
- 27 Sieur Rang Could not recall being present.
- 28 Sieur R. de Carteret **Page 4 Item 6.39 (after propositions)** – could he ask for clarification as to whether those properties sold for £25,000 would have the true market value rate applied when tax was levied?
- 29 Seneschal Sieur R. de Carteret must seek that clarification from the Finance & Commerce Committee (F&CC) and if he wishes to pursue it, bring it back as a proposal to the next meeting. It was too difficult a question to be answered without notice.
- 30 Sieur Curtis On the tax form, the taxable value of the tenement is on the top of the form.
- 31 Seneschal Repeated his advice to talk to F&CC and they will liaise with the Tax Assessor. On the face of it you may well have a point.
- 32 Sieur R. de Carteret The Forfait figure needs clarification – the tenement was sold for £25,000 but is valued at £300,000 plus.
- 33 Seneschal The Tax Assessor must come back through F&CC with answers and recommendations to this House.
- 34 Sieur Rang The value may be £300,000 but there is nothing to stipulate as to how much you must sell it.
- 35 Sieur Baker The Tax Assessor is concerned about prices and predicts a serious black hole ahead.
- 36 Sieur Gomoll There is no black hole for payments to the Seigneur as both he and Mr. Godwin have paid the full amount of Trezieme on their conveyances, which more than covers this years payment.

2 Questions not related to the business of the day

- 01 Sieur Donnelly Had written to Deputy R. Dewe as President of the GP&A Committee with questions which he read as follows –
In order that members of Chief Pleas may better understand matters relating to Chief Pleas business could you please agree to permit members to have access to all written communications passing between the Law Officers and yourself and/or the Committee concerning matters affecting Sark, if not, why not?
On the assumption that you decline to provide correspondence is this because you regard yourself and members of the Committee have a greater right to information of this kind than other members of Chief Pleas and, if so, then what is the legal basis for holding such belief.
Are you and your Committee being sufficiently vigilant to promote Sark self-government in the face of increasing amounts of Bailiwick legislation originating in Guernsey and, in particular, Guernsey seeking ever larger ordinance making powers including powers to legislate by ordinance for the Bailiwick as a whole? Will the President give his assurance to Chief Pleas that all such attempts to take such ordinance making powers will be considered very carefully indeed?
Is it not time that Chief Pleas should consider seeking, as a matter of course, its own independent legal advice on the merits of legislative proposals from Guernsey?
- 02 Deputy Dewe Said he couldn't speak for the previous holders of his post as President of GP&A Committee. However, since taking up office just after the Michaelmas meeting in October 2007, the Committee has only had cause to consult with Law Officers once, to ascertain facts relating to Item 23 on today's agenda. That advice will be read out if required.
He has always believed in open government and will endeavour to follow that policy whenever it is possible in or out of Committee. When negotiating sensitive matters, one does not disclose your fall back positions. It is also not the custom for a Chief Pleas' Committee to disclose papers that they receive unless a Committee takes the view that on a certain topic that they would wish to do so; there are also times when disclosure of legally privileged or commercially sensitive information is not appropriate. The Committee stands to be judged on its record, of a beneficial outcome for Sark. This they will strive to do.
The Committee is wholly vigilant to promote Sark as a self-governing jurisdiction whenever possible. Any new Bailiwick of Guernsey laws coming to this Committee for consultation prior to final drafting as a *Projet de Loi*, received the Committee's full consideration and suggestions for amendment, where the interests of Sark are not fully understood or the wording is to our detriment. As for Guernsey seeking ever larger ordinance making powers, Guernsey has always had the power to legislate by Ordinance for the Bailiwick in criminal law. The Committee has successfully negotiated "let-out" clauses for Sark and Alderney in any new *Projets du Loi* that give the States of Guernsey power to make Ordinances. There is such an instance on this agenda today at Item 5 "The Protections of Investors (Bailiwick of Guernsey)(Amendment) Law, 2007.
The Committee has every confidence in the advice given by the Law Officers in Guernsey. If the Committee ever felt the advice was biased in favour of Guernsey or Alderney, then the Committee would be the first to say so. He said his own dealings with the Law Officers go back as far as the late 1960s and he had never experienced anything but courtesy, understanding of Sark's position and assistance, which has often meant that Sark legislative drafting has had priority over States Departments.
All Committees are appointed by Chief Pleas and any seven or more members may place a vote of No Confidence on the Agenda if they have any concerns in the way any Committee carries out its duties. Just as Chief Pleas supported with a substantial vote in favour of a group of members when they brought such a propositions against the Shipping Committee under Sieur Donnelly's Presidency.
- 03 Sieur Donnelly Offered to reply. He felt there was a contradiction in the forthcoming legislation being proposed on this agenda. It compared to Sark signing a donor card, with automatic inclusion unless rejected.
- 04 Sieur Gomoll Asked for clarification of Sieur Donnelly's point. Guernsey has always had the power to legislate by Ordinance for Sark.
- 05 Seneschal Only in Bailiwick of Guernsey legislation. There is no general power although there might be specific powers given in certain Laws approved by Chief Pleas.
- 06 Sieur Gomoll Guernsey only has the power in primary legislation cleared by Chief Pleas.
- 07 Seneschal Deputy Dewe's statement is correct about Guernsey's power to legislate for the Bailiwick but only in criminal law.
- 08 Sieur Gomoll Should the wording of the statement be changed to reflect that distinction?

- 09 Dep. R. Accepted that it was only true of criminal law and not civil law.
Dewe
- 10 Sieur Baker Supported Deputy Dewe's comments. The last "question" is a statement and shouldn't be there.
Seneschal
- 11 Seneschal It has had its reply.

3 General Purposes and Advisory Committee

Projet de Loi – The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law 2007

- 01 Dep. R. Introduced the report, emphasising the necessity for standardisation in the rules of evidence in
Dewe civil proceedings throughout the various courts of the Bailiwick.
He asked for any questions.
- 02 Sieur Questioned whether GP&A Committee were asking if, by passing this legislation, there would be
Gomoll any benefits for Sark. Although he was sure they are, he pointed out that in Section 23, yet again
Ordinance making powers were in the hands of Guernsey.
He supported the thrust of the report and the Projet and accepted that it would make life much
easier for lawyers if the same rules applied across the whole Bailiwick. They would probably find
it even easier if Guernsey laws applied in Sark.
- 03 Dep.R. Felt that it made sense to have a common policy on the way Courts work throughout the
Dewe Bailiwick. What is Sark giving away here? If Chief Pleas had to meet every time an Ordinance
has to be approved, it would be meeting very frequently. The States meet once a month and the
need to change Projets by Ordinance was to cut down the time needed to introduce revisions or
update Laws.
- 04 Seneschal Directed the House to Section 24 (2) where safeguards require the States of Guernsey to consult
with the GP&A Committee about any proposed Ordinance which might change the primary
legislation.
- 05 Sieur Is Deputy Dewe suggesting that Sark is lazy in introducing legislation and that we should let
Gomoll Guernsey do it for us? He was quite happy to let Guernsey to take the lead on International Law
and sanctions but this is something applying to the Sark Courts. Section 23 should come out and
Section 24 should be changed.
- 06 Dep. Asked if Items 3, 4 and 5 on this agenda were the result of pressure being applied to Sark
Armorgie because of the imminent International Monetary Fund (IMF) inspection in Guernsey?
- 07 Dep. R. Not this particular one, some of the others maybe. In this instance the Committee received an
Dewe early draft and then the draft that was being presented to the States and the Committee has
been consulted throughout. The previous 11th hour consultation is in the past and proper lead
times are now applied. He had no real problem with Section 24 (2) which gave sufficient
safeguards for Sark.
- 08 Sieur If there is such consultation and reading by the Committee, why is it referred to as the GP&F
Gomoll Committee and not GP&A? It is misleading – when a case is referred from Sark as an appeal to
the Guernsey Court, Sark rules and law apply.
- 09 Dep.R. That is correct but the lawyers involved are Guernsey based and if the rules are significantly
Dewe different this can lead to difficulties.
- 10 Seneschal Clause 24 doesn't give the option to opt-out and only promises consultation with "GP&F".
- 11 Dep. Does Sark have its own law on civil proceedings in Sark?
Burgess
- 12 Seneschal No.
- 13 Dep. Surely it must be in Sark's interest to always have an "opt-in" rather than an "opt-out" clause in
Armorgie any legislation.
- 14 Seneschal You must ask that question if your nomination to GP&A Committee is successful.
- 15 Dep.R. Chief Pleas can reject this legislation and it would go back to the States as a Guernsey &
Dewe Alderney Law only. As the Seneschal has said, Sark could have a mirror Law but what is the
point on something as basic as this?
- 16 Mlle. Perrée Sark is giving Guernsey more and more power and we must retain our own governance.
- 17 Sieur Whilst supporting the legislation, Section 23 & 24 are reason alone not to pass it. He was only
Gomoll willing to agree it only if there is an "opt-in" rather than an "opt-out" clause added.
There is a need to send Guernsey a clear message of Chief Pleas' feelings on this issue.
- 18 Seneschal Rejection will affect the timetable for the States of Guernsey because the Law will need
redrafting and will create delay for some months.
- 19 Dep. Understood that the IMF inspection is scheduled for May 2008.
Armorgie
- 20 Seneschal This legislation has nothing to do with the IMF. The IMF visit has been delayed from May to later
in 2008.
- 21 Dep. If the House disapproves this legislation today, GP&A will have to inform the States and the Law
Armorgie Officers that delay is for further consideration of Sections 23 & 24. Sark will immediately be
portrayed as the bad guy.

- 22 Seneschal It is tough on Guernsey as their expectation, having consulted with GP&A Committee, would be for approval and not that GP&A Committee's recommendation would be rejected.
- 23 Sieur Gomoll Accepted the reasonable expectation argument but when Sieur Raymond was President of GP&A and meetings were held with Guernsey States Members and Officers, it was made very clear that Sark was looking for "opt-in" and not "opt-out" clauses. Sections 23 & 24 are a blatant attempt to pull a fast one.
- 24 Seneschal In your view. GP&A Committee take the view that it is not a problem in this case.
- 25 Dep. R. Dewe Although he accepted the preference for "opt-in", Guernsey politicians are not wearing it and "opt-out" is what is on offer. "Opt-out" is reasonable as Sark has the option not to accept the Law. Mirror legislation would only provide and duplicate the same Law.
- 26 Sieur Donnelly Called for and was supported in having a named vote.

Proposition – LOST on a named vote - 5 Pour & 28 Contre

That Chief Pleas approve the Projet de Loi entitled "The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law, 2007"

4 General Purposes and Advisory Committee

Projet de Loi – The Guernsey Bar (Bailiwick of Guernsey) Law 2007

- 01 Dep. R. Dewe The Committee could find nothing in this Law to impede its acceptance by Chief Pleas.
- 02 Sieur Gomoll Declared a personal interest and would not be voting.
He drew attention to Section 15 which confirms that only Advocates are entitled to represent clients in the Bailiwick and would rule out any outside legal representation.
- 03 Dep. R. Dewe That is the case at the moment is it not?
- 04 Sieur Gomoll Accepted that it is.
- 05 Dep. R. Dewe Thought there was some ruling that a "prisoner's friend" can speak on his/her behalf in the Seneschal's Court.
- 06 Dep. Armorgie Asked how the principles have been applied until now.
- 07 Dep. R. Dewe A UK barrister cannot represent anyone in the Sark Courts.
- 08 Seneschal This Law repeals the Bar Ordinance, 1976, which was a Guernsey only Ordinance (Section 42).
- 09 Sieur Gomoll Sark could never regulate its own Bar; consequently he was happy with this legislation and had no issues to raise with it.
- 10 Sieur Donnelly Likewise has no problem with it but if Sark ever had its own legal framework, can this legislation be disapplied?
- 11 Sieur Gomoll He was currently the only person on Sark who would be involved with this legislation. Will Sark in future ever want to have its own legislation? What is the benefit of passing a mirror Law?
- 12 Mlle. Perrée Can she not use a UK barrister to represent her in Sark?
- 13 Seneschal No you can't and the same rules apply to all the other Channel Islands.
If you do not accept this, the existing laws will remain.
- 14 Sieur Gomoll A retired solicitor may come to Sark and offer advice but it would be a disapplication of the law.
- 15 Mlle. Perrée This is good for Guernsey Lawyers.
- 16 Dep. R. Dewe Sieur Harris is an English barrister and practises in Jersey but he cannot do that here.
- 17 Sieur Gomoll Sark is reliant on the Law Officers or private advocates.

Proposition - CARRIED

That Chief Pleas approve the Projet de Loi entitled "The Guernsey Bar (Bailiwick of Guernsey) Law, 2007"

A ten minute recess was taken

5 General Purposes and Advisory Committee

Projet de Loi – The Protection of Investors (Bailiwick of Guernsey)(Amendment) Law 2007

- 01 Dep. R. Dewe Introduced the report which explained the purpose of this amendment to the existing law.
- 02 Sieur Donnelly Declared a personal interest being involved in the Financial Industry.
It is a bad situation when Sark has to disapprove any legislation. Although he had no real problems with what is being proposed, Chief Pleas needs to send out a clear message to Guernsey that it does not wish to give away its legislative powers.

- 02 Sieur Donnelly continues... It is not fair to Guernsey and we should tell them now that it would be preferable for them not to make Ordinances to which Sark can object as it tends to bring disrepute onto Chief Pleas. Again there should be a mirror Law for Sark. Careful consideration needs to be given.
- 03 Seneschal Reminded the House that when Laws come forward for approval, if Members need answers or wish to propose amendments they should, in the lead time before the Chief Pleas meeting, make representation to the appropriate Committee in writing. The Committee then has the opportunity to seek advice or guidance from the Law Officers so that a positive reply can be made at the meeting of Chief Pleas.
- 04 Dep. Olsen This was first presented to GP&A Committee on October 2007 and future change to the legislation by Ordinance was the responsibility of Guernsey States. GP&A Committee objected and four days before the States were due to consider it, the draft was withdrawn. It was redrafted as presented today and "opt-out" – the minimum requirement requested – has been inserted. This is legislation needed for the IMF inspection.
- 05 Sieur Gomoll Is there any collective investment scheme on Sark?
In Section 28 (5), Sark now has an "opt-out" but why not an "opt-in" to the law?
There is a danger of such laws falling through the cracks with no paid civil servants to track all the legislation passing into Sark and it could be passed by default if four months passes and GP&A has not responded as in Section 28 (5) (newly numbered 42A).
- 06 Dep. R. Dewe Nobody wishes Sark to be used for a financial scam which loses people money. Opting-out or opting-in makes no difference in this case. The four month period fits under the new Constitution with a Chief Pleas meeting every three months and any Ordinance amending the primary law can be disapproved if necessary. GP&A Committee monitors legislative drafts before they are considered by the States.
- 07 Seneschal All the "opt-out" clauses also apply to Alderney which initially had no problem with the Projet as written but have since accepted the new arrangements following consultation by GP&A.
- 08 Dep. Olsen Confirmed the responsibility of GP&A to lay Ordinances before Chief Pleas.
- 09 Seneschal Agreed but stressed that it needed vigilance by both the GP&A Committee and the Seneschal to monitor the billet list.
- 10 Sieur Donnelly It is the independence and unpredictability of Chief Pleas that is the problem but it shouldn't be a problem. He sensed that Deputy Olsen was uncomfortable with the "opt-out" arrangement and GP&A Committee has already indicated to Guernsey States that Chief Pleas are unlikely to be happy with it. Can Sark not "barrack" the Policy Council in Guernsey and stress the wish for "opt-in" clauses. He supported GP&A's stand but Chief Pleas needs to give GP&A support on going for "opt-in" clauses, as "opt-out" will be seen as undermining Guernsey based legislation.
- 11 Sieur Gomoll Section 28 needs to be read fully and carefully. He could only agree to pass this at the next Extraordinary meeting in six weeks time following representations to the Law Officers.
- 12 Dep. Olsen Thanked Sieur Donnelly and Gomoll for pointing out that if Chief Pleas disapproves the legislation it only affects Sark and Law would continue to apply in Guernsey and Alderney.
- 13 Sieur Rang Both Chief Pleas and the GP&A have been told that this is a workable option.
- 14 Sieur Raymond Guernsey States have been told that Sark needs greater ownership of its Laws. If this was a Sark Law, it would be difficult to police and would be too costly.
- 15 Dep. Dewe The "opt-out" applies to supplementary Ordinances only and Guernsey will not allow Sark to veto the whole Guernsey primary legislation. GP&A has plenty of advanced warning of Ordinances and Sark can "opt-out"
- 16 Sieur Donnelly Called for and was supported in having a named vote.

Proposition – CARRIED on a named vote - 20 Pour, 12 Contre & 1 No Vote

That Chief Pleas approve the Projet de Loi entitled "The Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2007".

6 Postponed until Day 2

- 01 Dep. Le Lievre Asked for a postponement of this item until the end of the meeting by which time more information on the costs involved may be available.
The House accepted this request.

7 Sea Fisheries Committee

Report with proposition – Conservation of Lobster & Crab Stocks

- 01 Dep. Cocksedge Referred to a letter that had been circulated to all Members of Chief Pleas a few days before this meeting from three fishermen who disputed the conclusions being put forward by the Committee. He reminded the House that there were nine other fishermen who remained content with the proposals. All supported conservation.

- 01 Dep. Cocksedge continued He referred to the figure of 1,117 pots placed by licensed boats in Sark waters during 2005 and reminded the House that this figure took no account of pots placed in the water by fishermen based in Guernsey. A total figure for 2004 suggested that 3,860 inkwells and 2,475 creole pots had been set during the course of the season. A more comparable figure to the 1,117 pots for 2006 was 1.079 although the Committee were still waiting for two fishermen to provide their returns. Because of the dispute between the fishermen with the proposals, the Committee will continue to consult and talk with the fishermen and will return to Chief Pleas with firm proposals after the season is ended. There is a wide disparity between the opposing sides and the Committee has tried to steer a middle way but all are not yet convinced.
- 02 Dep. Olsen Considered the letter was well informed and appreciated the input the three fishermen had given.
- 03 Dep. Cocksedge Confirmed that three open meetings with the fishermen had been held during the year for consultation on these issues.
- 04 Dep. E. Dewe Asked why the boats were being measured by footage rather than in units.
- 05 Dep. Cocksedge It was preferred and accepted by all the fishermen.
- 06 Sieur Donnelly Questioned why we were attempting to increase the number of pots which could be used. He was sure the Committee knew what it was doing but do we not need to conserve stocks for use on Sark? There was a large requirement for supplies in Sark by the hospitality industry. If demand increase and stocks dwindle this could be a major problem.
- 07 Dep. Cocksedge The total number of 2,000 pots proposed includes the Guernsey fishermen and logbooks kept by all fishermen shows no indication of reducing stocks. Jersey's reason for introducing a pot tagging system was to pre-empt any decline in lobster numbers. We have delayed to better identify the Guernsey fishermen with "grandfather" rights.
- 08 Sieur Rang Stressed that this restriction only referred to the 0-3 mile limit and that fishermen can go outside that limit with as many pots as they want.
- 09 Sieur Baker Supported the points made by Sieur Donnelly.
- 10 Dep. Cocksedge The Committee and all the fishermen support conservation and the dispute is as to how this can best be achieved. He would be attending a meeting in February with Guernsey Sea Fisheries when the idea of Sark licensing its own boats would be explored.
- 11 Seneschal Pointed out that this debate did not affect the proposition contained in the report.
- 12 Sieur Hurden It would appear from the circulated letter that the fishermen are supporting a lower limit than the Committee.
- 13 Dep. Cocksedge Three are but there are nine others who want more.
- 14 Sieur R. de Carteret There have been frequent Committee meetings with the fishermen; some are seeking more, two of them less than the Committee compromise solution. Stressed that this was only in Sark's territorial waters and along the west coast this is only 1½ miles out to the median line with Guernsey.
- 15 Dep. Cocksedge The reason for the proposition is to assist in prosecutions and to close a final loophole in the law over the close season. He apologised as the wording of the proposition was in error as Chief Pleas cannot amend the Ordinance. Revised wording was supplied as follows.

Proposition - CARRIED

That Chief Pleas direct the Sea Fisheries Committee to request the Law Officers to produce an amending Ordinance to the "Fishing (Sark) Ordinance, 1996" as follows –

[under Section 4(1)] – after ".....*any kind*" remove the words "*other than those commonly known as lady crabs*";

and to bring the amending Ordinance back to Chief Pleas at Easter 2008 for approval.

- 16 Dep. Cocksedge Drew attention to the notice sent to Chief Pleas Members by e-mail or handed out today, inviting them to attend a presentation to be given by the Guernsey Chief Minister, Mike Torode and his team explaining the proposal to extend the 3 mile territorial limit out to 12 miles. Arrangements had been made for the visit and presentation on Tuesday 22nd January, here in the Assembly Room.

A lunch break was called at 12.55am and extended to 2.15pm to allow Members to read and discuss with each other the letter from the Lord Chancellor and a supplementary report prepared by the Constitution 2007 Committee. Both were circulated to Members by the Constables.

**After the lunch recess, the Seneschal asked the House for permission to bring forward Item 15 to allow discussion and debate on the contents of the Lord Chancellor's letter and the supplementary report prepared by the Constitution 2007 Committee.
This was accepted.**

Items 8 – 14 were postponed until the second day.

15 Constitution 2007 Committee (C07C)

Report with propositions

- 01 Dep. Armorgie Apologised for the short notice in circulating the Lord Chancellor's letter and the supplementary report that stemmed from it. The original report was written in December 2007 and things have moved on apace since then, but it covered some issues which still needed to be dealt with. The update section deals with the submission of the Reform Law to the Privy Council for Royal Assent and the immediate response from Sir David and Sir Frederick Barclay. Their Humble Petition seeking a Judicial Review is available for Members to read should they so wish. The future role element and the need to extend the Committee's present mandate has been included to obtain Chief Pleas views about how the Reform Law work should continue.
- 02 Mr. Stisted (representing Mdm. Baker) Asked whether the checks and balances referred to in the report would come before the debate or after Chief Pleas has agreed to go ahead?
- 03 Seneschal This refers to the Committee and its role in dealing with the Law Officers and the enabling Ordinances required. Insertion of checks and balances would be a matter for the Committee to resolve after Royal Assent.
- 04 Dep. R. Dewe The enabling legislation will be the Reform Law. The Ordinances are subordinate legislation.
- 05 Dep. Armorgie Appreciated this explanation. He saw C07C having a role in bringing the subordinate legislation to Chief Pleas with support from GP&A Committee.
- 06 Seneschal Recommended that C07C return with a report at Easter Chief Pleas incorporating a revised mandate and propositions.
- 07 Dep. Armorgie It hasn't been easy steering this Committee. There has been the dispute on the qualification of Sieur Gomoll to remain on the Committee after the censure motion of the Michaelmas meeting. The Committee remain a Member short following the departure of Ms Char from Chief Pleas and he acknowledged her earlier contribution to the Committee's debates. Madam Baker is being nominated to join the Committee as her previous experience on Constitution Committees would be valuable. **Proposition 2**, to co-opt Mr. Andrew Bache **is withdrawn** as, following discussion he considers that he has more value in acting as a conduit with outside authorities under the auspices of the GP&A Committee to which he is already a co-opted Member.
- 08 Sieur Donnelly Have we considered the best composition of C07C? Is there any expertise in the House? Mr. Bache may have been assisting but we haven't seen any evidence of his deliberations with outside bodies. Chief Pleas has given C07C no budget to buy advice from outside.
- 09 Seneschal Confirmed that he would ask for any other nominations.
- 10 Dep. Armorgie Thanked Sieur Donnelly and would welcome any expertise if it was available. "We have done our stupid best", a frequently quote used by his father. Mr. Bache's communication has been verbal and he reports back to GP&A Committee but if written comments are required this could be considered.
- 11 Seneschal Perhaps at Easter Chief Pleas if it is considered necessary.
- 12 Dep. Armorgie C07C and GP&A may well take that opportunity.
- 13 Dep. Dewe Cannot understand why C07C might need a budget except perhaps for transport costs. The Law Officers are there for advice and there is no need to go out seeking expensive independent advice. He was incredulous at some of the independent advice bought privately and circulated.
- 14 Dep. Armorgie Respected Deputy Dewe's comments and will report back at Easter.
- 15 Seneschal Asked for any other nominations and confirmed that Madam Baker had agreed to stand and didn't need to be present to be elected to the Committee.

Proposition 1 - CARRIED

That Madam Diane Baker is nominated to join the Committee to fill the vacancy.

Proposition 2 – WITHDRAWN

The Committee would like to co-opt Mr Andrew Bache, as a non-member of Chief Pleas

15 Constitution 2007 Committee Supplementary Report with propositions

- 16 Dep. Armorgie Referred to the letter received in the Island two days ago. He had no wish to score points here but the change of personnel at the top in the Ministry of Justice (MoJ) has changed the earlier political advice that had been received. Although the overall position has not changed, the suggestion that an interim phase would be acceptable has gone. Rushed government is not good governance but given the advice in the letter, it is in our interests to move things along quickly. C07C sees it as its job to meet this deadline.
- 17 Sieur Perrée Had reservations about this, even if the letter has come from the highest source. Is this timescale attainable?
- 18 Seneschal Yes – C07C was bringing a verbal update to this meeting and this has come out within the last two days and it is only right that it should be shared with Chief Pleas as this opportunity is here.
- 19 Dep. Armorgie Appreciated that this was not ideal but there was a need to move forward. The crux of the letter is in Paragraph 3 but Paragraph 4 asks for the Reform Projet to be recalled. To that end, Proposition 1 of the supplementary report is put before the House.
- 20 Seneschal In keeping with previous matters pertaining to the Reform Law, a named vote was called.

Proposition 1 – UNANIMOUSLY CARRIED on a named vote

That Chief Pleas, at the request of the Lord Chancellor and the Secretary of State for Justice, recall the humble petition and Projet de Loi entitled “The Reform (Sark) Law, 2007”.

- 21 Dep. R. Dewe Chief Pleas has already decided on everything within the Reform Law and the only contention is the make-up of this House. All the other things have been decided and approved and it just needs to be 28 seats required to form a fully elected Assembly with no reserved seats.
- 22 Mr. Stisted Wished to change the wording of the second proposition to remove the word “options” and replace with “Option A”.
- 23 Sieur Gomoll C07C accept that “Option A” will be an option within the proposition. After the meeting in London and the forthcoming meeting with Michael Wills, the Minister of Justice, here in Sark, it is hoped that some additional options can be explored and included. C07C had always anticipated having a transitional period during the first four years when checks and balances could be considered and incorporated. As an example, he used the fact that Tenants, all of whom had a seat on Chief Pleas now, are spread throughout the Island, giving representation to all geographical areas. With no transition period, some areas of the Island, such as Little Sark might have no representation at all. He would like to look at the option of introducing a limited number of constituencies.
- 24 Seneschal The House has previously looked at the idea of constituencies, debated it and rejected the idea. If C07C truly has no wish to delay the process, any other option chosen would have drafting implications and would be required to come back to this House again before submission.
- 25 Mr. Stisted Did not fully comprehend these implications.
- 26 Seneschal C07C are suggesting a wish to look at other options other than just a straight replacement with Option A for the make-up of the Assembly. Any other alternative would require the Law Officers to draft alternatives and for those to be returned to this House for approval before going ahead.
- 27 Sieur Gomoll Option A will form 99% of the C07C recommendation but it is important that other aspects are considered. It may be possible to ascertain from the meetings with the Minister as to whether some minor adjustments can be considered now rather than returning immediately with changes.
- 28 Dep. Olsen Unambiguously we need Option A. Can the other options not be done by Ordinances?
- 29 Seneschal No they would need to amend the primary legislation.
- 30 Dep. Dewe If checks & balances are so important, why weren't they brought forward previously? Grand words but meaningless in this context.
- 31 Mr. Stisted Is Deputy Armorgie prepared to change the wording of this proposition?
Shouldn't checks and balances be introduced by the new House post December 2008?
- 32 Dep. Armorgie There is no wish to delay the process. Could he call for a recess so that C07C could discuss the wording of proposition 2?
- 33 Sieur Hurden A word of warning – the minimum number of Conseillers required is 28. Can we find 28 people to stand? Constituency conditions would make that even harder to achieve.
- 34 Sieur Donnelly It is all happening too fast. When the revised Reform Law is submitted, they will expect it to be fully human rights compliant. There are other matters needing to be considered and checks and balances are important. More thought now might be a wise thing and there is a need to address other issues to avoid challenges later. This has been bounced on us very quickly and in undue haste without proper consultation. There has been no chance to consult experts.

- 35 Seneschal Let's make it clear. The Lord Chancellor is only interested in Option A. Other concerns can be dealt with down the line. Despite the petitions, the Property Transfer Tax Projet will hopefully be dealt with by the Privy Council in February 2008. Something similar to Option A must be substituted in the Reform Law. The Lord Chancellor is prepared to accept the Law providing there is a replacement of the Assembly make-up with 28 seats of elected representatives with no reserved seats. You must be prepared to take his advice.
- 37 Dep. S. Williams We have discussed this issue for so long. Nobody was more against Option A at the outset than her but having served on C07C she appreciated the arguments and accepted that the alternative has been lost and support for Option A is the only option open to Chief Pleas.
- 38 Sieur Rang Considered there was still an alternative by tweaking something along the lines of Option A.
- 39 Mdm. Rang Quoted from the Lord Chancellor's letter – *"If a Projet were to be submitted to me which provided for an Option A-type composition for Chief Pleas.....I would not see any problem in recommending that for Royal Assent at the next practicable meeting of the Privy Council"*. Deputy Dewe's comments rubbishing checks and balances are wrong as there is a need for some safeguards to be included. C07C could still return with options on the lines of Option A.
- 40 Dep. Olsen C07C may wish to consider alternatives but the House needs assurance that Option A will be one of the options.
- 41 Mlle. Perrée Why do we have to change anything at all?
- 42 Seneschal Reiterated his previous clarification.
- 43 Mlle. Perrée This is all down to incomers who want to change everything the minute they get here, things that have worked well for 400 years.
- 44 Seneschal We've gone beyond that a long time ago.

**There followed a recess to allow C07C to confer – 3.25pm until 3.40pm
During this period Sieur Jackson retired from the proceedings**

- 45 Dep. Armorgie We will use the Lord Chancellor's words to amend Proposition 2.
The wording was revised to tie in with what the Lord Chancellor had requested.
- 46 Sieur Gomoll Confirmed that Option A was what was wanted with little other change but it could include a sub-clause allowing amendments by Ordinance. HM Comptroller is in the delegation going to London to meet the Lord Chancellor and there will be opportunities to discuss options with him.
C07C promise to meet the deadlines set by the legislative programme.
- 47 Mdm. Rang Was offered the opportunity but had nothing to add.
- 48 Dep. S. Williams Still had some concerns about a straight Option A and wants to use the opportunity of the London visit to ask questions and explore what might still be achievable.
She promised to meet the deadlines set for returning the revised Reform Law.
- 49 Seneschal Reread proposition 2 as amended.
- 50 Mlle. Perree When the Barclays challenged, did they not question the loss of value of their tenement
- 51 Dep. Olsen Will support the amended proposition.
- 52 Dep. Dewe Cannot support it because if there is more than one option there is no authority for the Law Officers to draft a further version of the Law. Proposition 2 must include instruction to the Law Officers to draft it.
- 53 Sieur Donnelly Who pays for the administration of the Island if we don't get 28 people elected? Preferred the previous version of proposition 2.
- 54 Seneschal In keeping with previous matters pertaining to the Reform Law, a named vote was called.

Proposition 2 – LOST on a named vote – 16 Pour & 16 Contre

That the Constitution 2007 Committee present to Chief Pleas one or more Option A type compositions.

- 55 Seneschal The proposition is lost because there is no overall majority and we have reached an impasse.
C07C must go away and see how this can be progressed.
- 56 Sieur Perrée Concerned about a fully elected House and whether there would be continual changes. At present Tenants do not resign and give continuity.
- 57 Seneschal Any Member who is fully elected can resign at any time.
- 58 Sieur Perrée Can this be controlled to avoid frequent elections?
- 59 Seneschal That is up to C07C to consider in subordinate legislation.
- 60 Sieur Donnelly There were serious concerns about page 2 of the Lord Chancellor's letter where he delays dealing with the problems of the Seigneur's involvement in Chief Pleas and the Seneschal's dual role. If the population support proposals from C07C we should give them enough leeway to provide protection and safeguards. There is too little time for C07C and there are serious concerns about achieving the necessary checks and balances in the timescale.

- 61 Seneschal It is not in the Lord Chancellor's letter but it has always been Chief Pleas wish to keep the Seigneur and Seneschals roles and therefore change is a matter for Chief Pleas further down the line. Chief Pleas has been offered opportunities to change the Seigneur and Seneschal roles and has always refused change. The Lord Chancellor declares that apart from the make-up of Chief Pleas, the rest of the Reform Law is human rights compliant.
- 62 Seigneur How long this whole process has taken. The petitions against the Reform Law, as recently submitted, were big and required much study and the process was interrupted by the Christmas and New Year break. To that end one can understand the latest delay. All these checks and balances, a wonderful phrase, but what actually are they? As to constituencies – all the twelve Tenants elected could have come from L'Eperquerie! These are all red herrings and introduced to delay progress. He urged the House to get on with it after seven years of debate.
- 63 Seneschal The elections must take place by Law in December 2008. It could be done under the new Law. If it is not, then the same make-up of the present House will govern for another three years. The Lord Chancellor recognises this need to turn around the amendments quickly and has offered every assistance. With the change of Prime Minister, Lord Falconer gone and a new Lord Chancellor with different views there have also been external reasons for delay. We do not wish to lose this opportunity that is now offered to us.
- 64 Dep. R. Dewe Fully concurred with both the Seigneur and Seneschal. Proposition 2 makes a nonsense of proposition 3. If the option had been approved there was no way of achieving it.
- 65 Mdm. Rang There is no intention to delay. C07C has no wish to delay. C07C will make the timescale.
- 66 Sieur Raymond There have been two opinion polls which have favoured Option A. The Lord Chancellor will expect C07C to bring forward a Reform Law based on Option A.
- 67 Seneschal Invited any draft propositions from the floor.
- 68 Dep. Olsen When the Extraordinary Chief Pleas meets to consider the revised Reform Law it must be drafted, printed and circulated without any sub-clauses.
- 69 Seneschal If such a law was drafted, C07C would need to know at least ten days before.
- 70 Mr. Stisted Asked Deputy Armorgie why a proposition calling for a change to Option A alone cannot be used.
- 71 Dep. Melling Put forward a proposition to adopt a straight Option A alternative.
- 72 Dep. Olsen Seconded the proposition.
- 73 Dep. Armorgie Mr. Stisted's idea remains an option.
- 74 Sieur Gomoll There remains an opportunity for C07C to meet the Lord Chancellor and Michael Wills MP. What will there be to discuss if the House has already decided what goes forward. What C07C is looking for might just be a one-liner or a short paragraph giving the option to make changes by Ordinance. We also meet Michael Wills MP here on 5th February, we could prepare any drafting with the Law Officers on the 6th and have it printed and ready to be circulated to Chief Pleas on the 11th February.
- 75 Seneschal We don't have to meet the Lord Chancellor in London if the House has already decided.
- 76 Sieur Rang We should at least wait until Michael Wills has visited us here in Sark on 5th February to hear what he has to say before a decision is made.
- 77 Mdm. Rang Wouldn't it be rude to refuse the invitation?
- 78 Seneschal You may still wish to have the meeting. The invitation is to two Members of C07C, the Seneschal and HM Comptroller.
- 79 Dep. Melling Provided a formal proposition –
That C07C present to Chief Pleas, the Reform Law 2008, amended to incorporate Option A as previously formulated.
The proposition was seconded by Deputy Olsen.
- 80 Mlle. Perree Sided with Mrs. Rang and agreed that it would be rude not to attend.
- 81 Seneschal The Lord Chancellor would not be insulted in the least if we came forward with Option A.
- 82 Sieur Gomoll That is exactly the reason why C07C needs to speak with HM Comptroller and the Law Officers as there has been no opportunity to discuss it given the new circumstances.
- 83 Seneschal We have a proposition from the floor. It depends whether you wish to constrain C07C or not. If this fails, we let C07C come back with a revised proposition in due course and just stay with Propositions 1 and 3.
- 84 Dep. Armorgie Agree for it to go to the vote.
- 85 Seneschal The Committee must accept the proposition from the floor as its own. If necessary, I can ask the public to leave and Chief Pleas can go into closed session to debate the matter.
- 86 Sieur Gomoll Can the House vote on Proposition 3? C07C has no wish to delay the progress of the revised Law but it must have the benefit of the two meetings before it can decide what exactly it brings forward.
- 87 Seneschal Asked for further debate but, as none was forthcoming, asked for a show of hands to consider proposition 3. This was supported by the House.

Proposition 3 – CARRIED on a named vote – 28 Pour & 4 Contre

That an Extraordinary meeting of Chief Pleas be convened in February 2008 to approve the amended Law and to send it for Royal Assent.

- 88 Sieur Donnelly How can we send something back upon which no decision has been made?
- 89 Seneschal We know that we wish to recall it and send it back. What we need now is a decision on what goes.
- 90 Dep. S. Williams Suggested a further C07C recess.
- 91 Sieur Hurden We know we want to go for Option A but what needs to be decided is what form it should take; hence the previous vote.
- 92 Dep. R. Dewe The Law Officers need a clear instruction from this House. They cannot draft a series of options.

There followed a recess to allow C07C to confer – 4.10pm until 4.25pm

- 93 Dep. Armorgie If proposition 2 is withdrawn, where does it leave C07C.
- 94 Seneschal Proposition 2 as it stood has been defeated. Propositions 1 and 3 have been approved. The Seneschal will recall the humble petition. C07C will have to come to the Extraordinary meeting in February with an option for approval. The Committee could call an informal consultative meeting of Chief Pleas to explain the proposal but the lead time for papers and notice is really too short. The House could continue to debate this now. Is C07C content for the public to remain or does it wish the debate to be in camera.
- 95 Sieur Gomoll If Option A is accepted alone, C07C is no longer needed.
- 96 Seneschal If the Committee is unhappy, it can resign and I will form a new Committee tomorrow to continue.
- 97 A final wording was read out, as a new proposition (4), agreed by the C07C and it was declared a free vote for the Committee.

Proposition 4 - CARRIED on a named vote – 20 Pour & 12 Contre

That the Constitution 2007 Committee present to Chief Pleas the Reform (Sark) Law, 2008 amended to incorporate Option A as previously formulated.

- 98 Seneschal Requested a meeting with C07C immediately after this meeting ends to discuss the invitation to meet the Lord Chancellor and for the Minister's visit to Sark.
- 99 Dep. Melling Isn't three weeks required to call an Extraordinary meeting of Chief Pleas.
- 100 Seneschal If the House is willing, I will ask tomorrow if 10 days would be sufficient notice.

END OF DAY 1 at 5.00pm
(Copies of the Lord Chancellor's letter and the C07C Supplementary Report were handed out to the public and press)

START OF DAY 2 at 10.00am

6 Harbours Committee

Report with propositions and The Safety in Sark Waters Ordinance, 2008

- 02 Dep. Le Lievre Since writing this report in December more consultation has taken place and more quotes are now available for the work and materials needed for repairs of Maseline Jetty. The quotes show an increase on the previously anticipated amount, nearer £90k than the £50k shown, but the standard of replacement has been upgraded following recommendations from Mr. Madden, an engineer from Geo-marine, who has visited and inspected the Jetty. He has suggested stainless steel reinforcements which will be longer-lasting and reduce cost over time.
- 03 Sieur Rang Expanded on the benefits. It will give greater flexibility to the positioning and movement of the crane, it will allow larger vessels to berth and, by replacing much of the wood, reduce ongoing maintenance and give a 50-60 year life span.
- 04 Sieur Delaney Asked if this would be a fixed price contract?
- 05 Sieur Rang Responded that at present nothing was agreed and the quotations were obtained for budgeting purposes only. The £90k figure did include a significant contingency of about £14½k.
- 06 Sieur Delaney Offered his services to the Committee, if required, having previously dealt with similar contracts.

- 07 Sieur Rang Appreciated the offer which was noted.
- 08 Dep. Dewe Admitted to being no engineer but questioned whether the materials proposed were as flexible compared to wood.
- 09 Sieur Rang The timber costs will also include the replacement of existing steel girders. The present jetty will take 50 tons hitting it whereas the new design would withstand 150 tons. It will look much the same and the concrete columns would be 12" square encasing steel uprights
- 10 Dep. Plummer Is there a guarantee of the length of time the jetty will last with the different materials?
- 11 Sieur Rang Life span is estimated as 50-60 years compared to timber which would be 30 years. There is also the point that many of the vessels berthing now are larger and with heavier loads.
- 12 Dep. Dewe Thought there was a deposit account Fund for Harbours.
- 13 Sieur Rang There is £15k in such a Fund for further work on "the cave" but this is not maintenance. The work here is likely to be some £21½k for labour, £21k for stainless steel alone.
- 14 Mlle. Perrée Wouldn't Sieur Delaney be useful on the Committee?
- 15 Dep. Le Lievre This report and proposition is only seeking approval to go ahead with this scheme in principle.
- 16 Sieur Perrée How long will the work take and what about inconvenience to harbour users?
- 17 Sieur Rang The work will take about a month but will allow occasional regulated use during the works.
- 18 Sieur Gomoll Will the proposition be changed to reflect the updated costs and should it be publicised? Are the figures not commercially sensitive?
- 19 Seneschal It will need an amended proposition.
- 20 Mlle. Bull When will it be done?
- 21 Sieur Rang Hopefully in March to avoid the necessity for intermediate repairs.
- 22 Mlle. Perrée Would this not be the best time to extend the jetty for the French boats?
- 23 Dep. R. Dewe Captain Brannan looked into extending the jetty a few years ago and the cost was roundly £4M.
- 24 Sieur Curtis If the amount is to be changed it will also be necessary to extend the payback time.
- 25 Dep. Le Lievre Suggested increasing the figures to £90k and nine years for payback.
- 26 Dep. E. Dewe By quoting figures in the report and discussing quotes here today, the financial information is already in the public domain.
- 27 Sieur R. de Carteret Asked if it couldn't be classified as maintenance to give greater flexibility
- 28 Following discussion, appropriate figures were agreed and included in the proposition as follows.

Proposition 1 – CARRIED as amended

That Chief Pleas grant The Harbours Committee £75,000 from reserves with £15,000 contingency, to be replaced from the Harbours Budget over the next ten years, for replacing greenheart timber pillars and decking with concrete on The Maseline Jetty.

- 29 Dep. Le Lievre Introduced the Safety in Sark Waters Ordinance. The main principle in introducing this legislation is to have a clearly definable set of rules and the ability to prosecute should serious violations or accidents occur. The map attached is for illustration purposes but the final version will be signed off by the President of the Harbours Committee in Sark. So that it can be publicised to boatmen in both Islands, copies will be available in the Greffe Offices in Sark and Guernsey.

Proposition 2 – CARRIED as amended

That Chief Pleas approves the Ordinance entitled "The Safety in Sark Waters Ordinance, 2008", as amended.

- 30 Dep. Le Lievre In Item 24 of this agenda, the rotation of Committee Members, Sieur Rang is shown as not standing for re-election. He has now agreed to stand again.
- 31 Seneschal Asked if there were any other nominations. There were none.

Sieur Rang was RE-ELECTED to the Harbours Committee

8 Shipping Committee

Report with propositions

- 01 Dep. Le Lievre The Shipping Review report has been made available and he hoped everyone had taken the opportunity to read it.
Subject to weather conditions, IoSS are hoping to sail the *Sark Viking* from Appledore in North Devon to Guernsey today.
The Committee would like to thank IoSS and its crews for the stalwart job of keeping the lifeline service going this winter, sometimes during severe weather, and when other providers elsewhere have been unable to operate.

- 02 Sieur Donnelly Had submitted question by letter to the Shipping Committee as follows –
“I am writing in connection with your report to Chief Pleas relating to shipping matters. I regret that this will be a verbal report as there are a great many issues about which Chief Pleas Members need to be aware of so as to take part in any debate and it is not ideal if they have no advance opportunity to get a feel for the most important current issues. I can very well appreciate that it may be a difficult task but please could you try and answer the following questions.
1. *Firstly when should Members expect a “shareholders meeting“ and when will an up to date set of audited accounts be made available?*
 2. *Secondly what measures are to be put in place to implement the recommendation of Dr. Spencer and in particular would the Committee point out to Chief Pleas that the criteria for governance in public life which Dr, Spencer took “as a given” should now be adopted by Chief Pleas without delay.*
 3. *Thirdly could the Committee advise the current circumstances of the New Build and as nearly as possible provide a financial update and completion/delivery information.*
- Obviously it would be helpful for Members if the Committee could generally outline what role if any the Committee will be taking in representing the interests of the Sark Public and Chief Pleas and present a report in relation to the future prospects and management of the Company”.
- 03 He appreciated that details about the delivery of the *Sark Viking* have been answered. He needed a feel of whether the Committee will be dealing with these issues or are the Directors handling it all.
- He referred to Page 31, Paragraph 5.4 of the Shipping Review Report, in which Dr. Spencer assumes that the Sark authorities (and he lists the Committees and Chief Pleas) in discharging their responsibilities seek to apply the Seven Principles of Life, which are then listed. Will the Shipping Committee be handling this assumption? We haven't been keeping the public informed.
- 04 Seneschal You are asking additional questions on issues that will be dealt with later.
- Sieur Donnelly consequently ended his points in favour of Deputy Le Lievre.
- 05 Dep. Le Lievre To answer Sieur Donnelly's written question -
1. A shareholders meeting will be called when the 2007 and the 2006 accounts are available. Both are at present with the auditors.
 2. Dr. Spencer's public life recommendations are no doubt to be considered by all Committees of Chief Pleas but each will have to weigh up the difficulties in funding suitably qualified persons to fulfil the necessary roles in a small community like Sark.
 3. The new build is now complete to the extent of a crew from IoSS taking delivery from the yard as we meet today, with a view to sailing to Guernsey as soon as conditions allow. Final costs of the new build are not yet decided. Mr. John Fearnly of Mecal is charged to negotiate final costs with the shipyard at Appledore after completion of the remedial works.
- The Committee is working with the Directors to consider the Reviewer's recommendations and the future of the Company and anticipate reporting in detail in due course.
- 06 Sieur Donnelly Said that was all very satisfactory and thanked Deputy Le Lievre. The 2006 accounts are the ones we need to see.
- 07 Dep. Le Lievre The 2006 accounts were mixed up in the change of management and consequently delayed but are now with the auditors.
- 08 Sieur Raymond The accounts were signed off in time for the enquiry in September 2007 but both have now gone forward.
- 09 Sieur Baker Complimented IoSS for service and loyalty through what has been a difficult time and supported Deputy Le Lievre's comments.
- 10 Mdm. Rang Recalled a story from a visitor to Sark whose wife had Multiple Sclerosis and was severely disabled. They were delighted with the help they received at the Sark end of their journeys but had problems in Guernsey. They were taken off the boat onto the landing platform but health and safety issues stopped her being carried up the steps. Could somebody take the issue up with IoSS or speak to St. John Ambulance to see if, in such cases, it could offer assistance. The couple were not happy and asked if our Shipping Committee could review the issue.
- 11 Dep. Le Lievre Given sufficient notice, IoSS can arrange for the vessel to berth alongside the Ro-Ro ramp. He will certainly take up the matter to see whether a more user-friendly policy can prevail.
- 12 Sieur Perrée It is all down to insurance and the problems of liability and cover should an accident occur.
- 13 Mlle. Bull Fully supported Sieur Baker's and Deputy Le Lievre's remarks about the IoSS staff, both the crew and in the office.
- 14 Sieur Donnelly The whole issue for him was to support the crew and we need an efficient company that gives them the tools to carry out the job. Have GP&A any plans on governance issues?
- 15 Seneschal Deputy Le Lievre has said they will be going through the report.
- 16 Dep. R. Dewe Confirmed that it would be added to a future GP&A agenda.

- 17 Sieur Baker Couldn't let the moment pass with all the comments coming from Sieur Donnelly about the performance of IoSS and the pressure he was placing on the Shipping Committee. As the former ineffective President of that Committee, who had faced and lost a vote of no confidence, Sieur Donnelly should know only too well of the problems the company has had. Sieur Baker attended both days of the Shipping Review Hearing in Sark and, having made a written submission, was offered the opportunity to give oral evidence. He chose not to do so. The Trident Advocate was using a style of cross-examination witnessed at the Nurembourg trials and Sieur Baker objected to his sitting at the back of this room today taking notes throughout the meeting.
- 18 Sieur Donnelly Spoke about the need for transparency in such dealings and the access of information for all to see. Secrecy breeds suspicion and is not necessary. He attended the Review Hearings. The Reviewer was good and ran it well. Sieur Donnelly was sorry that Sieur Baker felt intimidated.
- 19 Seneschal Both propositions need to be amended as Chief Pleas as a body doesn't do any work it can only direct its Committees to do so.
The amendments were made and the propositions voted on as follows.

Proposition 1 – CARRIED as amended

That Chief Pleas direct the Shipping Committee to urgently pursue the revision, amendment or replacement of “*The Alderney and Sark (Licensing of Vessels) Law, 1951*”, with regard to Sark.

Proposition 2 – CARRIED as amended

That Chief Pleas direct the Shipping Committee to request the Law Officers to prepare legislation which will –

- (a) allow licenses only upon recommendation of Chief Pleas;
- (b) specify minimum types of criteria for Chief Pleas to consider for each licence application including a “service level agreement” and certifications;
- (c) provide for up to date penalties for infringement;
- (d) define “passengers” and “cargo” more precisely;
- (e) unambiguously give enforcement authority to the Sark Constables and Harbourmasters;
- (f) govern all cargo and passenger movement to and from Sark and Sark's territorial waters;
- (g) be Human Rights compliant.

9 General Purposes and Advisory Committee

Report on Committee Secretary's Salary

- 01 Dep. R. Dewe Mentioned the sterling work of the Committee Secretary, recognising that the workload had increased significantly. The additional hours that the Secretary has worked should be recognised.
- 02 Seneschal There is no proposition with the report but he asked that the action taken be approved.
By a show of hands the request for approval was **CARRIED**.
- 03 Mdm. Rang Asked for Members appreciation to be recorded and this was supported by the House.

10 Road Traffic Committee

Report with propositions and draft ordinance

- 01 Dep. Cocksedge Acknowledged the retirement of Sieur Rossford de Carteret and thanked him for his support and his service as a long-standing Member of the Committee.
There had been some confusion over the reference for the proposed amendment and it should read Section 7(5) of the Road Traffic Ordinance 1967. The intention is to allow the Harbourmasters greater ability to handle traffic control at the Harbours and to liaise with Messrs Melling and Williams over access to the Quarry. This change will give the Harbourmasters authority and legislative back-up.
- 02 Seneschal Pointed out a small technicality that the Ordinance referred to the Resolution of the 16th and this will need to change to 17th but he would deal with that.
- 03 Sieur Baker This has been an exercise in good co-operation between the Harbours Committee, the Douzaine and Public Works and it has been fully discussed and supported.
- 04 Sieur Donnelly Raised a point about usage and questioned whether it was legitimate or not to use a tractor to meet boats and collect passengers. The Harbourmasters may direct traffic but only deal with issues if obstruction was being caused. There had been no public or user consultation on these proposals.
- 05 Dep. Cocksedge Sieur Donnelly will find his legitimate rights on his licence as recently issued.
- 06 Seneschal Tractor owners should use their tractors responsibly and instruct anyone driving for them as to when and how they can and cannot use their tractor. The licence holder always has recourse to the Road Traffic Committee if dissatisfied.
- 07 Dep. S. Williams Do tractor owners have the right to leave their tractors at the Harbour all day?

08 Dep. Cocksedge Fishermen have but those shopping or on business in Guernsey should not leave tractors parked in the Harbours all day.

Proposition 1 – CARRIED as amended

That Chief Pleas approve the Ordinance entitled “The Road Traffic (Tractors and Invalid Carriages)(Amendment)(Sark) Ordinance, 2008”.

09 Dep. Cocksedge Moved on to the “Horse Drawn Carriages on Sunday” issue, admitting that the Committee was split on this issue and felt that as it was so fundamental to Sark that it should be aired at Chief Pleas and the Committee Members offered a free vote.

10 Dep. Melling Been there, done this! He supported carriages operating on a Sunday as the present arrangements were a joke. If Sark is “open” on Sundays it must provide carriages-rides. He suggested that a proposition should be put forward scrapping all the restrictions on Sundays and make it the same as any other day of the week.

11 Dep. S. Williams Was not convinced that Sark wants it. She took the decision to open for food on seven Sundays at the Island Hall because no where was open in The Avenue. However, visitor numbers show quite clearly that if the boats operate on Sunday the numbers on Monday are down. If the opportunity is not there then visitors will come another day. It should be the peoples decision not one made by Chief Pleas.

12 Mlle. Perrée Keep the arrangements exactly the same as now as it all works very well.

13 Dep. Cocksedge Asked if Mlle. Perrée operated carriages on Sundays.

14 Mlle. Perrée Only as a taxi to meet boat passengers staying in Little Sark – not for joyriding.

15 Sieur Gomoll Supported Deputy Melling. The Law should be generalised and include Sundays.

16 Sieur Baker Agreed and had the same view.

17 Sieur Hurden Remembers Sunday boats being introduced and IoSS provided information and warnings to visitors travelling over on that day. Most were happy that there were few shops open. They needed bicycles and food but little else. Since then more shops have decided to open which suggests it is commercially attractive. Working people on the Island must decide whether they are prepared to work for seven days a week and whether it is worth their while.

18 Dep. Olsen Supported Deputy Williams; it is the only subject on the agenda about which the public have spoken to him – no boats, no carriages – a public meeting is needed for views to be expressed.

19 Sieur R. de Carteret Supported Deputy Williams – no boats, no carriages – the crews need rest days too. The cruise ships that come to Guernsey on Sunday can come to Sark on Saturday or Monday instead. Where will it stop; next there will be a call for the pubs to open on Sundays and more security will be needed. He was dead against it.

20 Dep. R. Dewe Support Deputy Melling’s removal of restrictions. There should be a freedom for the public to do what they want to do. If boats are running and bringing visitors, we should be serving them. He had always worked seven days a week and staff can be rostered. Saturday and Sunday visitors were in the main residents from the other Islands.

21 Dep. E. Dewe Also supported Deputy Melling. She has watched visitors arrive at Le Collinette and complain that, although carriages are lined up, they cannot use them because they are pre-booked as taxis to hotels.

22 Mdm. Rang Would prefer not to have Sunday carriages but now that we have Sunday boats, people should be free to choose.

23 Mlle. Bull Can we not carry out a referendum of resident’s opinion?

24 Sieur Donnelly There was a public forum and a petition. Could Tourism together with the Chamber of Commerce investigate public opinion? It is difficult for Road Traffic to dictate what must be done.

25 Seneschal The Committee is not dictating but asking for Chief Pleas’ views and direction.

26 Sieur Perrée Support Deputy Williams; the more that come on Sunday the fewer we see on Saturday and Monday. As a carriage owner he is sensitive to the numbers visiting and seen the trend.

27 Sieur Hurden Was sorry that so many Sunday visitors had been disappointed. IoSS have always made it clear in their office when selling tickets that there are no carriages or pubs open in Sark on Sundays. Perhaps IoSS and the Jersey operator need to make it even clearer so that those who want those facilities can come on another day.

28 Sieur Gomoll Accepted Sieur de Carteret’s view that it should be the individual’s right to decide whether to work or not.

29 Dep. Olsen Deputy Williams suggested consulting with the public and he agreed. If Road Traffic wants an answer today he cannot support.

30 Mlle. Perrée Despite all the complaints, she hears so many compliments about Sark being so good on Sundays, especially from those staying here who do not have to compete with the large influx of day visitors.

- 31 Sieur R. de Carteret Where will it end? If we give way it will be the fishermen next and then the Seigneurie Gardens.
- 32 Seneschal The intention to introduce a proposition by Deputy Melling and Sieur Rang can only be done with the agreement of the Road Traffic Committee.
- 33 Dep. Cocksedge It is clear that the debate shows that there are opposing views and it should be for the public to have their say. It is time to make a decision as to whether Sark is open on a Sunday or not.
- 34 Deputy S. Williams Requested that a proposition to ban Sunday boats and all that went with them should be put forward.
- 35 Seneschal That would need to come back as a report and proposition to a future meeting of Chief Pleas.
- 36 Dep. Melling Could proposition 2 be edited to say – That the Road Traffic Committee be instructed to consult with the Law Officers to remove the restrictions for the use of carriages on a Sunday?
- 37 Seneschal The Road Traffic Committee need to discuss whether they wish to replace their proposition with that put forward by Deputy Melling.

A ten minute recess was taken

- 38 Dep. Cocksedge The Committee has decided to keep the existing proposition.
- 39 Sieur R. de Carteret Called for a named vote which was supported.
- 40 Dep. R. Dewe If the proposition fails, could the Committee replace it with a different proposition?
- 41 Seneschal No, as the Committee has already rejected a proposition from the floor.
- 42 Sieur Gomoll The public would have been disappointed if C07C had not accepted the alternatives provided yesterday.

Proposition 2 – LOST as amended and with a named vote – 6 Pour, 25 Contre and 1 No Vote

That Chief Pleas direct the Road Traffic Committee to request the Law Officers to draft an ordinance entitled The Road Traffic (Temporary) Provisions (Sark) Ordinance, 2008, to allow carriages to meet cruise liner passengers arriving on Sunday during the 2008 and 2009 seasons and that a draft ordinance be returned for approval at the Easter meeting of Chief Pleas.

- 43 Seneschal It is now down to Members or Committees to come back if they wish with alternative propositions at a future meeting.
- 44 Dep. Cocksedge Finally drew attention to the issues surrounding electric bicycles. A public meeting will be set-up for further discussion and debate.
He was pleased to report that Mr. Rang has been granted a licence to use an electric bicycle so that he can keep up with Mdm. Rang in her invalid car. Mdm. Rang countered that she could no longer keep up with him.
- 45 Sieur Gomoll He had frequently to call for a carter on a tractor to collect small packages when an electric bicycle would have been more than adequate for the job of collection and delivery.

11 Emergency Services Committee

To elect a new member to the Committee to replace Mr. C. Guille

- 01 Seneschal Asked for any further nominations and there were none.

Deputy Dunks was ELECTED.

- 02 Dep. Plummer Acknowledged the work that Mr. Colin Guille, who is no longer a Member of Chief Pleas, has done for the Committee during his long period of service.
She requested that Chief Pleas record a vote of thanks to Chief Fire Officer Adrian Guille who has decided to retire on 31st January after 21 years, the last 10 as Chief Fire Officer. He has been a great asset to the Emergency Services and it is good that he will remain as a Special Constable. Mr Kevin Adams will take his place as Chief Fire Officer.
The House recorded a vote of thanks to Mr. A. Guille

12 General Purposes and Advisory Committee

To elect a new member to the Committee

- 01 Seneschal The resignation of a Committee Member must be made in writing to the Seneschal and copied to the President of the Committee. A verbal offer of resignation is not effective. As was discussed yesterday, Sieur Gomoll remains a member of the GP&A Committee.
That Committee's mandate does recognise the workload required of it and up to six members can serve. The nomination of Deputy Armorgie is therefore still valid.
He asked for any further nominations and there were none.
- 02 Dep. R. Dewe This is not listed in "The Operation of Chief Pleas Committees".

- 03 Seneschal It is contained in the Committee's mandate, approved by Chief Pleas at the meeting in February 2007 and that decision overrides any other consideration.
- 04 Sieur Baker Would like to ask Sieur Gomoll if he had resigned verbally.
- 05 Seneschal It makes no difference. No written resignation has been received.

A five minute recess was taken for the Committee to meet with Sieur Gomoll

- 06 Dep. R. Dewe Welcomed Sieur Gomoll back to the Committee and asked for the proposition to now be considered. Sieur Rang is standing down in rotation but is willing to stand again for re-election.

**Deputy Armorgie was ELECTED.
Sieur Rang was RE-ELECTED**

13 Medical Committee

Report with propositions – Medical Officer of Health

- 01 Dep. Olsen Reported the resignation of Dr. Frank Teunisse effective from 31st May 2008.

Proposition 1 – CARRIED UNANIMOUSLY

That Chief Pleas record a vote of thanks and gratitude to Dr. Frank Teunisse for his service to Sark.

- 02 Mdm. Rang We are all very sorry to see him leave.
- 03 Dep. Olsen Advertisements had been placed during December in the two main journals recognised for the recruitment of doctors and there had been 60 enquiries about the vacancy and 25 applicants. All the applicants have been screened by three doctors – Norwich, Teunisse and Henry – and the Committee is grateful for their advice and expertise. Six names have come to the front and a shortlist will be prepared following two sessions of telephone conferencing will start tomorrow between the candidates and the Committee. The Committee has considered issues such as gender, age, family commitments and whether they can be understood on the telephone as well as the doctor's recommendations.
Two applications introduced a concept of a team appointment, one as an extension of a large group practise in Essex with the idea that three doctors would rotate, staying a month at a time on Sark. This was considered carefully but rejected at present as a practical option.
There will be a cost involved in recruitment and the following proposition is put forward.
- 04 Sieur Perrée Do we help Dr. Teunisse with his removals from Sark?
- 05 Dep. Olsen No, it is at his expense.
- 06 Mr. Stisted Given the comparatively short time Dr. Teunisse has been here, are the candidates aware of the pressures of a 24 hours a day commitment which, by all accounts, is a reason for his going.
- 07 Dep. Olsen Full information and statistics have been sent to all those enquiring and the out of hours commitment is well documented. Each short-listed candidate will be instructed to ring Dr. Teunisse to discuss the workload required and those coming for interview will be meeting him and spending time at the surgery.
- 08 Dep. P. Williams Is there a contingency plan if the post is not filled by 31st May?
- 09 Dep. Olsen Yes.
- 10 Sieur Perrée Are not the school teachers removal expenses covered if and when leaving the Island? Should not the doctor's expenses be covered also?
- 11 Seneschal The teachers have a contract.
- 12 Mdm. Rang It is not the practise that is the problem but being on called 24 hours a day, 7 days a week. Is the Committee doing anything about that?
- 13 Dep. Olsen Some of the applicants have medical spouses but in any event all will have access to locums.
- 14 Mdm. Rang Understood that work has doubled or even trebled in recent years. There is need for additional funding and assistance to ease the burden of full time commitment.
- 15 Sieur Gomoll Supported the cost of paying removal expenses but not from the £8k for recruitment. It should be included as part of the contractual package.

Proposition 2 – CARRIED

That Chief Pleas allocate £8,000 from contingency funds to recruit a new Island doctor.

14 General Purposes and Advisory Committee

Report with propositions – Renewable Energy

- 01 Dep. R. Dewe This is an ongoing project which Deputy Olsen will be leading for the Committee.
Alderney Renewable Energy (ARE) has requested a meeting with the Committee and arrangements are in hand.

- 01 Dep. R. He apologised but all three propositions needed minor amendment for Chief Pleas to direct the
cont Dewe GP&A Committee to request the Law Officers to draft legislation.
- 02 Dep. Olsen There is a possibility of generating income for the Island here.
The Island cannot afford the capital cost of such an investment and an outside organisation would need to be involved. It is imperative that we avoid any mavericks coming in and the following propositions are laying down the groundwork for the Island to have control of its sea bed to ensure that any development is both controlled and offers a shared financial return to the Island from any power generated.

Proposition 1 – CARRIED as amended

That Chief Pleas direct the General Purposes and Advisory Committee to urgently pursue the exploitation of the energy that could be extracted from the tides that flow around Sark.

Proposition 2 – CARRIED as amended

That Chief Pleas direct the General Purposes & Advisory Committee to request the Law Officers to prepare legislation that will permit Sark to take control of commercial activities in the sea, the seabed and the land beneath the seabed within its territorial waters, subject to any obligation contained in international and customary law.

Proposition 3 – CARRIED as amended

That Chief Pleas direct the General Purposes & Advisory Committee to request the Law Officers to draw up legislation to establish a Commission for the Exploitation of Natural Energy (the Commission) of three members and a Chairman to supervise, control, manage and licence all commercial activities on the sea bed within Sark's territorial waters concerned with the exploitation of tidal energy and to have responsibilities similar to those in existence within Alderney's territorial waters concerned with the exploitation of tidal energy and to have responsibilities similar to those exercised by the Crown Estates Commissioners, the Maritime Consents Bureau and other appropriate responsibilities as exercised by the Maritime and Coastguard Agency.

- 03 Sieur Some methods don't have contact with the sea bed; are we being too restrictive?
Hurden
- 04 Seneschal Would the Committee please look at proposition 3 and consult with the Law Officers and bring it
back amended, if necessary, to a future Chief Pleas.
- 05 Sieur Application of the 3 or 12 mile limit will need to be clarified.
Gomoll
- 06 Dep. Olsen Some prospective sites are within the 3 mile limit but the Committee will certainly be looking out
to 12 miles. Thanks should be recorded to Deputy Cocksedge for his help in identifying potential
locations.
- 07 Dep. R. All this will be part of the discussions and talks will be held with the Chief Minister on territorial
Dewe waters limits but there is unlikely to be a conflict of interests.

Proposition 4 – CARRIED

That the General Purposes & Advisory Committee, pending the introduction of the above proposed Laws, negotiate with prospective Sark Offshore Power providers on a provisional set of Heads of Agreement.

15 Dealt with on Day 1

**16 Finance and Commerce Committee
Report with proposition – Harbour Dues**

To elect a new member to the Committee to replace Deputy Le Lievre

- 01 Dep. S. Thanked the Treasurer for her assistance in preparing this report. F&CC had been approached
Williams by Harbours Committee to investigate the potential for increasing harbour dues as the present
rate had been fixed back in 1978.
- 02 Dep. Olsen Questioned the present rate and this was confirmed as the amount shown in the attached
schedule.
- 03 Sieur Rang Explained that the rate was applied to the gross registered tonnage of the vessel and not the
amount of cargo or the number of passengers it carries. For example the Bon Marin would pay
roundly £5 every time it berthed in Sark.
- 04 Mr. Stisted Questioned the rate for dual-purpose vessels.
- 05 Dep. Le All vessels are presently charged the same, based on their gross registered tonnage. If the
Lievre vessels are categorised into passenger or cargo, definitions will need to be made by the Shipping
Committee.

Proposition – CARRIED

That Chief Pleas gives authority to the Finance and Commerce Committee -

- (a) to liaise with the Shipping and Harbours Committees as to the recommended levels of harbour dues and tonnage charges, and
- (b) to instruct the Law Officers of the Crown to prepare the appropriate draft Ordinance and/or Projet de Loi for further discussion by Chief Pleas.

- 06 Dep. S. Williams Reported that Deputy Le Lievre has resigned from the Committee and it wished to nominate Deputy Plummer as his replacement.
- 07 Seneschal Asked if there were any other nominations. There were none.

Deputy Plummer was ELECTED

- 08 Dep. S. Williams The Committee would also like to take this opportunity of adding a second co-opted member to the Committee and nominate Mr. R. Boerenbecker.

Mr. R. Boerenbecker was ELECTED as a non-Chief Pleas member

The meeting then recessed for lunch at 12.50pm returning at 2.15pm

17 General Purposes and Advisory Committee

Report on the Spaying of Bitches

- 01 Dep. R. Dewe The report describes the present situation and the Committee could not find a way forward. Sark imports dogs, many from UK Rescue Centres. The Committee has provided three options for Chief Pleas to consider and give its direction as to which way the Committee should proceed.
- 02 Seigneur Had no feelings about this issue and has no problems in foregoing his "right" to keep an unsprayed bitch. The control of dogs was introduced in the 1680 Ordinance with each Tenant allowed to keep only one dog (of either sex) to stop sheep chasing. In the 1700s, banning bitches was introduced to keep dog numbers down. It is not a feudal right of the Seigneur as seems to be popular belief.
- 03 Sieur Gomoll There is no proposition and he suggested the combination of Items 17 and 19. If breeding dogs, there is a common practice to kill the weakest of the litter.
- 04 Dep. R. Dewe Had no problem with combining the issues but there is a need to concentrate initially on dogs rather than apply this to all animals.
- 05 Seneschal Advised that the two remain separate.
- 06 Mr. Stisted Legislation would not be enforceable so why don't we just strike the Law out?
- 07 Sieur Rang Had nothing against bitches on the Island only the mess that all dogs leave. Dogs run loose here and the more dogs, the more faeces are deposited. He is seriously thinking of banning dogs and their owners from his land as ground covered with faeces is not conducive to a good camp site.

Sieur Rang offered his apologies at this point but had to leave this meeting to attend another appointment

- 08 Seneschal The present legislation needs amending because it is not human rights compliant but at the same time, the Law needs tightening so that it is enforceable.
- 09 Mdm. Magell Asked if GP&A has considered restrictions by applying special licences and veterinary certificates.
- 10 Mdm. Rang Against change and instanced a case of a visitor, with an unsprayed bitch, kept under control, but nevertheless still sufficient to attract dogs up to the door of the house.
- 11 Seneschal The option is there in the report but there will have to be some changes to the legislation even if you retain the ban on bitches.
- 12 Dep. R. Dewe Supported the freedom of the individual; the Committee were at odds and needed direction from Chief Pleas. Sheep owners don't think it will be a problem as those with spayed bitches would likely continue to have any new bitch spayed as well. Most dog owners are responsible but there are a few rogue owners who do not control their dogs.
- 13 Seneschal Directed the House to the three options in the report and asked for a show of hands for each with the following results –
Option 1 - 5 votes; Option 2 - 17 votes; Option 3 – 2 votes

The House supported the second option suggested by the Committee to amend The Control of Dogs (Ordinance) 1970,–

To make the ban apply to all persons on keeping an entire bitch and retain the clause on spayed bitches.

18 Tourism Committee

To elect two new members to the Committee to replace Mr. C. Guille and Mr. D. Spence

- 01 Mdm. Magell The Committee is currently liaising with the Law Officers on accommodation permit fees and will bring a report to the Easter meeting.
A meeting of the Tourism Committee has been scheduled for next week when other issues can be resolved and to that end a full Committee is needed and the following nominations are put forward.
- 02 Seneschal Asked for any further nominations but none was forthcoming.
- 03 Sieur Gomoll Whilst supporting the nominations and appreciating that both were knowledgeable as they had a business involvement in Tourism, any bias in voting should be carefully monitored at meetings.

Deputy Armorgie and Deputy S. Williams were ELECTED

19 General Purposes and Advisory Committee

Report with propositions – Animal Cruelty Legislation

- 01 Mdm. Rang Hoped that any legislation would apply to all animals. She has over the years received complaints about starving cows and horse cruelty. The 1932 Law does include animals other than horses.
- 02 Seneschal Took up Sieur Gomoll's earlier point and suggested that GP&A incorporate dog spaying into the same law.
- 03 Sieur Gomoll Asked if the Constable could address the House and this was accepted.
- 04 Constable Received complaints nearly every month. Two recent cases had been resolved without prosecution but the Constables have no powers to deal with animal cruelty.
- 05 Dep. P. Williams Requested that GP&A keep the Agriculture Committee consulted on any progress made.
- 06 Seneschal Suggested that GP&A invite an Agriculture Committee Member to attend when the issue is discussed.
- 07 Sieur Gomoll Are fines the only measure as a deterrent or can the owner be taken into custody?
- 08 Dep. R. Dewe Point taken – in the UK, the law constrains the owner from keeping animals in the future. The Court could give an order for the animal to be destroyed.
He apologised for a slight change of wording in the proposition that Chief Pleas direct the GP&A Committee to request the Law Officers to draft legislation.

Proposition 1 – CARRIED as amended

That Chief Pleas direct the General Purposes and Advisory Committee to study other jurisdictions legislation on the subject.

Proposition 2 – CARRIED as amended

That Chief Pleas direct the General Purposes and Advisory Committee to request the Law Officers of the Crown to draft an Ordinance for Sark on the prevention of animal cruelty with appropriate level of fines and other measures.

20 Education Committee

Information Report

- 01 Mdm. Magell Reported that advertisements for the vacant Head Teacher post were currently published and that with 13 days to go, 52 people had shown interest and 3 applications had already been received.

The Report was NOTED

21 Medical Committee

Information Report

- 01 Dep. Olsen Reported that the following figures were now available for the Island Insurance for 2006/7 – 321 clients; £258,940 premiums; £175,373 claims; £45,000 pending claims.

The Report was NOTED

22 Development Control Committee

Report with propositions and Projet de Loi

- 01 Sieur Baker Introduced the report pointing out that this was a Projet de Loi and not an Ordinance as stated and follows the approval of Chief Pleas at Michaelmas 2007 to go forward with the amendment which covers three things –
- Payment of fees for development applications;
 - The placing of the Appeal procedures into Law;
 - Removal of Section 14 – the exemption of Chief Pleas from seeking planning permission for its own development.
- 02 Seneschal Warned that it shouldn't be expected that the Privy Council will deal with this soon and quoted recent long waiting times for non-urgent legislation from the Bailiwick Legislatures.

Proposition – CARRIED

That Chief Pleas approve the Projet de Loi entitled “The Development Control (Sark)(Amendment) Law, 2008”.

23 Deputy Burgess and Mlle. E. Perrée Propositions

WITHDRAWN following the outcome of Item 15 – The Reform (Sark) Law.

24 Rotation of Committee Members and Election of Members

The following members were **RE-ELECTED** to Committees –

Development Control	Mdm. J. Carré
Education	Sieur S. de Carteret
Firearms	Sieur S. de Carteret
Medical	Deputy Armorgie
Millennium	Deputy Melling
Pilotage	Deputy Le Lievre
Public Health	Deputy P. Williams
Sea Fisheries	Deputy Armorgie
Shipping	Deputy Olsen

Agriculture Committee – upon the demise of Sieur P. Perrée, Mr. P.C.E. Perrée now becomes a Tenant and has taken his place in Chief Pleas. This precludes him from sitting on the Agriculture Committee as a co-opted Member. He was nominated fill the vacancy on the Committee.

Sieur P.C.E. Perrée was ELECTED

Road Traffic Committee – two nominations came from the floor, Deputies S. Williams and E. Dewe.

Deputy E. Dewe was ELECTED

25 Forthcoming meetings for Chief Pleas Members

PRESENTATION ON FISHING LIMITS – Tuesday 22nd January 2008 at 10.30am

VISIT OF THE MINISTER OF JUSTICE - Tuesday 5th February 2008 – time to be announced

EXTRAORDINARY MEETING – Thursday 21st February 2008 at 7.00pm

Papers distributed to Members by Monday 11th February 2008.

EASTER MEETING – Wednesday 26th March 2008 at 10.00am

Agenda closes on Friday 29th February 2008 at 3.00pm

Papers distributed to Members by Wednesday 5th March 2008.

This meeting closed on the second day at 3.05pm.

Brian Garrard (Sark Committee Secretary) 4th-9th February 2008

9th February 2008

Seneschal

Greffier

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