

MINUTES of the EXTRAORDINARY MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 20th May 2008 at 7.00 pm.

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.

Members were present at the roll call as follows: **129 Tenants and 12 Deputies**

Apologies: **Sieur Hurden, Mlle. Bull, Sieur A. Miller, Sieur L. de Carteret.**
¹ Sieur Jackson retired from the meeting in the break at 9pm.

Opening Remarks

- a** The Seneschal informed the House that six Tenants had nominated representatives to stand in their stead; Mdm. Snelling (Mr. Bird), Mdm. Drawmer (Mr. W. Rang), Sir F. Barclay (Ms. McDermott), Sir D. Barclay (Mr. Dawes), Sieur Willis (Dr. Henry) & Sir P. Miller (Mr. Bache).
- b** The Seneschal welcomed Sieur Mark Harrison to his first meeting of Chief Pleas, as the new owner of Le Vieux Port tenement.

1 Minutes of the Easter Meeting on 26th March 2008

- 01 Sieur Donnelly **Page 15 Item 19.28** – questioned the note above the contribution by Sieur Barclay which suggested that Sieur Donnelly had written the statement.
- 02 Seneschal Explained that it was to acknowledge that the script had been supplied later by a third party and there was no intention to suggest that anyone else had written it.
The note was deleted from the minutes.

With that one edit the minutes were **APPROVED** by the House.
The Seneschal invited any matters arising from the minutes.

- 03 Mdm. Magell **Page 4 Item 8.02** – wished to clear up a misunderstanding that has arisen about the use of the playing field which is managed by the Sports and Social Club, not the School, although the School can use them during the school day. Neither the Hall Management nor the School teachers have banned the Island children from playing on the field in their own time.
What the School has asked the children to do is to return home at the end of the school day so that parents are aware that they now have responsibility for their children. The teachers are then able to complete their remaining tasks at school. The children are then free to return to the field if they or their parents so wish. The Sports Club is happy with the children using it for recreation outside school hours.

2 Questions not related to the Business of the Day

A series of questions (1-6) had been submitted **to the President of the General Purposes and Advisory Committee by Sir David and Sir Frederick Barclay.**

The questions were read out by Deputy R. Dewe followed by his written answer.
After each question the Seneschal invited any supplementary questions or statements.

Question 1. - *Would the President of the General Purposes & Advisory Committee please provide Chief Pleas with a report on the progress being made with regard to the proposed extension of Sark territorial waters to 12 miles and assure the house that Chief Pleas will both have and retain full jurisdiction and control over the extended territorial waters, including sea-bed rights, mining rights and the like?*

Answer – Negotiations to extend the territorial waters adjacent to all three islands have taken place, as you are aware, over a considerable period of time, and the Committee understands that these are continuing. If the territorial waters were extended beyond the present 3 miles, the legislative and administrative competence of Sark Chief Pleas, which is currently exercisable within those 3 miles would be exercisable throughout the extended area and, this in respect of seabed, sea and air space. That is not, of course, to say that any Crown or other rights would be abrogated by extension of territorial waters.

- 2.1 Mr. Dawes Pointed out that the Crown Rights were exercised by Guernsey and Sark. The Seigneur does not own the sea bed and ownership is currently under discussion.

Question 2. - *To the extent that the Seigneur retains any feudal rights over, in or under the sea, sea-bed or foreshore will the President agree to bring legislative proposals to Chief Pleas either to abolish such feudal rights or to transfer the benefit of those rights to Chief Pleas?*

Answer – It is obviously not within my power as President of the GP&A Committee to agree to any such thing. If Chief Pleas so wishes, the Committee could investigate, in consultation with the Seigneur, the possibilities and implications of reforming the law relating to rights in respect of the sea, seabed and foreshore, although the foreshore is quite different from territorial waters, and report the result of such investigation in due course for consideration by Chief Pleas.

Question 3 - *Does the President not agree that the time has come to bring legislative proposals abolishing, for the avoidance of doubt, all remaining feudal rights?*

Answer – GP&A does not have an existing mandate in this respect, but would accept such a mandate if given by Chief Pleas. Because the Committee has no mandate, it has given no thought to any advantages, disadvantages, consequences or any implications of such measure to be able to have any formed view about it.

Question 4 - *Is the President aware that Guernsey advocates have been retained by the Isle of Sark Shipping Limited (“IoSS”) and that legal proceedings have been threatened against both Sieur Kevin Delaney and Brecqhou Developments Limited for alleged breaches of the Alderney and Sark (Licensing of Vessels) Law, 1951?*

Answer – Only by rumour and the Committee does not discuss a matter unless it receives a written communication or instruction by Chief Pleas.

- 2.2 Sieur Raymond The Isle of Sark Shipping Company Ltd has been taking further legal advice before contemplating any further action. The advice that has been received is that the cost of bringing proceedings could be very substantial and hazardous as to outcome, for a company which has prioritised public service rather than profitability. In the circumstances, I can inform Chief Pleas that the company intends to follow the advice of specialised London Counsel and will not bring proceedings in the matter of the use of the *Brecqhou Warrior* to carry materials to Sark for use in the Barclay family building projects.

Question 5 - *To what extent was the President or members of his Committee consulted by IoSS before taking that action?*

Answer – GP&A has not been consulted or informed by the Isle of Sark Shipping Limited that it has retained Guernsey advocates and that legal proceedings have been threatened against both Sieur Kevin Delaney and Brecqhou Developments Limited for alleged breaches of the Alderney and Sark (Licensing of Vessels) Law, 1951, and there is no reason why the Committee or myself should have been informed or consulted.

Question 6 - *Is the President aware that our continued investment in the Island of Sark, which is worth many multiples of any freight charges IoSS hopes to extract from us, is threatened by such short sighted actions, and what is he going to do about it?*

Answer – I believe that it is not appropriate for me or the Committee to speculate about the intentions of Sir David and Sir Frederick Barclay as businessmen, any more than those of other individuals and business people, claiming to be influenced by the commercial decisions of the Isle of Sark Shipping Ltd.

- 2.3 Mr. Dawes Should GP&A Committee not be more reactive rather than proactive to the business of this Island rather than awaiting instructions from Chief Pleas before taking action? Should not the GP&A Committee sometimes take the initiative?

A question (7) had been submitted **to the President of Tourism Committee by the Emergency Services Committee**

The question was read out by Deputy S. Williams followed by her written answer.

Question 7 - *The Emergency Services Committee request the Tourism Committee to make amendment to the Tourism (Sark) Law, 1982, requiring a reasonable level of fire and gas protection in premises as a pre-requisite of issuing accommodation permits and to bring immediate legislation to the next Meeting of Chief Pleas on the 2nd July 2008 for its approval and if at all possible for the legislation to be in force for the issuing of accommodation permits for the 2009 season?*

Answer – Following consultation with the Law Officers it is hoped to bring an Amending Ordinance to the meeting of Chief Pleas on the 2nd July although at this stage this will only deal with premises requiring accommodation permits. The wider issue of covering private rental property would require a new Law and will take longer to put in place.

- 2.4 Dep. Plummer The Sark Fire & Rescue services, having inspected a number of premises on the Island are anxious to ensure that at least a minimum level of protection is provided, giving warning of fire and carbon monoxide emissions.
- 2.5 Dep. Olsen Will this apply to holidaymakers or to all leased or rented accommodation?
- 2.6 Dep. S. Williams Only initially to those premises or establishments requiring accommodation permits.
- 2.7 Dr. Henry All appliances should be subject to an annual corgi-registered inspection annually as is required in the UK.
- 2.8 Dep. Plummer Boiler shut-off valves are increasingly being installed.
- 2.9 Sieur Delaney This has been extended to rental property in the UK.
- 2.10 Dep. Melling Protection can be introduced quickly by introducing the necessity to install alarms in accommodation for which permits are required. To introduce it to rental accommodation will require a new law and that will take time to go through the legislative process.
- 2.11 Seneschal It requires someone to come to the next meeting with a report.
- 2.12 Sieur Donnelly Suppliers are now including shut off valves on all new appliances.

3 Reform Law Enactment Committee (ReLEC)

Report with three Ordinance, a Projet de Loi and Propositions,

The Reform Law Ordinances, 2008 and The Reform (Sark)(Amendment) Law 2008

- 3.1 Dep. S. Williams The Committee has done everything that Chief Pleas asked it to do and all the necessary Ordinances are attached. There are some minor edits to be made to each and these will be listed as each is dealt with.
On the first page of this first Ordinance, the Order in Council number in the footnote should be a roman V.
- 3.2 Mr. Dawes There appears to be no provision for postal voting and in Section 8(4) it would appear that voters can be identified; is that intentional?
- 3.3 Seneschal Confirmed that there was no number on the voting slip. There was no change to the present system and it was impossible to identify the voter from the voting slip.
- 3.4 Dep. S. Williams The introduction of postal voting was complicated and there was insufficient time to bring in a system for the December 2008 election.
- 3.5 Seneschal Chief Pleas has asked for the option of postal voting and at some future stage, given a longer lead time it could be offered.
- 3.6 Ms. McDermott Questioned the position of Seneschal as Returning Officer, suggesting there was a conflict of roles which breached human rights legislation.
- 3.7 Seneschal The Seneschal would no longer be compiling the electoral roll. He would continue to conduct the election and there was no change from 2003/4 when it was considered and accepted as human rights compliant.

Proposition 1 - **CARRIED with the agreed minor text amendment.**

That Chief Pleas approve the ordinance entitled -

The Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008.

- 3.8 Dep. S. Williams On the first page of the second Ordinance, the Order in Council number in the footnote should be a roman V
- 3.9 Mr. Dawes Asked if it was right to commence this Ordinance on 1st September 2008 when there is no Chief Pleas.
- 3.10 Seneschal Explained that there were transitional savings to be made for the whole law to be brought in for election preparation and the date was advised by the Law Officers.

Proposition 2 - **CARRIED with the agreed minor text amendment.**

That Chief Pleas approve the ordinance entitled -

The Reform (Election of Conseillers) (Dates) (Sark) Ordinance, 2008.

- 3.11 Dep. S. Williams On the first page of the third Ordinance, the Order in Council number in the footnote should be a roman V
- 3.12 Seneschal Additionally, the commencement dates in Section 1 are to be changed and commencement will now be –
 (a) Sections 8, 9 & 68 would commence on 21st May 2008
 (b) Other provisions still on 1st September 2008.
 The reason for this change is the requirement for a Lt. Seneschal to sit on a case in Sark. The Deputy Seneschal is unable to sit as he is a defendant. This commencement date allows the Seneschal, the Bailiff and the Lt. Governor the opportunity to appoint a Lt. Seneschal.
- 3.13 Mr. Dawes Pointed out a small typing error in the previous Ordinance and was assured that it would be corrected.

Proposition 3 – CARRIED with the agreed text amendments.

That Chief Pleas approve the ordinance entitled -
The Reform (Sark) Law, 2008 (Commencement) Ordinance, 2008

- 3.14 Dep. S. Williams Requested a suspension of the Rules of Procedure in order to introduce a new Ordinance covering the Oath of Lieutenant Seneschals.
The House AGREED a suspension of the Rules of Procedure.
 The Constables distributed the new Ordinance.
- 3.15 Seneschal The oath would be administered by the Royal Court in Guernsey.
- 3.16 Sieur Gommoll Identified a minor typing error on the second line.
- 3.17 Seneschal This would be corrected.
 A new Proposition 3A is introduced to cover this additional Ordinance.

Proposition 3A – CARRIED with minor text amendment.

That Chief Pleas approve the ordinance entitled -
The Reform (Oath of Lieutenant Seneschals)(Sark)Ordinance, 2008

The Rules of Procedure were then reinstated.

- 3.18 Dep. S. Williams On the first page of the next Ordinance, the Order in Council number in the footnote should be a roman V.
 On Page 2 in Section 23(4)(a), the date should be 2013 **not** 2012.
 On Page 2 in Section 23(4)(b), the date should be 2011 **not** 2010.
 On Page 4 in Section 4, the last word should be Sark and **not** Guernsey.

Proposition 4 – CARRIED with agreed text amendments.

That Chief Pleas approve the Projet De Loi entitled -
The Reform (Sark) (Amendment) Law, 2008

- 3.19 Seneschal Thanked the Committee and the Law Officers, all of whom had worked hard to bring forward all this legislation in such a short space of time.

**4 Finance & Commerce Committee
 Report with Ordinance and Proposition**

The Real Property (Commencement) Ordinance, 2008

- 4.1 Dep. S. Williams The Committee has done everything that Chief Pleas asked it to do and the necessary Commencement Ordinance is attached.
- 4.2 Mr. Dawes Questioned what happens if a document is lodged before the commencement date but it is registered after the commencement date.
- 4.3 Seneschal Asked if he was expecting a rush of submissions.
- 4.4 Mr. Dawes No, possibly only one.
- 4.5 Sieur Harris This was not the place for such a question to be asked as it was the business of the Court.
- 4.6 Seneschal Suggested that the submission would need to be lodged and see what happens.
- 4.7 Dep. S. Williams Suggested that the date could be changed from 2nd June to the 20th May.
- 4.8 Sieur Gommoll Said that a notice should be posted in the Public Boxes giving warning that the 2nd June was the start date for the legislation.
- 4.9 Seneschal Any lease that had been in existence for say 5-6 years but not registered, if registered now would need to be considered by the Court and it is not possible to predict the likely outcome.

- 4.10 Sieur Raymond Registration in itself should not attract the tax.
- 4.11 Mr. Dawes Agreed that seemed an eminently sensible approach.

Proposition - CARRIED

That Chief Pleas approves –

The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 (Commencement) Ordinance, 2008.

Deputy Cocksedge asked whether Item 11 could be brought forward to conclude the consideration of new legislation before debate started on other issues. The House **AGREED**.

11 Road Traffic Committee

Report and Ordinance with proposition –

The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2008

- 11.1 Dep. Cocksedge Introduced the report and explained that if was a simple amendment to the legislation approved by the Easter meeting of Chief Pleas.
- 11.2 Sieur Perrée Declared an interest but spoke against the amendment.
He was anxious that carriages on tour should not interfere with Church or Chapel Services.

Proposition - CARRIED

That Chief Pleas approve the Ordinance entitled –

The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2008.

**5 Shipping Committee
Report with Propositions**

Isle of Sark Shipping Company Winter Timetable 2008/9

- 5.1 Dep. Le Lievre Introduced the report pointing out the three key elements of the proposed IoSS Winter Timetable – the advancement of the early boat from Sark on Wednesdays and Shopping Saturdays to 0845 and not 0900 hours, the introduction of a fuel surcharge and the limitations imposed on personal baggage. In the case of the latter, the allowance was generous and exceeded the limits imposed on airline passengers.
- 5.2 Sieur Delaney Asked why Sark could not enjoy both a morning and afternoon service on every Saturday throughout the Winter. For those in full time employment, Saturday is the only accessible day to go to Guernsey. With no afternoon return or Sunday boat service, the time and cost of two overnight stays limits those who may want to visit during the weekend.
As return boats operate on many Saturdays why can it not run every week?
- 5.3 Sieur Raymond More Saturdays has been tried but usage was poor. Overtime rates are high and economic reasons have always prevailed. If a greater operation is required it may only be operated with guaranteed bookings.
- 5.4 Mlle. Perrée Why do Tuesday and Thursday boats wait so long in Sark before returning to Guernsey?
- 5.5 Sieur Raymond The passenger journey, which is restricted to only twelve passengers, is combined with cargo on the *Sark Viking* and the vessel waits in Sark to unload cargo.
- 5.6 Dep. Burgess Why are all the bookings made through the Guernsey office and not the Sark office?
- 5.7 Sieur Raymond Because the Guernsey office is staffed throughout the day whereas the Sark office is only open for a short period either side of arrival and departure times. An improved on-line booking system is being prepared which will allow reservations to be made for those originating in Sark to be booked on-line.
- 5.8 Sieur Gommoll If bookings exceed the 12 passenger load factor restriction on Tuesdays and Thursdays, will additional capacity be made available?
- 5.9 Sieur Raymond If the number of additional passengers can be guaranteed, then a trip could be provided.
- 5.10 Sieur Gommoll If Saturdays remain limited to just the one boat, can it be retimed to 1030 rather than 1000 to provide a better connection with the first 'planes arriving from Gatwick?
- 5.11 Mdm. Magell For those coming to Sark camping, the equipment carried would exceed the baggage allowance.
- 5.12 Sieur Raymond Agreed to respond but it thought it unlikely that there were too many winter campers.
- 5.13 Sieur Delaney What is the minimum number of passengers required to make a return trip viable?
- 5.14 Sieur Raymond Promised to go away and number crunch and speak with the Managers of IoSS.

- 5.15 Sieur Rang Confirmed that his campsite does receive winter campers. He also asked for compatibility with Manche îles on the carriage of bicycles as passengers from France & Jersey are allowed accompanying bicycles to be carried with the passengers. He asked that camping baggage be allowed to accompany passengers on IoSS journeys.
- 5.16 Seneschal As Sieur Raymond is to consider a redraft of the winter timetable, will the Shipping Committee liaise and bring back a new timetable and proposition at the Mid-Summer Meeting?

Proposition 1 – POSTPONED until the Mid-Summer Meeting

That Chief Pleas accept the timetable as drafted by IoSS and included with this report.

- 5.17 Mr. Dawes As Chief Pleas has not seen the accounts for 2007 how do we know whether the claim for ticket surcharges is justified?
- 5.18 Sieur Raymond The cost of fuel has risen by 77% this year.
- 5.19 Sieur Gommoll Asked for clearer guidelines on excess baggage and with better explanation of charging.
- 5.20 Sieur Donnelly On Tuesday and Thursday when the *Sark Viking* was used, was this fully accessible. He understood that the cabin was difficult to reach and down stairs.
- 5.21 Dep. Le Lievre It is as accessible as the Bon Marin which has also stairs to reach the main cabin.

Proposition 2 - CARRIED

That Chief Pleas supports the increase to freight rates and the fuel surcharge on passenger fares as a way of recovering the significant increase in the cost of fuel oil.

6 Medical Committee

Verbal Report

Medical Insurance

Deputy Olsen reported an increase in the lives covered by the Sark scheme to 323 in the current year (ends 31st May). A below RPI increase of only 3.5% is being made for next year and additional benefits on travel and accommodation expenses will be included.

He also announced a surprise reception that has been arranged to say farewell to Dr Frank Teunisse and his partner Ms Heleen van Haaren and to meet the new Medical Officer, Dr. Peter Counsell.

He also acknowledged the excellent work carried out Dr. Teunisse in training the Fire and Rescue Services in First Aid and many had now received qualification certificates.

7 General Purpose & Advisory Committee

Verbal Report

Renewable Energy

- 7.1 Deputy Olsen reported that, following the Public Meeting, GP&A are putting together a plan to invite proposals from other groups.

This invitation will be posted on the Sark website after the Bank Holiday and uses a staged approach –

- o Request for information;
- o Request for Proposals;
- o Proposals to Chief Pleas for consideration.

The information pack will also be available in the Committee Room. The Committee Secretary will e-mail the proposal to Chief Pleas' Members who have supplied e-mail addresses.

- 7.2 Mr. Dawes Suggested employing a consultant to undertake and organise this work.
- 7.3 Dep. Olsen The whole point of the proposal and the invitation is to attract a facilitating group. The retention of a consultant could require a five-figure fee and needed to be avoided.
- 7.4 Sieur Donnelly Considered the whole project complex and asked that it be approached more slowly and by employing expertise. He felt that the proposal would attract commercial companies and Sark had insufficient expertise to assess their responses. Alderney Renewable Energy (ARE) came to the public meeting with the expectation of going forward and leaving with a signed document of intent.
- 7.5 Seneschal The House has supported GP&A in taking this project forward but advice is always appreciated.
- 7.6 Dep. Olsen Sieur Delaney, Mr. David Gordon-Brown, Dr. Roger Norwich and Ms Kirsty Grant are already contributing and have formed an excited but cautious group working on the way forward. GP&A Committee only has authority to negotiate not conclude.
- 7.7 Dep. R. Dewe The Committee will continue to go forward but will keep Chief Pleas informed of progress.

- 7.8 Sieur Delaney Believed that those who attended the public meeting gave collectively a good account of themselves. He had previously been approached as a potential energy commissioner for Sark and, following legal advice, had taken ARE to task for assertions in their Heads of Agreement which was potentially a legally binding document. Sark would be negligent if it failed to invite three companies to tender. ARE went away from the meeting with dignity and it is hoped that they will be one of the companies bidding at some point in the future.

8 Sieurs Donnelly & Delaney Report with Propositions

The future role of The Seigneur

- 8.1 Sieur Donnelly Having seen the report at Item 10, he wished to withdraw his report and propositions.

Proposition 1 – WITHDRAWN

That Chief Pleas consider forming a Committee to look into the future role of the Seigneur and provide clarification on what terms of the Letters Patent of 1565 and 1611 apply.

Proposition 2 – WITHDRAWN

Alternatively that the General Purposes and Advisory Committee provide for Chief Pleas clarification of the rights, privileges and obligations and restrictions of the Tenants, the Seigneur and the Crown as provided for under the Letters Patent of 1565 and 1611, and any amendments thereto.

9 Sieur Delaney and Deputy Burgess Report with Proposition

New route for Isle of Sark Shipping

- 9.1 Seneschal Asked if there was any declaration of interest but none was declared.

- 9.2 Sieur Delaney Read the proposition for the benefit of the public present.

He wished to focus on the commercial viability of the route, the potential pitfalls, and the fact that it was a speculative enterprise. He quoted from the Guernsey Press article in which Mr. Keith Read, commercial development consultant for IoSS, promised twice weekly trips to Dielette, suggesting the Company could start immediately and that Islanders would be patient in waiting for any return on the enterprise. He was concerned that IoSS was seeking to create a market where no such market currently exists. He mentioned the experience of Alderney Shipping who abandoned such a service in 2002 having struggled for 18 months to make the route viable.

He quoted from information supplied by Mr. Gary Ward, Brecqhou Developments Ltd as to why Dielette is unsuitable. In summary –

- Harbour exposed making approach dangerous;
- Quay hazardous and not repaired from severe damage incurred four years ago;
- Uncomfortable berth with lateral movement, potential for vessel damage;
- High levels of crew overtime required to serve twice weekly;
- Port cannot be worked on Spring Tides except with arrival/departure either early or late in the day incurring overnight stays off-vessel;
- Poor security in port;
- Cargo exposed to the elements;
- Port isolated with service providers 40 minutes away in Cherbourg;
- No ship loading facilities;
- Cranes come from Cherbourg, ordered in advance and at high cost;
- No fork lifts available;
- No local stevedores, no local agent, no local customs, no local police (nearest at Flammonville), no nightwatchmen.

Experience showed that the average cost per trip for services was €600-800 and, despite the port being keen to attract business, no services were provided in the three years that Brecqhou Developments traded there. High rates were necessary to secure such services.

Alderney Shipping started a service in the year 2000 which ended after 18 months because of lack of trade and vessel damage sustained whilst alongside the quay.

Sieur Delaney predicted that IoSS' speculative service would run at a loss for at least two years, using a valuable resource and, if ultimately successful, they have no way of protecting their position.

- 9.3 Dep. Burgess IoSS would do well to put its own house in order first and gave examples of the selling of carriage tickets for Sundays and the problem of pre-selling of bicycle tickets.

- 9.4 Dep. Dunks Questioned a proposition which seeks to restrict IoSS from developing any market opportunity other than between Guernsey and Sark.
- 9.5 Sieur Delaney Suggested developing the Saturday opportunities all year between Guernsey and Sark as a first priority.
- 9.6 Dr. Henry Chief Pleas may be the principal shareholder of IoSS but it should not interfere with what are commercial and managerial decisions. This proposition is irrelevant and should be withdrawn.
- 9.7 Sieur Raymond Confirmed that this was a freight only service and it was erroneous to suggest it included a passenger service. There had been an initial welcome for the link from Guernsey and France and apart from the potential for importing high quality goods and merchandise, it will raise awareness of Sark on the Cotentin.
Despite the economic climate a measure of trade will continue and favours a smaller vessel. Fuel is only one part of the cost and should not unduly influence utilisation decisions. Exchange rates will be in GBP and we should see a continuing strengthening of the Euro as against the pound. The proposed route is not a stand-alone venture and is additional utilisation of a vessel which is primarily the cargo boat for Sark. The project is being guided by people experienced in marketing, distribution and with equipment capital costs contained by hire arrangements,
He reminded the House that the 1998 agreement encouraged IoSS to explore ways of generating profits from non-core business. This is what the French route is.
The Reviewer last year opined that the targets identified in this proposition had already been achieved. If costs can be recovered by using surplus capacity, IoSS should not be constrained by its shareholders. Whilst the company remains in the ownership of Sark they should rely on their present Directors and Managers to act in the best interests of the company, its staff and especially the Island.
- 9.8 Dep. Burgess How can this be supported when Chief Pleas has not seen the 2007 accounts?
- 9.9 Sieur Raymond Repeated that capital costs were negligible and it was using surplus capacity.
- 9.10 Sieur Delaney Acknowledged the availability of the vessel but to operate it would require considerably more crew time and increase administration.
- 9.11 Sieur Raymond The indications are not so.
- 9.12 Mlle. Perrée Why not take 12 passengers?
- 9.13 Sieur Raymond Customs complications.
- 9.14 Sieur Delaney What are the crew and the admin. staff doing now that gives them so much spare capacity?
- 9.15 Sieur Raymond The staff can absorb the extra work.
- 9.16 Dep. R. Dewe It should be tried if the business is there; there would be nothing lost if it doesn't work. If IoSS has done its homework, it should be tried.
- 9.17 Sieur Delaney It can be separately accounted for in its own right and can be stopped if the figures show that losses are excessive
- 9.18 Sieur Raymond That is the Directors' job.
- 9.19 Sieur Donnelly Asked the House to remember back to its approval of the new passenger and freight vessel. When the order was cancelled it cost £100k. The there was the refitting of the *Bon Marin*, not planned correctly, costing another £100k. Next was the fitting of new engines to the *Sark Venture*, done hastily, with resultant problems costing £100k. The latest difficulty has been the *Sark Viking* which has gone £100k over budget. Have the IoSS Directors another £100k for the next failed project? The link to Dielette is a speculative venture.
- 9.20 Mr. Dawes Are there any contracts in place yet?
- 9.21 Sieur Raymond Only statements of intent and those are commercially sensitive.

Proposition – LOST

That Chief Pleas instruct the Isle of Sark Shipping Company Ltd to shelve any attempt to expand its operation beyond its current routes and to concentrate the efforts of the directors and staff wholly on its core business of offering an affordable, reliable, all weather passenger and freight service between the islands of Guernsey & Sark.

A 10 minutes break was taken at 9pm

10 Sir David and Sir Frederick Barclay Report with Propositions

Isle of Sark Shipping Company

- 10.1 Seneschal Asked for two full Members of the House to propose and second the propositions in the absence of the original proposers. Sieurs Delaney and D. Barclay supported.
- 10.2 Mr. Dawes Asked to withdraw the first proposition following the statement by Sieur Raymond, withdrawing the threatened action by IoSS against Brecqhou Developments Limited and Sieur Delaney.

Proposition 1 – WITHDRAWN

That Chief Pleas directs the shareholders and directors of Isle of Sark Shipping Company Limited not to bring legal proceedings against either.

- 10.3 Seigneur Submitted that this next agenda item with its proposition is not a proper one for Chief Pleas to consider and should not be debated. He was not beholden, nor is any other Member beholden to Chief Pleas as to leases on any part of their property providing, of course, that they are legal. Neither is Chief Pleas empowered to demand of any of us, to give personal details of what we may or may not be considering on matters as they affect our personal properties. He reminded the proposers of the Convention of Human Rights. Everyone has the right to respect for his private and family life, his home and his correspondence. This is not an appropriate matter for Chief Pleas and he asked that it be immediately removed from the agenda.
- 10.4 Sieur Baker Seconded that proposal
- 10.5 Seneschal Asked Mr. Dawes if he was prepared to withdraw.
- 10.6 Mr. Dawes Was not prepared to withdraw.
- 10.7 Seneschal Asked for a vote on the proposal that there should be no debate and that the proposition should be withdrawn. The House voted in **SUPPORT** of the Seigneur's request.

Proposition 2 – REMOVED FROM THE AGENDA

That, given the extent of proper public interest and concern, the Seigneur disclose to Chief Pleas his plans for the Seigneurie and its gardens.

- 10.8 Mr. Dawes Protested and asked where this action was laid down in the Rules of Procedure.
- 10.9 Mr Dawes Introduced the third element of the report seeking reform of the roles of the Seigneur and the Seneschal. He reminded the House that the Judicial Review starts tomorrow following the challenge by his Clients. Regardless of the outcome the further reforms needed to the roles of the Seigneur and the Seneschal need to be investigated and progress made. He emphasised the need as witnessed by the proceedings just now. The Seigneur has welcomed this progress and clarification of what feudal rights remain was essential.
- 10.10 Dep. S. Willaims Chief Pleas had this debate two months ago and decided to wait until the new House was in place in early 2009. If another Sub-Committee is formed will it be another Brecqhou Liaison Sub-Committee which never reported to the House and finished up a mess?
- 10.11 Sieur Baker Quoted from papers, sent from the Treasury Solicitor as part of the Judicial Review, supporting the necessity for change but recognising that it was the will of Chief Pleas that the current limited role of the Seigneur should be retained with moves to introduce reform later. A similar statement related to the role of the Seneschal.
- 10.12 Sieur Delaney Elaborated on the reasons for the Brecqhou Liaison Sub-Committee not reporting.
- 10.13 Dep. S. Willaims It still didn't work or report.
- 10.14 Sieur Donnelly Two or three times the Brecqhou Liaison Sub-Committee tried to report through the GP&A Committee but was thwarted from clearing its report.
- 10.15 Sieur Raymond The Letters Patent of 1565 deal, as we have been told, with the position of the Seigneur and one has to remember that not only is he the civic head of this Island but he is also head of the land ownership chain on Sark. It is already agreed that this will be looked at next year by the new Assembly and that should be sufficient to comply with the expectations of the Ministry of Justice. In any event if the position of the Seigneur is to be considered and if certain rights are to be abolished, then that abolition may benefit the Tenants, as it is between the Seigneur and the Tenants that most of the applications of the Letters Patent apply. If the abolition of certain Seigneurial rights leads to a benefit for certain tenants, which may be a strong possibility, then this will have been achieved by a House that is numerically controlled by Tenants. That cannot be right. The majority of Sark residents will have been ignored.

- Sieur Raymond
Continued:
- The Letters Patent of 1611 contain the prohibition on divisibility of tenements which has long outlived its purpose. The interests of the large majority of Sark residents would benefit from an abolition of the rule of indivisibility and there is no mention of this in the proposition. He viewed this therefore as a possible attempt for the Tenants to exercise their control of Chief Pleas to secure a benefit to themselves. He asked that this proposition be rejected and the matter left to the new House.
- 10.16 Dep. Olsen Agreed with Deputy Williams and reminded the House that a few months ago Sieurs Donnelly and Curtis had brought a report about Land Reform and again it was agreed that it should be dealt with by the new House.
- 10.17 Mlle. Perrée Appreciated that everyone would groan and say “here she goes again” but Guernsey and Jersey made a real mess of land reform. It will ruin Sark if we go that way.
- 10.18 Sieur Gommoll The key issues have already been put forward and it should be debated whilst the Tenants are still in the House. We have burdened the leaseholders with the Property Transfer Tax but without giving them Land Reform. He thought it was still worth investigating but agreed it should be the decision of the new House.
- 10.19 Mr. Dawes Endorsed Sieur Gommoll’s view. Sark was losing seven months during which this Assembly could form a Committee to prepare for the new House. This Assembly shouldn’t be narrow-minded. Preparation on many issues – renewable energy, land reform and so on - could be laid down for others to deal with in the future.

Proposition 3 - LOST

That a Committee be formed to investigate, and report on, the question of the reform of the roles of Seigneur and Seneschal, and to prepare draft legislation (with the assistance of St James' Chambers and/or other draftsmen), and to produce its report and draft legislation no later than in time to be debated at the Michaelmas meeting of Chief Pleas.

- 10.20 Mr. Dawes Accepted that Proposition 4 has to be withdrawn without support from Proposition 3.

Proposition 4 - WITHDRAWN

That the same Committee investigates all and any feudal rights and dues that are said to continue in existence and reports upon the question of what steps should be taken in respect of any such rights and dues and whether the same should be abolished, transferred to the benefit of Chief Pleas or some other course taken. The Committee again to report by the Michaelmas meeting 2008.

Closing Remarks

- a The Seigneur announced a visit by HMS Cattistock over the period 25th-27th July. The ship is a Royal Navy Mine Hunter and there will be invitations to go on board. He proposed that the Constables form a Committee to arrange a welcome and that a sum of £500 be allocated for the visit. The House **APPROVED** the request.
- b The Seneschal recognised the suggestion that the Island Hall should have been used for tonight’s meeting. He was perfectly amenable to using the Hall if sufficient Members made the request, there was sufficient notice and the Island Hall was available, which it was not on this occasion. He stressed the deadline for reports at the next meeting as Friday 6th June and asked for co-operation in giving notice of intending reports as soon as possible. He would be leaving the Island that afternoon and 3pm was a real deadline.

Forthcoming meetings for Chief Pleas Members

EXTRAORDINARY SUMMER MEETING – Wednesday 2nd July 2008 at 7.00pm

Agenda closes on **Friday 6th June 2008 at 3.00pm**

Papers distributed to Members by Wednesday 11th June 2008.

This meeting closed at 9.35pm.

Brian Garrard (Sark Committee Secretary) 5th-6th June 2008

6th June 2008

Seneschal

Greffier

MEMBERS OF CHIEF PLEAS

Extraordinary Chief Pleas Meeting 20th May 2008.

Tenants	Attending	Propositions			
		Item	Item	Item	Item
Michael Beaumont	/				
Lawrence de Carteret					
Iris Williams					
Helen Magell	/				
John Donnelly	/				
Rossford de Carteret	/				
Duncan Barclay	/				
David Curtis	/				
John Jackson	/				
Heather Snelling	/				
Kevin Delaney	/				
Christopher Rang	/				
Suzie Thorpe	/				
Gwendoline Drawmer	/				
June Carré	/				
Stefan Gomoll	/				
Phyllis Rang	/				
Sir Frederick Barclay	/				
Diane Baker	/				
Edric Baker	/				
Mark Harrison	/				
George Steinmetz					
Simon de Carteret	/				
Dennis Hurden					
Andrew Miller					
Sir David Barclay	/				
Isabel Perchard					
Molly Bull					
Philip Perrée	/				
Esther Perrée	/				
William Raymond	/				
Christopher Harris	/				
Sir Peter Miller	/				
Donald Willis	/				
Elizabeth Perrée	/				
Harriet Carré	/				

Deputies	Attending	Propositions			
		Item	Item	Item	Item
Helen Plummer	/				
Dave Cocksedge	/				
Dave Melling	/				
Paul Williams	/				
Tony Le Lievre	/				
Richard Dewe	/				
Sandra Williams	/				
Paul Armorgie	/				
Roger Olsen	/				
Elizabeth Dewe	/				
Anthony Dunks	/				
Paul Burgess	/				

THERE WERE NO NAMED VOTES

P - POUR
C- CONTRE
NV – NO VOTE

Brian Garrard, Committee Secretary 20 May 2008

