

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 1st October 2008 at 10.00 am.

Present: Sieur 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: **31¹ Tenants and 12 Deputies**

Apologies: None had been received.

¹Sieur Duncan Barclay offered his apologies and withdrew from the meeting at the lunch break.

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 (Mr. Higgins) & Mdm. H. Carré (Mrs. Adams).
- b** The Seneschal expressed his disappointment that, because of illness, Mdm. Harriet Carré was unable to attend today. As she is the oldest and longest serving Member of this House he wished her a speedy recovery and welcomed her daughter Mrs. Linda Adams who was representing her today.

- c** A letter had been received from His Excellency, the Lieutenant- Governor, which the Seneschal read out as follows –

I am extremely sorry that I will not be able to be present with you all today on this historic occasion of the last sitting of the current Chief Pleas before the Elections in December. If there was any way in which I could attend I assure you that I would, but as you might imagine I am closely controlled by a determined group of female warders, including my wife and General Practitioner!

Sark has needed to travel a rocky road over the last few years on the journey to a new Constitution, and I congratulate you all on your steadfast determination, infinite patience and courage, as well as the mature argument, planning and staff work that has been required over this extended period.

Please pass on my apologies for my absence to Chief Pleas, and assure them that, God willing, I will be present on the 21st January next year for the first meeting of the new Chief Pleas. In the meantime I wish you all the very best of good fortune in your deliberation tomorrow.

The Seneschal was supported by the House in passing his good wishes for a speedy recovery to the Lt. Governor and in looking forward to seeing him for the Christmas Meeting of the new Assembly

- d** The Seneschal assumed the House was aware that Sieur John Jackson, the Tenant of La Rade, died on the 2nd September. Sieur Jackson came to live in Sark in the early 1950s and a few years after married Isobel Baker. In November 1981 he bought La Rade in joint names with his wife, whereupon he represented the tenement in Chief Pleas. As far as the Seneschal was aware, John never sat on a Committee but did in the main attend Chief Pleas' meetings and in recent times attending whilst in great pain.

All will agree that John's main claim to fame was in his success as a shooter in the Commonwealth and Island Games and it was in the Commonwealth Games that he won a silver medal. He leaves behind a legacy of a very fine shooting range on his land on the north of the Island and Mdm. Jackson has expressed the wish that the range facility will continue into the future.

The House rose for a period of silence to remember Sieur John Jackson.

The Seneschal welcomed Madame Isobel Jackson as the new Tenant of La Rade.

Sieur Baker Confirmed that Sieur Jackson had attended the Douzaine for a period.

Mlle. Perrée Reminded the House that Sieur Jackson had served on the Tree Planting Committee.

Sieur Curtis Emergency Services Committee had also enjoyed the services of Sieur Jackson.

Seneschal Offered his apologies as his sources had been lacking in information.

- e** The Seneschal informed the House that Major Christopher Beaumont, son of the Seigneur, has joined the Territorial Army and has taken command of a Royal Engineer Squadron; the squadron is exercising in Jersey in the summer period next year and he has written saying that were there to be any task fit for his squadron to undertake, he would give consideration to sending a party of engineers (sappers) to Sark to undertake the work. If any Committee or organisation has some task that could give beneficial training value to the squadron please contact the Seneschal who will pass the requests on.

- f Finally, the Seneschal reminded the House that before moving to the Agenda, he wanted to remind everyone that “The Reform (Sark) Law, 2008” is now in effect and has been since 1st September, less for those provisions relating to the composition of the new Assembly. To that end he drew attention to Paragraph 33, entitled “Privilege” which reads as follows –

33. (1) *For the avoidance of doubt, any statement made by a member of the Chief Pleas in the course of the proceedings of a meeting of Chief Pleas shall, for the purposes of the laws of defamation, enjoy absolute privilege, and no proceedings in defamation shall be maintainable in respect of any statement so made.*

33. (2) *A person who, with the express authority of the Chief Pleas, publishes a fair and accurate account of any proceedings of a meeting of the Chief Pleas, shall, for the purposes of the law of defamation, enjoy qualified privilege; and no proceedings in defamation shall be maintainable in respect of any such publication unless the publication is shown to be made with malice.*

The Committee Secretary or anyone assigned to publish the Minutes, does so with the authority of Chief Pleas.

1 Minutes of the Extraordinary Meeting on 2nd July 2008

The minutes were **APPROVED** by the House without change. Matters arising followed -

- 1.1 Sieur Baker On Page 1 of the Minutes, questions on fiduciary businesses had been asked of the GP&A Committee by Mr. Dawes in the absence of Sir David Barclay. The question about the so called “Sark Lark” was muddying the waters and raking up issues from the past that had been resolved years ago. If that was to be done, Mr. Baker felt that reference should be made to Miltec, an Isle of Man Company, of which Messrs Donnelly Senior and Junior were Directors, which was heavily involved with the civil war in Rwanda in 1994. The whole affair was an embarrassment to Guernsey and Sark.
- 1.2 Sieur Donnelly Accused Sieur Baker of making remarks from an ill-informed perspective. Sieur Baker, if he had checked his facts, would know that neither Sieur Donnelly’s father nor he himself had any knowledge of these activities at the time and the Company he mentioned was administered by a professional firm in the Isle of Man. Sieur Donnelly suggested that Sieur Baker check his paperwork and be aware of the correct information before speaking about things of which he does not seem to have correct knowledge.

2 Questions not related to the Business of the Day

No questions had been submitted.

3 Douzaine

To elect a Constable

- 3.1 Seneschal Drew attention to the Constables report and asked the outgoing Constable, Mrs Julie Mann, if there was anything she wished to add.
- 3.2 Constable Since writing this report a month ago, there have been two major incidents. The first the drowning of a Dutch sailor at Creux Harbour and the second a serious assault outside the Mermaid Tavern. She thanked Chief Pleas for the support she had received during her two years as Vingtenier/Constable and wished Mr Alan Blythe good luck for his forthcoming year as Constable.
- 3.3 Seneschal Congratulated Mrs. Mann on her report. He had added up her attendance at Chief Pleas and in the two years she had been involved it amounted to 17 days of sittings. It has been a pleasure working with her and he was amazed when reading the report as to just how much activity the Constables handle. This is apart from the civil duties and although she did not enjoy a Royal visit during her time in office, she had organised, most efficiently, the visit of HMS Cattistock and the arrangements for those going on board and receptions on the Island. He thanked her on behalf of Chief Pleas and there was a round of applause from the House and the public. Questions were invited but none were forthcoming.
- 3.4 The Douzaine nominated the present Vingtenier, Mr. Alan Blythe, to the position of Constable. This nomination was put to the House and **CARRIED**

4 Douzaine

To elect a Vingtenier

- 4.1 Mrs. Caragh Couldridge, nominated by the current Vingtenier, had been accepted by the Douzaine. This supported nomination was put to the House and **CARRIED**
- 4.2 Sieur Baker Asked where else in the world would one find such dedicated, unpaid, volunteers to do such a difficult and at times dangerous job.
- 4.3 Seneschal Had received a letter from a Sark resident, in response to an incident, which he wished to read out -
*Dear Alan - Constables get lots of moans. This isn't one!
Please could I say how impressed I was with your dealing with the accident that I witnessed on Tuesday afternoon this week? Your first aid skills were clearly sound but it was the manner in which you took charge and particularly the kindness and understanding you showed to the lady concerned that were really excellent. If I had been in her situation I am sure that I would have been comforted and reassured.
Keep up the good work.*
- 4.4 Seneschal Asked for the public to continue giving the Constable, Vingtenier and all the voluntary Constables every assistance in their task of policing the Island.

4A Douzaine

To elect a Procureur of the Poor

- 4.5 Sieur Baker Reminded the House that the Procureur serves for two years and normally for two years as Deputy Procureur immediately preceding that, so four years in total. The work has to be discreet, sensitively handled and reported in confidence to the Douzaine. As a consequence, the work of the Procureur is seldom known apart from those serving on the Douzaine. He thanked Mrs Sarah La Trobe-Bateman for her period of office and for her clear and concise reports to the Douzaine
- 4.6 The Douzaine nominated the present Deputy Procureur, Mrs. Sheila Guille, to the position of Procureur. This nomination was put to the House and **CARRIED**

4B Douzaine

To elect a Deputy Procureur of the Poor

- 4.7 Mrs. Karen Adams, nominated by the present Deputy Procureur, had been accepted by the Douzaine. This supported nomination was put to the House and **CARRIED**
- 4.8 Seneschal Informed the Assembly that a Court to swear in the new officers would happen shortly after today's meeting concludes.

5 Medical Committee

Report with Proposition

Sark Medical Officer's Locum Allowance

- 5.1 Dep. Olsen Introduced the report, drawing attention to the present £7,560 per annum allowance for the Medical Officer to pay for Locum cover. This is indexed for increase in 2009 but the Committee is requesting an additional £4k per annum.
- 5.2 Sieur Rang The Medical Officer has only recently been appointed and accepted the post knowing the level of salary and allowances that went with the job. Exactly the same happened with the school teachers, where a significant increase was paid soon after their appointment.
- 5.3 Dep. R. Dewe The funding is to allow the Medical Officer to leave the Island to attend extra training, just as the teachers have done. It is important that both keep abreast of modern standards and new practices and do not work in isolation.
- 5.4 Sieur Rang Was happy if that is what the additional locum cover is achieving.
- 5.5 Dep. Olsen Confirmed it was to allow absence for training; the previous Medical Officer never stated publicly that this was a problem but working 24/7 there was always a risk of burn-out and we need to make it possible for our Medical Officer to leave the Island. Previously the Locum would move into the Doctor's accommodation but now, with a small child in his family, the Medical Officer would find such an arrangement difficult and there will be an extra cost of accommodating the Locum during the covering stay.
- 5.6 **Proposition - CARRIED**
That the Locum Allowance for the Sark Medical Officer be increased from £7,560 by the Retail Price Index and then further increased by £4,000pa.

6 Education Committee Report with Proposition

Annual Report on Sark School

- 6.1 Mdm. Magell Wished to add the following point in addition to the report.
On 12th September, Karan Hazzan, an experienced educational psychologist from Guernsey, who has worked with a number of UK schools and Guernsey Education, visited Sark School to assess the education and learning support being received by five of the current pupils. This visit was at the request of the School's Special Educational Needs Co-ordinator (SENCO).
- 6.2 Ms Hazzan is preparing her report on the specific children that she was assessing which will then be reviewed by the SENCO and she has kindly offered to provide some support documentation that she feels may be useful for the School.
- 6.3 Mdm.Magell met with her after the visit and she was delighted to inform the Committee that the assessments made of those children identified as needing special assistance was correct and the current provision for those five children is excellent given the current level of resources within the School. However, things can be improved and as we have identified in our report the provision of the extra support needed is stretched at present due to the spread of the children involved.
- 6.4 The Committee has therefore proposed within the report to increase the hours of the School's ancillary helper, with responsibility for children with special needs, by five hours a week.
- 6.5 To ensure that the proposition is clear we would like to insert the following words in the proposition after the word helper – *with responsibility for children with special needs*.
- 6.6 **Proposition – CARRIED as amended**
That Chief Pleas approve increasing the hours of the school's ancillary helper **with responsibility for children with special needs**.

7 General Purposes & Advisory Committee Report with Proposition

Part-time Assistant for the Committee Secretary

- 7.1 Dep. Olsen Was sure that the House recognised the yeoman duty given by the Committee Secretary and the substantial increased workload over the last two years. The Committee is bidding for an increase to the budget to allow an assistant to be appointed on the recommendation of the Committee Secretary and supervised by him once appointed.
- 7.2 Seneschal As the figure is over £2k the position will be put out to tender.
- 7.3 Dep. Olsen It will be advertised by the GP&A Committee.
- 7.4 Dep. S. Williams Would have thought it would be advertised.
- 7.5 Sieur Gomoll Is it intended to tender or advertise for the position?
- 7.6 Seneschal Apologised and accepted that he had meant to say - put out to advertisement.
- 7.7 **Proposition - CARRIED**
That Chief Pleas include £3,000 in the 2009 Budget for a part-time assistant for the Committee Secretary.

8 Finance & Commerce Committee Report with four Propositions

2009 Budget and Taxation

- 8.1 Dep. S. Williams Introduced the Budget report, emphasising that the total requested by Committees is just over £986,000, a 2% increase over the 2008 requests. This is at a time when the Guernsey Retail Price Index is roughly 5%.
For the benefit of those members of Chief Pleas who do not know how the system works, each Committee submits to the F&CC its budget requests for the following financial year. The F&CC presents to Chief Pleas these requests as the Estimated Revenue Expenditure – shown on Pages 1 & 2 of the sheets - along with the Estimated Income – on Page 3. This is based on the levels of Direct Taxation (approximately +5%) and Impôt (approximately +10%) suggested by the F&CC and shown alongside other income it does not control. Historically, the F&CC has tried to place the tax burden equally - 50% upon Direct Taxation and 50% upon Indirect Taxes. The role of the Treasurer in all of this, is clerical in that she gets everything down on paper.

- 8.1 Dep. S. Williams continued Deputy Williams drew attention to the item under *Grants* at the top of Page 2; it is headed *New Hall Maintenance*. This should read *New Hall & School Maintenance*.
- 8.2 Dep. Burgess Asked if the propositions would be taken en bloc or one at a time.
- 8.3 Seneschal Individually.
- 8.4 Mr. Dawes In the proposed budget, *Shipping Support*, £65k last year, shows nothing for 2009.
- 8.5 Treasurer There was a substantial repayment from the Isle of Sark Shipping Company which allowed the Island to pay off the loan.
- 8.6 Mr. Dawes The £5.5k for agriculture covers what exactly?
- 8.7 Dep. P. Williams It was originally a subsidy for farmers to buy fertilisers and lime. Nowadays only payments for lime are made and at the present time there is still £5.5k left in the current years budget.
- 8.8 Mr. Dawes The Law Officers' costs have reduced from £31.5k last year to only £18k this year.
- 8.9 Seneschal This is noted in the text of the report as the amount had been over-provided in 2008.
- 8.10 Treasurer St. James' Chambers is charging less than was originally anticipated.
- 8.11 Mr. Dawes How have the expenses for the Lt. Seneschal been calculated?
- 8.12 Seneschal He had estimated the figure of £5k for 2009. Any payments this year would be taken from unforeseen expenditure. It had been difficult to assess because much would depend on the complexity of the case or whether the Seneschal or Deputy Seneschal can sit. It will be reviewed midway through next year to see whether the amount for 2010 needs adjusting in the light of experience in 2009.
- 8.13 Mr. Dawes In Guernsey, such expenses are generally paid by the persons bringing a case to Court.
- 8.14 Seneschal That is another factor which will need to be considered.
- 8.15 Sieur Harris The Trezieme and PTT payment received show nothing in the current year but £27k for 2009. Will it not be difficult in 2009 to estimate the figure for 2010?
- 8.16 Treasurer Such a figure cannot be estimated so the figure shown is retrospective and it will continue to be shown that way.
- 8.17 Sieur Rang Noted that the figure for tax administration had doubled.
- 8.18 Dep. S. Williams This now covers the administration of PTT as well as Direct Tax.
- 8.19 Sieur Rang Is it suggested that the cost of administrating the PTT is £3k? (see 8.24 below)
- 8.20 Dep. S. Williams It is an estimate.
- 8.21 Sieur Perrée Raised the fact that the cost of repairs and maintenance on the school houses has risen from £5k in 2008 to £21k in 2009.
- 8.22 Seneschal (Island Trustee) This year's figure includes the refurbishment of the kitchens and bathrooms for the first time since the houses were built. Next year there will be long overdue repairs and maintenance to the outside of the properties.
- 8.23 Sieur Gomoll Suggested separating tax collection for Direct Tax from the collection for PTT. There is a higher percentage of PTT income for the Tax collected.
- 8.24 Sieur Baker Pointed out that this additional cost was not going into the Tax Collector's pocket. Much of it was being spent on equipment purchase.
- 8.25 **Proposition 1 - CARRIED**
That the rate of Property Tax be increased to £6.60 per quarter for the year 2009.
- 8.26 **Proposition 2 - CARRIED**
That the minimum rate of Personal Capital Tax be raised to £220 and the maximum rate of Personal Capital Tax be raised to £4,400 for the year 2009.
- 8.27 **Proposition 3 - CARRIED**
That Chief Pleas approves the Ordinance entitled The Direct Taxes for 2009 (Sark) Ordinance, 2008.
- 8.28 Dep. Burgess Had obtained figures from Bucktrouts/Fox, the main distributors of alcohol and tobacco to Sark. He could only obtain information on cigarettes but in 2004 impôt was £58k, in 2005 it was £60k and in 2006, when the impôt was raised last time, £33k. Many day trippers come to Sark for their cigarette supplies because it is so much cheaper. He called for the impôt charges to remain the same.
- 8.29 Dep. Dunks Reminded Deputy Burgess that there was no duty free allowance between Sark and Guernsey, so anyone returning with any undeclared tobacco/alcohol was breaking the law. Customs returns show £220k impôt was paid to the Sark Treasury in 2005 and exactly the same in 2006. These figures had increased from £174k the previous year.

- 8.29 Dep. Dunks continued The increase now, the first for three years, was equivalent to 3½% per annum, well below the level of inflation. F&CC would welcome direction from Chief Pleas as to whether it wished to raise impôt every year or every three years.
- 8.30 Dep. Burgess Recognised it was one of the few sources of indirect revenue income for this Island.
- 8.31 Dep. R. Dewe When the impôt was last raised, Chief Pleas decided to keep the level at 75% of the level in Guernsey. Surely now we should stick to that earlier resolution.
- 8.32 Dep. Dunks In Michaelmas 2005, Sieur Colin Teers pressed for a differential of 75% of the Guernsey level. The House overruled it and accepted 90% of the Guernsey level. The impôt hasn't kept to that level and the differential is much greater with a much lower percentage.
- 8.33 Dep. Burgess Sales, and the resultant income from impôt, are only just recovering from the last increase three years ago.
- 8.34 Mr. Dawes On such items there is a law of diminishing returns, the higher the cost the less is sold and income tails off.
- 8.35 Dep. S. Williams Declared a vested interest in this issue and the increase would affect her business as well as that of Deputy Burgess. However, with her Chairman of F&CC hat on she had to take uncomfortable decisions with her Committee as to how the income required for the necessary expenditure of the Island was to be raised. If it didn't come partly from impôt where else can the money come from; can Deputy Burgess identify another source?
- 8.36 Mlle. Bull How much is the reduction of income from impôt a result of the general reduction in those smoking?
- 8.37 Dep. Burgess Called for a named vote.
- 8.38 **Proposition 4 – CARRIED on a named vote – 30 Pour, 12 Contre and 1 No vote**
That Chief Pleas approve the proposed increases in impôt on Alcohol and Tobacco Products as detailed in the attached list.
- 8.39 Sieur Gomoll Thanked the Committee for including illustrations of the implications of tax changes as he requested at last year's budget meeting. Whilst he understood the need to raise the level of tax, he suggested that it might be better not to increase the level of maximum tax in order to encourage more to pay it. He did then acknowledge that this was probably not politically correct.

8A General Purpose & Advisory Committee Report with Proposition

The Appointment of the Treasurer

- 8.40 Dep. R. Dewe Mrs Wendy Kiernan became qualified as an Associate to the Institute of Chartered Accountants in 1969 and a Fellow of the same Institute in 1979. As a Chartered Accountant, Mrs. Kiernan is bound by strict ethical standards imposed by the Institute. Mrs Kiernan was appointed to the newly-appointed position of Assistant Constable in 2000. Her duties included the keeping of accurate accounting records, principally dealing with the income from licenses and "La Taxe" before the introduction of our present system of Direct Tax. Her other duties included parochial matters relating to the Procureur, Island workmen and Public Works. In 2005, Mrs Kiernan was appointed Treasurer and it is only with the change of appointment procedure brought about by The Reform (Sark) Law, 2008 that there is a need for this resolution.
- 8.41 As a Member of the Douzaine and President of the former General Purposes & Finance Committee, I have always found Mrs. Kiernan to have acted in a professional and exemplary manner when carrying out her duties for the Island. Therefore the GP&A Committee is honoured to recommend to Chief Pleas, that the present holder of the post of Treasurer should continue. Deputy Dewe believed that, in the interests of good governance, the electorate deserve to know how Chief Pleas' Members vote, especially during the lead up to a General Election; therefore he called for a named vote.
- 8.42 Dep. S. Williams On behalf of the F&CC, she wished to record a vote of thanks to Mrs. Kiernan for her help and support during this past year.
- 8.43 **Proposition – CARRIED on a named vote – 43 Pour - UNANIMOUS**
That Chief Pleas approve the appointment of Mrs. Wendy Kiernan as the Island Treasurer as from the date of this meeting.

9 General Purpose & Advisory Committee Report with Proposition

The Guernsey Bar (Bailiwick of Guernsey)(Amendment) Law 2008

- 9.1 Dep. Olsen Introduced this legislation which had been checked and found to contain nothing that would affect Sark.

Proposition – **CARRIED**

That Chief Pleas approve the Projet de Loi entitled “The Guernsey Bar (Bailiwick of Guernsey)(Amendment) Law, 2008”

10 General Purpose & Advisory Committee Report with Proposition

The Banking Supervision (Bailiwick of Guernsey)(Amendment)(No.2) Law, 2008

- 10.1 Dep. Olsen The amendment is described in the text and contains nothing detrimental to Sark’s jurisdiction.

Proposition – **CARRIED**

That Chief Pleas approve the Projet de Loi entitled “The Banking Supervision (Bailiwick of Guernsey) (Amendment)(No.2) Law, 2008”

11 Douzaine Report with Proposition

(a) The Alienation of Land (b) The Toplis Paintings

- 11.1 Seneschal This was a late report as listed in the agenda and circulated with the addendum papers.
- 11.2 Sieur Baker Dealt with the first part of the report and felt it was self-explanatory. Certification had been received from Her Majesty’s Procureur (HMP) as required under the 1927 Law that covers the use of land for public access. The Seigneur has also given his permission.
- 11.3 Sieur Donnelly It is a generous offer. There is a lot of land on Sark that could be used for public access. Would Sieur Baker support more prescription of land for public use? It could prejudice cases where the Island was trying to acquire land for public use. Is it the policy of the Douzaine to acquire land or encourage Tenants to make land available?
- 11.4 Seneschal There is no way to impose prescription of land under the current land laws. All pieces of land that has been alienated have come from gifts. Seigneurial land has also been given for this purpose. Any change to this arrangement would have to follow land reform.
- 11.5 Sieur Baker The answer to prescription is no from the Douzaine. A path accessing a bay had been considered in the past but no action was taken.
- 11.6 Mr. Dawes If the 1927 legislation requires the endorsement of HMP, this should be changed in future.
- 11.7 Sieur Baker It is a better option than having to apply to the Privy Council and speeds the resolution of such matters.
- 11.8 Seigneur If such alienations are not then used by the Island for public usage the land reverts to the original owner.
- 11.9 Sieur Gomoll Asked if this legislation would not be overtaken by Section 11 of the Reform (Sark) Law, 2008, currently suppressed, when that particular section is commenced.
- 11.10 Seneschal Corrected Sieur Gomoll’s reference onto the Property Transfer Law; new legislation would be required if prescription or compulsory purchase was ever to be introduced.
- 11.11 Sieur Raymond Confirmed that it was Section 11 of The Real Property (Transfer Tax, Charging and Related Provisions)(Sark)Law, 2007 being referred to and that this was not commenced.
- 11.12 Sieur Baker Confirmed that a further order would be needed to change the procedure of the 1927 Law.
- 11.13 Proposition – **CARRIED**
That Chief Pleas approve the alienation of a strip of land 40 metres in width, being the lower part of the footpath which runs parallel to and to the south of the Harbour Hill, and which forms part of the Collinette Tenement.
- 11.14 Mlle. Perrée Sark might be ruined if prescription became widespread. There was always danger from such changes and she mentioned the loss of the cave in Maseline and how that action had caused so many problems at the Harbour.
- 11.15 Seneschal Approval for any such prescription rested ultimately with Chief Pleas before any action could be taken.

- 11.16 Dep. Melling Considered it would be appropriate for Chief Pleas to pass a vote of thanks to Sieur Willis for his gift of land and the House confirmed its appreciation.
- 11.17 Dep. P. Williams Moved to the second part of the report and the three Toplis' paintings, each of which had been valued at £40k. Sark does not have the appropriate facilities to look after them here. The Candie Museum would like to borrow the third painting for 10 years on the understanding it can be returned for any exhibitions during that time.
- 11.18 Sieur Donnelly Asked if there were any other valuables that could be kept by the Candie Museum and he made reference to the Bradbury Drawing left by Mrs. Betty.
- 11.19 Seneschal The Douzaine will investigate further. A search of the Chief Pleas minutes of the past record that three paintings were referred to; they still belong to Sark and when the document referred to in the report is drafted, it will confirm that there is no doubt as to ownership.
- 11.20 Dep. P. Williams There is an additional painting about which discussions between the Douzaine and Candie Museum are continuing
- 11.21 Dep. R. Dewe The third painting was claimed by the Candie Museum as theirs; there is some confusion because the pictures were not named in the Chief Pleas Minutes.
- 11.22 Seneschal To make sure there is no confusion this time, the painting, subject of this current request, is of *The Fern Cave*. He congratulated the SocSerq for mounting an excellent exhibition of the paintings recently. The Candie Museum was repeating the exhibition this autumn in Guernsey.
- 11.23 Mlle. Perrée Asked if these were the three paintings that used to hang in the Junior School.
- 11.24 Seneschal Confirmed that to be correct; they turned up in somebody's attic.

A 10 minute break was taken at 11.50 am

12 General Purpose & Advisory Committee Report with Propositions

Criminal Record Checks (CRCs)

- 12.1 Seneschal Apologised for the fact that the draft Ordinances attached to this report were incorrectly collated and Members received either one or the other, rather than both. The Committee Secretary holds his hand up to the error and apologises.
- 12.2 Dep. Olsen Before going into the introduction, the Committee would like to essentially withdraw the propositions related to the report and to recommend at this time that Chief Pleas instruct the Committee to undertake further consultation on the topic.
- 12.3 It has become apparent during September that further consultation is needed to make sure everyone understands what is involved; the limited consultation type meetings that did occur resulted in several constructive, encouraging and positive suggestions on which the Committee would like to build into a recommendation to Chief Pleas.
- 12.4 When the Committee prepared this report last August, it believed that it had done its homework and was presenting sensible advice to Chief Pleas, namely that the 1987 Law needed to be changed before it could address Criminal Record Checks (CRCs) in a manageable, if somewhat complicated and certainly in an incomplete, way.
- 12.5 The Committee did not recommend that the law be commenced and does not recommend that the Law be commenced as it is. The Law would require work Permits of anyone not resident on Sark to work here, even if temporarily such as an engineer servicing the 'phone system, a locum giving our doctor some well deserved rest, or even an advocate or a Lieutenant Seneschal if they are not resident on Sark. It was hoped that an Exemption Ordinance could be ready 10 days before this meeting but that did not transpire.
- 12.6 The 1987 Law as proposed would not require permits of anyone resident on Sark before 1st February 2009. This clearly is far less than 100% coverage and is therefore unsatisfactory.
- 12.7 More consultation within the Sark Community is positive and has already lead to constructive suggestions. For example, the Worker Registration Form could require a declaration of Sark address with stated permission to forward that address to the Tax Assessor. For another example. A listing of employers committed to the voluntary system could be published or posted from time to time and while the Chamber of Commerce (CoC) is willing to do this it needs to be co-ordinated with the Constables or whomever will ensure that data protection is maintained. For a third example, someone, whether within government or perhaps the CoC, might organise a kind of "Welcome to Sark" packet for all newcomers taking up residence in Sark that would let them know about our quaint rules and regulations as well as our unique customs and traditions.

- 12.8 These are valuable suggestions and the Committee would like to pursue them further. The Committee has received numerous letters, both pro and con, on this subject and the Committee has been impressed by the sensible and unemotional tenor of that correspondence. Several employers wrote to support continuing the existing voluntary system and one of the reasons is that the voluntary system catches out everyone, not just incomers after the 1st February 2009. Non-commercial writers stressed their concern for public safety and the possible impact of imprisonment on the Island's Treasury. Commercial writers as well as the Committee also acknowledge the public safety issue.
- 12.9 The Committee wrote to those employers in late September and challenged them, if you will, to provide "...substantial written commitment, from say 90% of island employers, to the present voluntary system...." That written commitment has been forthcoming and, with thanks to Mr Peter Tonks and Members of the CoC, we have received signed declarations of commitment from employers representing at least 90% of the commercial employers.
- 12.10 The Committee believes that the public's safety is better served by such vigorous application of the voluntary system than through the 1987 Law. The strength of the commercial employers' written declarations of commitment represent firm common ground on which we can strengthen our security. Let's build on this common ground.
- 12.11 The Committee therefore asked to amend proposition 1 to read as shown below and to withdraw proposition 2.
- 12.12 Dep. S. Williams Had wanted to support the Committee on this in its original form. There are people living in our community now who are concerned about the incidents that have already taken place and feel vulnerable, particularly the elderly and the parents of the young, who have so much more freedom on this island, want to be sure their children are safe. These voluntary declarations are only now being made because those previously accepting the voluntary code are being forced to comply. She asked, through the Chair, of Captain Mark Harrison, Manager of Brecqhou, if those employed on that island had to have CRCs before working there or becoming resident.
- 12.13 Sieur Harrison Was non-committal but indicated that all such matters were dealt with in-house.
- 12.14 Dep. S. Williams In other words an abode law.
- 12.15 **Proposition 1 – CARRIED as redrafted**
That the General Purposes and Advisory Committee be directed to consult with the Sark Community and the Law Officers to advise Chief Pleas regarding possible legislation to require CRCs of all persons coming to live on Sark.
- 12.16 **Proposition 2 – WITHDRAWN**
That Chief Pleas approve –
- the Employment Permits (Sark) Law, 1987 (Commencement) Ordinance, 2008
 - the Employment Permits (Sark) Ordinance, 2008
 - the Employment Permits Committee Mandate
 - the Employment Permits Policy statement
 - the Employment Permits Exemptions Ordinance, 2008

13 Harbours & Pilotage Committee

Verbal Report on Maseline Jetty Rebuild

- 13.1 Dep. Le Lievre A contractor has been pinned down following tendering and United Carpentry and Formwork will be undertaking and supervising the work but with a large degree of assistance from those working on this Island. Work will commence on 13th October.
- 13.2 Sieur Rang Confirmed that the project was rolling and it was anticipated that the work would be on time and within budget.

14 Road Traffic Committee

Information Report on Road Traffic Survey

- 14.1 Dep. Cocksedge Thanked the Committee Secretary for his work on this project, the public for taking part and to the outgoing Constable for her help and assistance. As to new legislation, he was still frustrated by being unable to have legislation drafted by the Law Officers despite requests made a long time ago. There had been various suggestions about alternatives to tractors such as electric lorries and this remains an area of the survey still to be analysed.
- 14.2 Seneschal Thanked the Committee for its initiative in undertaking the survey and to the Committee Secretary for his work on the results.

15 Shipping Committee

Report with Propositions tabled on the day (following the Shareholders Meeting on 25/09/08)

- 15.1 The propositions put forward by the Committee were circulated and time allowed for Members to read them ahead of the debate.
Because the propositions had been re-ordered an amendment was necessary to Proposition 3 which should refer to propositions 1&2 and not 2&3
- 15.2 Dep. Le Lievre Referred to the shareholders meeting on 25th September at which the Managers of the Isle of Sark Shipping Company (IoSS) gave an eloquent presentation, presenting the 2007 accounts, the operating results of this current year and explaining the reasoning behind the draft 2009 timetable. The timetable is controversial because it needs to be commercial. The propositions have been put forward to stimulate debate.
- 15.3 Sieur Rang The re-timing of the cargo is the main problem. Why can't it leave Guernsey at 0800hrs and arrive in Sark at 0900hrs as it previously did two years ago?
- 15.4 Dep. Le Lievre That would still incur overtime and require the opening up of Port facilities in Guernsey with stevedores and cranes required for loading.
- 15.5 Dep. Plummer The public had been asking her why IoSS crews cannot start earlier in the day and finish earlier on their return to Guernsey.
- 15.6 Dep. Le Lievre Explained that details of the crew contracts were discussed at the shareholders meeting; these contracts were of long-standing and had been inherited from the time of the Drake Family managing the Company. The crews are employed to work between 0800-1200hrs and 1300-1700hrs; any work outside those times is overtime and paid at generous rates of pay. Deputy Plummer's point is very valid and Chief Pleas could insist that such contracts should be changed. IoSS has taken legal advice and found that such change can only be done with the co-operation of the crews, which is not forthcoming. Taking it to law could be ugly to resolve and expensive. IoSS Managers refer to these arrangements as "Spanish Practises" and whilst wanting to remove them, have no wish to jeopardise the operation of the service or incur the high cost of compensation. This 2009 timetable is therefore designed to keep overtime payments to a minimum.
- 15.7 Dep. S. Williams Support IoSS and its attempt to save money. If Chief Pleas supports proposition 3, it should be aware that this is equivalent to an extra £160 per person paying tax. The House has already agreed next year's budget this morning and this does not figure there. She accepted that having the cargo at lunchtime will be very inconvenient. With her Chairman of Tourism hat on she realise too what an impact it would have on the visitors with cargo being distributed during the day when the Island is at its busiest. She supported Sieur Rang and called for a compromise by returning to the 0800hrs cargo departure from Guernsey.
- 15.8 Sieur Donnelly One for the record but he supported Deputy Sandra Williams. It is too unpredictable to have an afternoon cargo boat. There is a need once again to have a further look at the operation of the Shipping Company. In 1982, the Drakes said that Sark cannot have three boats operating at any one time. We currently have three. IoSS is seriously under-funded and the Managers have devised here a timetable which seeks to improve the company's financial base. The Shipping Committee must work with IoSS during the remainder of 2008 and give direction on where it wants it to go.
- 15.9 Dep. S. Williams Talks on resolving the cargo can continue but Chief Pleas needs to resolve the passenger timetable today as this needs to go out with publicity from Tourism. Visitors, planning to stay on Sark next year, start planning their holidays as soon as they receive brochures.
- 15.10 Sieur Gomoll If the cargo remains at 0630hrs, would 12 people be allowed to travel on the returning boat to Guernsey once cargo is unloaded?
The other point is could the changes to timetable frequency be made at the beginning or end of months rather than at mid-month dates?
- 15.11 Dep. Le Lievre Deputy Sandra Williams point about sorting the passenger timetable today is valid. As long as the House understands it must run as proposed.
- 15.12 Mlle. Perrée We must keep the cargo as it is and not at lunchtime.
- 15.13 Mr. Dawes Endorsed Deputy Sandra Williams remarks; there must be a cheaper way of providing cargo to arrive at 0900hrs.
- 15.14 Dep. E. Dewe Declared an interest as the partner of a carter.
The carters do not want perishables arriving at lunchtime. Deliveries will choke up The Avenue causing congestion in the early afternoon at one of the busiest times for visitors passing through the shops before returning on the boats. There will still be a saving to be made by dropping cargo back to 0800hrs off Guernsey.

- 15.15 Dep. E. Dewe There was also concern about the proposed hourly frequency of morning boats. In the peak season, with more luggage to be collected and delivered, by the time the departure of one boat from Sark at 1000 or 1100hrs, the next boat will arriving at 1045 or 1145 giving less than $\frac{3}{4}$ hour to deliver and collect all around the Island. Collection of all luggage at 0830hrs will provide problems of security and cover required at the Harbour. Some carters have other roles such as farming and cannot be pinned down for such a long period each day and they cannot afford to employ extra staff.
- 15.16 Dep. Olsen Was also concerned at the practicalities of operating an hourly passenger service at 0900/1000/1100hrs from Guernsey and wondered whether the limitation of capacity at each departure was realistic. He also appreciated the logistical problems of luggage collection and distribution. He had calculated that it would cost the equivalent of £126.66 per resident (including children) if the intended savings had to be subsidised.
- 15.17 Mlle. Bull Charges for carters are bound to rise and loSS will charge more for cargo. Could Maseline Harbour use the area extended a few years ago for cargo and leave the rest of the quay free for passengers arriving and leaving?
- 15.18 Mlle. Perree There will be more and more traffic with heavy trailers destroying the peace and tranquillity that our visitors have come to enjoy.
- 15.19 Dep. Melling Assumed that if the propositions failed because there was no money, the cargo would remain as proposed. Can we buy back the 0800/0900hrs departure from Guernsey/Sark as proposed in proposition 1?
- 15.20 Dep. S. Williams As Chairman of Tourism. She supported the passenger timetable as drafted; all day visitors will be here by lunchtime. Chief Pleas must confirm the timetable today.
- 15.21 Dep. Le Lievre As to the 0900/1000/1100hrs departures, loSS has no better idea than anyone else as to whether the arrangement will work. They cannot predict its success but, it it saves the money and gives them a marketable service its worth trying it to see.
- 15.22 Dep. R. Dewe Could see the loSS position; these savings could help the Company return to profitability. All the problems are at the Sark end of the operation with three boats in quick succession. Hotel guests soon get agitated if they have to wait for their luggage to arrive, especially if they have been travelling for a long time and over long distances. There has been no consultation with the carters or other involved at the sharp end.
- 15.23 Sieur Rang The reason for the cargo moving to 0630hrs off Guernsey in the first place was to free the *Sark Viking* for other work. If there is no other work, it can run at 0800hrs. Rather than save £72k next year, we have wasted £72k this year by running so early as the *Sark Viking* had no other work anyway. If either of the boats break down, how will loSS continue to run a 0900/1000/1100hrs timetable as with only one boat and a two hour rotation, something would have to give. There has been total lack of consultation on the issues surrounding this timetable and if this is the consultation it is far too late.
- 15.24 Mlle. Perree Agreed entirely with both Deputy Dewes. Sark must improve the service not go backwards.
- 15.25 Dep. Burgess loSS has come up with a plan to make money; we should give them a chance.
- 15.26 Sieur Perrée We must keep the early boat through the peak summer period.
- 15.27 Mlle. Bull What is sacred about the early boat on Wednesdays?
- 15.28 Dep. E. Dewe Wednesday in the past has always been a major changeover day for accommodation.
- 15.29 Dep. Le Lievre loSS say that the 0800/0900hrs ex Guernsey/Sark seldom pays for itself.
- 15.30 Dep. S. Williams Agreed with the Perrées but if we wish to retain loSS we must compromise because of the implications for the budget and the taxpayers of this Island.
- 15.31 Sieur Gomoll Surely a 12 passenger boat could be provided at 0800/0900 if loadings are so limited.
- 15.32 Dep. Le Lievre Would need to check loadings and the customs and practise but will put it forward as a compromise suggestion.
- 15.33 Sieur Gomoll One must ask for whose benefit loSS operates anyway – hoteliers. Taxpayers, loSS. loSS crews – somebody has to give if the company wants to continue.
- 15.34 Dep. Le Lievre Accepted that there was a need to go back to loSS to tell them.
- 15.35 Sieur Donnelly Was concerned at the capacity of the boat at the key 1000hrs departure from Guernsey. Sometimes the overload is minimal and to operate another large boat for 20 people is a nonsense. It needs a 30 seat passenger boat to back up if required. Cheaper to run and probably quicker too. Such a launch could be used on less heavily used services. loSS and the Shipping Committee need to do better planning; we cannot ignore the financial implications.

- 15.36 Dep. E. Dewe Confirmed that the early Wednesday boat was the busiest of the early boats during the whole week.
- 15.37 Dep. Olsen Supported Deputy Sandra Williams and her points about overburdening taxpayers. As Chairman of Medical, he was conscious of how many elderly people had now dropped health insurance cover and declared self insurance because the monthly outgoings are just too great. Additional funding of IoSS would place an unacceptable burden on them.
- 15.38 Sieur Hurden He too supported Deputy Sandra Williams. The idea of a launch was a good idea but where does it come from and who pays for it? A charter is additional cost and would have to be paid for by IoSS.
- 15.39 Sieur Perrée The key to this is reducing the overtime payments. Is there nothing that can be done to stop the current over generous payments.
- 15.40 Dep. Le Lievre Apparently this has been tried and the crews immediately went to their advocates for advice.
- 15.41 Seneschal Reminded the House that it wasn't just the crews but also Port costs to cover.
- 15.42 Sieur Donnelly If it take 20 passengers to make a ship with 3 crew viable, surely a 12 seater launch with 1 crew should also be viable?
The Brecqhou Lass can take 48 seated passengers and he knew of another similar boat that can take 50 passengers. Could these not be utilised by IoSS and why have they not discussed the option?
- 15.43 Sieur Baker In the report it says a staff saving of £40k.
- 15.44 Dep. Le Lievre Because with this timetable, IoSS will lose one crew.
- 15.45 Sieur Gomoll Why not give a subsidy of £30k but as a bonus for employees of IoSS if they run as required. How is profit best achieved?
- 15.46 Sir Peter Miller Declared an interest.
He has a 12 seat launch, *The Isabella*, and could make it available to IoSS.
- 15.47 Dep. Dunks Asked for an explanation of the £72.4k in Proposition 2.
- 15.48 Dep. Le Lievre It was a combination of the £32,400 for crew saving during the shoulder and peak summer periods and £40k for better crew utilisation, both described in the IoSS accompanying explanation included in the supplementary report.
- 15.49 Offered to go away at lunch and discuss options with the Shipping Committee.

LUNCH RECESS 1.00pm – 2.15pm

- 15.47 Mlle. Bull Asked whether, as we have two Harbours, Creux could not be used for cargo to avoid conflicts at Maseline. The cargo boat could then come whenever the Harbour was tidal during the working day.
- 15.48 Dep. Le Lievre Following discussion by the Shipping Committee it was supporting Proposition 1 as it stands, withdrawing Propositions 2 & 3 and changing Proposition 4 to remove reference to cargo. The Committee were mindful of the comments from the floor of the House. The Committee will meet again with IoSS and look for a workable compromise.
He announced that a further shareholders meeting was being arranged for 29th October at 5.15pm in the Assembly Room.
He asked for any contributions to that meeting.
- 15.49 Sieur Donnelly Requested a public meeting with the carters before 29th October.
- 15.50 Mlle. Perree Asked whether Sieur Raymond might enlighten Chief Pleas on the leasing out of the cargo boat.
- 15.51 Seneschal Reminded Mlle. Perrée that Sieur Raymond was no longer a Director of IoSS and could not be expected to answer such questions.
- 15.52 **Proposition 1 – CARRIED**
That Chief Pleas request the Isle of Sark Shipping Company to reinstate the 0800 Guernsey to Sark and the 0900 return from Sark to Guernsey on Monday, Tuesday, Thursday and Friday during the period 13th July until 6th September (Peak Summer Period) at an estimated maximum cost of £5,920 (£185 x 32 rotations).
- 15.53 **Proposition 2 – WITHDRAWN**
That Chief Pleas request the Isle of Sark Shipping company to retain the cargo departure at 0630 from Guernsey to Sark at an estimated maximum cost of £72,400.

15.54 **Proposition 3** – **WITHDRAWN**
That Chief Pleas request the Finance & Commerce Committee to identify a new budget head of shipping subsidy and to allocate a sum of £78,320 for 2009 to cover the expenditure committed in Propositions 1 & 2.

15.55 **Proposition 4** – **CARRIED** as amended
That Chief Pleas accept the Summer 2009 passenger timetable as proposed by the Isle of Sark Shipping Company with any amendments agreed in the previous propositions.

16 General Purpose & Advisory Committee Report with Propositions

Aviation Consultation Procedures

16.1 Dep. Olsen At the last meeting, the Committee promised to consult and bring back a consultation procedure agreed with the Director of Aviation (Designate) in Guernsey. This is attached to the introductory report. Deputy Olsen ran through the various types of variation contained in the report. Discussion was invited but none was forthcoming.

16.2 **Proposition 1** - **CARRIED**
That Chief Pleas approve the Aviation Consultation Procedure 01 – Sark.

16.3 **Proposition 2** - **CARRIED**
That the General Purposes and Advisory Committee shall consult Chief Pleas before agreeing any Type 5 or permanent variation of use in Sark's airspace and the General Purposes and Advisory Committee shall consult when practical before agreeing any Type 3 or Type 4 or temporary variations of use in Sark's airspace.

17 Development Control Committee Information Report

Application Charges

17.1 Sieur Baker Apologised about the introduction to the report; he had handed an earlier draft to the Committee Secretary in error and this text was flawed. Chief Pleas has already approved the Projet de Loi and this is currently awaiting passage through the Privy Council. The list of categories put forward today will accompany the Ordinances required to implement the Law once it is approved.

17.2 Seneschal There are currently three pieces of legislation waiting for the Privy Council to consider. This Development Control Law is one, The Reform (Sark)(Amendment) Law another, and the third is The Sark Hall Trust (Dissolution) Law, 2007. The Seneschal has been in touch with the Ministry of Justice and asked about progress, with particular reference to the Reform Law Amendment as it is needed imminently. (This allows 14 Conseillers to serve for only two years and establishes a two yearly cycle of elections for half the House and retains continuity).

17.3 Dep. Dunks The reason for submitting this report now is to look for comments or questions to what is proposed.

17.4 Sieur Rang These suggested charges are modest but will they be hiked up later?

17.5 Dep. Dunks Accepted that possibility but it was anticipated that they would be in the region of the figures quoted once introduced.

17.6 Dep. Burgess Will we have to pay for re-submissions if the first application is turned down?

17.7 Dep. Dunks Quite likely as the fee is to cover the administrative cost of processing the application but it was likely to only be a nominal charge.

18 General Purpose & Advisory Committee Information Report

Audio Equipment for Chief Pleas

18.1 Dep. Olsen No recommendation to make yet but the consultant who installed the system for the States of Guernsey has been contacted.

19 General Purpose & Advisory Committee Report with Propositions

Tidal Power

- 19.1 Dep. Olsen Emphasised that the GP&A Committee has not undertaken commitments to any off-shore power suppliers or groups willing to organise the project on behalf of the Committee. Invitations to bid for such work have been issued and there have already been some submissions. With a possible Commission in mind, four shadow commissioners have been involved with the Committee in considering presentations given by interested groups.
As indicated in the report, the Committee has re-considered this way forward and puts forward two propositions for Chief Pleas to make the choice as to how the development of the project should be administered. Should it be a licensed autonomous Commission or a Chief Pleas Committee to oversee the project.
- 19.2 Dep. Le Lievre Could Deputy Olsen explain autonomous Commission?
- 19.3 Dep. Olsen It would be a group of Sark residents with particular or complementary knowledge who would act on behalf of the Island; rather like the Directors of Isle of Sark Shipping.
- 19.4 Seneschal Another parallel would be the Gambling Commission approved by Chief Pleas but not commenced.
- 19.5 Dep. R. Dewe Alderney has set up both Gambling and Tidal Commissions but there are only ten Members of the States of Alderney. Guernsey is doing something similar. With 28 Conseillers, Sark should have sufficient representation to set up a Committee.
- 19.6 Mr. Dawes Supported Deputy Dewe; such an arrangement would be less costly. Unless Sark wanted to create its own company to operate a commercial venture.
- 19.7 Dep. R. Dewe An investment of roundly £100M would be required and investment on such a scale would be too great for Sark. The Committee sees the income for the Island coming from a licensing fee and then ultimately royalties for every megawatt of electricity produced.
The potential revenue income could be considerable.
- 19.8 Dep. Olsen Appreciated Mr. Dawes' comments. His personal view was that he would like to see proposition 1 fail and proposition 2 supported.
- 19.9 Sieur Perrée Has an amount been discussed?
- 19.10 Dep. Olsen The concept has been discussed in Committee and the submissions so far accept this arrangement of a one-off fee to have exclusive rights; 5% of potential revenue is suggested but until a marine survey is undertaken it is difficult to be too definitive. If the system was able to produce 20 megawatts, a £500k annual royalty revenue would be a ball-park figure to consider.
- 19.11 Mr. Dawes Was concerned about the reluctance to give advice from St. James' Chambers and wondered whether this was against Sark's interest.
- 19.12 Dep. Olsen Her Majesty's Comptroller and his staff will not be advising on commercial matters to either Guernsey, Sark or Alderney. Guernsey Electricity, which is wholly State owned, has taken independent counsel on commercial matters, eg. the Guernsey/France cable link. St. James' Chambers will however comment on a non-disclosure agreement.
- 19.13 Seneschal Does the Committee wish to comment on Guernsey Electricity's recently announced tidal marine survey?
- 19.14 Dep. Olsen The Committee had been informed that this survey will include areas of Sark's waters. Guernsey Electricity will be collecting information for our benefit and will share it with Sark.
- 19.15 Seneschal Confirmed that free access has been promised to the information being collected and paid for by Guernsey Electricity.
- 19.16 Sir Peter Miller Isn't this a case where we must co-operate with Guernsey Electricity to get the best deal for Sark?
- 19.17 Dep. R. Dewe Had dealt with the issue of the marine survey in Deputy Olsen's recent absence and has arranged a meeting with Guernsey Electricity in Sark. Co-operation could certainly be to Sark's advantage and he reminded the House of the likely need to access the France/Jersey/Guernsey cable as new cable cost roundly £1M per nautical mile to lay.
- 19.18 **Proposition 1 – LOST**
It is the policy of Chief Pleas that Sark's tidal power should be regulated and licensed by an autonomous commission.
- 19.19 **Proposition 2 – CARRIED**
It is the policy of Chief Pleas that Sark's tidal power should be regulated and licensed by a Chief

Pleas Committee.

20 Tourism Committee

Verbal Report for information

Fire and Gas Safety Certificates

- 20.1 Mdm. Magell Apologised that this report is verbal not written but consultation with the emergency services was still progressing when the papers had to be submitted. Following the Emergency Services Committee's request at the Extraordinary Meeting of Chief Pleas held on the 20th May 2008, the Tourism Committee has investigated the feasibility of ensuring that the tourist accommodation providers on Sark have the appropriate smoke or carbon monoxide detectors fitted. It found that there is no need to amend the law to achieve this because the current law states;

6. [1] *Any person desirous of obtaining an accommodation permit shall make application in that behalf to the Committee and such application shall be in such form and accompanied by such information as the Committee may, from time to time, require.*

This gives Committee power to ask for premises to be issued with a fire safety certificate before an accommodation permit is issued. The condition of this certificate will be correctly positioned and fully functioning smoke detectors and if appropriate carbon monoxide detectors. Following consultation with the Fire Service and the Emergency Services Committee, the issue of Accommodation Permits for 2009 will now require confirmation that a Fire Safety Certificate has been issued. The Fire Safety Certificates will be issued by the Chief Fire Officer, whose team has also kindly agreed to offer advice on siting and fitting of the devices.

Letters warning that this was likely to be a requirement of the 2009 accommodation permits went out to all accommodation providers in May. A further letter or email went out last week to all accommodation providers to say that smoke and carbon monoxide detectors are now available at the Tourist Office at a discount price. This discount was negotiated by the Chairman of Tourism, Deputy Sandra Williams and the Committee would like to record a vote of thanks to Mr Nigel Staples and the staff at Mercury.

21 Medical Committee

Information Report

Child Youth & Community Tribunal

- 21.1 Dep. Olsen Introduced the report and said that appointments to the Tribunal will be made on 13th November. This Tribunal will be only dealing with Guernsey and Alderney cases under their new Children's Law. Sark residents have been invited to participate and expenses and an honorarium would be paid by Guernsey if and when an individual is involved. Two people from Sark have already come forward and their names will be sent to Guernsey tomorrow.

22 Douzaine

Report with Proposition

Appointment of Assistant Constable

- 22.1 Sieur Baker Introduced the item as being self-explanatory

Proposition – CARRIED

That Mr. Paul Williams be appointed as Assistant Constable in order that he may occasionally perform the duties and exercise the powers appertaining to the office of Vingtenier as described in Section 52 (2) of the said law.

- 22.2 Seneschal Acknowledged Deputy Paul Williams' appointment and invited him to Court to be sworn-in following the conclusion of this meeting.

23 Public Works Sub-Committee

Information Report

Road Maintenance Starting Season 2008/9

- 23.1 Dep. P. Williams Had nothing to add to the report and the arrangement was likely to go ahead in late November/ early December. He drew attention to a typing error in the final paragraph on the first page where ...*trail*... should read ...*trial*....
- 23.2 Sieur Rang Questioned the cost of £500 per day.
- 23.3 Dep. P. Confirmed that it was the daily cost from the time the machine arrived on the Island and it

- Williams was the cost per day of its use.
- 23.4 Sieur Rang How deep did it penetrate?
- 23.5 Dep. P. Williams Could be set from 4"-14".
- 23.6 Sieur Rang Was concerned about rotovating too deep and there was no total cost limit on the work to be done. Found it hard to understand why traditional Sark methods were not being used. Kevin Adams and his machine could be used.

24 Development Control Committee

Information Report

Applications 2007 & 2008 (to date)

- 24.1 Sieur Baker This is a factual report and the only point to be made was the Committee met 20 times during this period with a similar number of site meetings taking place; altogether some 60 hours was assigned to consideration of the application received.

25 Fire & Rescue Services

Annual Information Report

- 25.1 Dep. Plummer Gave her thanks to Mr. Kevin Adams, the Chief Fire Officer, for his report. The Fire & Rescue Service has come a long way in the last few years. She reminded the House that it was 1st October 1958, 50 years ago to the day that Chief Pleas approved the formation of the Service and she offered her congratulations to all those volunteers involved both now and in the past for their excellent work. Chief Pleas endorsed those sentiments. A celebration evening was being held at the Island Hall on Friday 3rd October.
- 25.2 Seneschal Commended the Fire & Rescue Service for its sterling work.

26 Sir David & Sir Frederick Barclay Report with Propositions

State of the Island Reports

- 26.1 Mr. Dawes Introduced the report explaining that it would be of considerable assistance to the next assembly to have reports of what is currently being dealt with by each Committee. He referred to Item 6, the Annual Report about Sark School, which was an excellent report and the sort of thing that had been in mind. The propositions were firstly for the individual Committee to contribute and then an overview from the GP&A Committee.
- 26.2 Dep. S. Williams Every meeting of each Committee is minuted and those minutes will be available for those joining a Committee. Apart from that we are very friendly on this Island and those who have previously served will help and assist those about to take their place on a Committee for the first time.
- 26.3 Mr. Dawes Considered the idea a useful process and would provide an historic document.
- 26.4 Seigneur Agreed with Deputy Sandra Williams that there was unlikely to be a lack of continuity. Many Deputies and hopefully some of the Tenants would stand for election and would continue to provide that consistency. This was a waste of time and being proposed in a month when the people resident on Sark were going on holiday.
- 26.5 Dep. R. Dewe When he last took over the GP&A Committee it followed the mass resignation of the previous Committee but it was not a problem. The minutes were detailed and covered all the information the Committee needed to maintain continuity.
- 26.6 Dep. Cocksedge In the Committees on which he was currently Chairman, the dates of the meetings are determined by specific dates when seasonal action has to take place. These are all itemised in the minutes.
- 26.7 Ms. Mc Dermott Will the minutes be available to the public?
- 26.8 Seneschal No, they are not public documents. It would need a resolution of Chief Pleas to make them publicly available.
- 26.9 Sir Peter Miller As this is likely to be the last thing he has to say in Chief Pleas, he may not please the Seigneur. This isn't a usual situation. The public should know what problems the Island faces. They also need to know where the candidates stand on each and every issue.
- 26.10 Dep. S. Williams Would find it impossible to write reports for the three Committees she chairs in the next 25 days as she will be away on holiday for 21 of those days.
- 26.11 Mr. Dawes Surely someone else can do it during your absence?
- 26.12 Sieur Baker Development Control has produced its report. The Douzaine deals with parochial and often sensitive matters. He agreed that this proposition has come too late and gives insufficient notice.
- 26.13 Sieur Donnelly Mandates of Committees should be made available. The Island Trustees are in a

- 26.14 Seneschal muddle and could write on what they are dealing with and provide financial information.
- 26.15 Sieur Not sure from where the statement that the Island Trustees are "in a muddle" comes.
- 26.16 Donnelly From the Seigneur.
- 26.16 Seigneur The only muddle I have referred to is that individual Island properties sometimes have different sets of Trustees; we remain waiting for a new Trust Law which has been in the drafting with the Law Officers for over two years.
- All properties are in good order and all information is readily available. There is no change in the Trustees with the introduction of The Reform Law, so no necessity for a state of affairs report.
- 26.17 Sieur 90% of the Education Report could be made public. He supported the request and thought it a good idea – the public need to be kept informed.
- 26.18 Hurden
- 26.18 Seneschal The whole of this Education Report is on the website as are all Chief Pleas agenda, reports and minutes. The minutes go back to Easter 2004 and selected reports are also included. Since January 2007 all Chief Pleas reports are included and are accessible.
- 26.19 Sieur Harris Was against too much co-operation between new or potential Members and those retiring; there should be a voluntary code. Sir David and Sir Frederick cannot attend because of ill-health but all the information about what is coming to Chief Pleas and what takes place at the meetings is readily available and they have their representatives to report back. There will surely be pre-election hustings where the public can ask questions or request more information.
- 26.20 Mr. Dawes Not everybody is as informative as the Education Committee. The size of this Hall limits the public attendance, so how do we let the people know what is going on?
- 26.21 Seneschal The proposition calls on the Seigneur and Seneschal to give account of the current state of affairs. The Seneschal has no direct involvement with Committees and to that end should not be producing a position statement. Judicial Reviews or appeals against earlier decisions in which the Seneschal and Seigneur are named as interested parties, remain on the table and it would be wrong to comment at this stage. There is also concern about how this community is being treated with misrepresentation through the many press comments that seek to undermine the true facts about Island affairs.
- 26.22 Seigneur Fully supported the Seneschal's comments. The new Assembly is already being misled by the libel and the scurrilous articles contained in the ~~Sark News~~ and the Sark Estate Management Newsletter, both of which with their titles alone purport to be something they are not. It would appear that dictatorship will replace feudalism as the order of the day.
- 26.23 Sieur Could we have your words in writing?
- 26.24 Donnelly
- 26.24 Seneschal They will be in the minutes.
- 26.25 Sir Peter Nothing is needed from the Seigneur or Seneschal as they will still be here. Statements could still be helpful from Committees.
- 26.25 Miller
- 26.26 Dep. S. How typical of Sieur Donnelly to end this historic meeting of Chief Pleas by introducing bad feeling and nasty remarks.
- 26.26 Williams
- 26.27 Ms. When Sir David and Sir Frederick submitted this report it was never intended to be controversial and was a genuine attempt to help the new Assembly move forward.
- 26.27 Mc Dermott
- 26.28 Seigneur Have you ever read the ~~Sark News~~ or contributed towards it?
- 26.29 **Proposition 1 – LOST**
That a report be prepared by each Committee of Chief Pleas and, separately, the Island Trustees, the Seigneur and the Seneschal, giving an account of the state of affairs of the matters for which they are respectively responsible for, including a summary of the assets and liabilities of which they have charge, and identifying the current issues with which they are concerned and the course of conduct they propose adopting in relation to each of those issues. Such reports to be prepared by 31st October 2008 and submitted to the General Purposes and Advisory Committee.
- 26.30 **Proposition 2 – WITHDRAWN**
That an additional report be prepared by the General Purposes and Advisory Committee summarising the reports prepared pursuant to (i), and giving an overview of the state of the Island of Sark, its economic condition, the challenges facing the Island and proposals for how to address those challenges. Such report to be made public, together with the above reports, by 14th November 2008.

27 Sir David & Sir Frederick Barclay Report with Proposition

Conversion to Organic Farming in Sark

- 27.1 Mr. Dawes Introduced the report about organic farming techniques on Sark with the proposition that, if the Island was wholly organically farmed, it would be an attractive selling point for tourism.
- 27.2 Dep. P. Williams Whilst the Agriculture Committee adhere totally to the principals of organics and understand fully the thinking behind the methods, it would like to make the following statement.
- It has been a little surprised by the fact that the proposers did not contact the Committee directly to ascertain its current thinking. This surely would have been the most sensible approach saving much precious time for Chief Pleas who now have to discuss the proposal. The Agriculture Committee does discuss environmental matters at all its meetings and is very conscious of the approach needed with regard to sustainability on Sark. The farmers and growers do not as a general rule use large amounts of chemicals on the land, as is hugely apparent with the abundance of birds, insects, wild flora and fauna. The meat, diary products, vegetables and the like are already of high quality and in no way need the word “organic” put in front of them. Thereby hangs the problem, the word itself.
- You cannot call yourself organic without a mass of rules and regulations being applied. To have full accreditation would be costly and in our opinion very impractical. Farmers and growers would constantly be filling in forms, monitoring and filing instead of putting the time they need to produce the quality products we already have. The laissez-faire attitude to business on Sark is of great importance; with the introduction of more regulations for the farmers/growers a reasonably healthy though small local industry may be put in jeopardy by massively increased costs for very little additional profit and could have a serious effect on the rest of the Island economy.
- 27.3 At the risk of being accused of plagiarism, the Committee think that the following words taken from a recent Sark publication fit the bill admirably –
- Quote** – *Implementing these proposals will necessarily mean increased administration costs, which, in turn, necessarily have to be paid for through higher taxes. These proposals put Sark well on the road to becoming a truly authoritarian state with a high ratio of the working population paid by the state, funded by a hapless majority trying to run a business or find employment in the private sector. The introduction of such regulations will rapidly create a hostile environment for commercial activity. It will squash entrepreneurial spirit and do the Island's economy no favours at all. The freedom from needless regulation, the absence of cumbersome bureaucracy and very low taxation has always been Sark's major selling points. Once lost, they will be lost forever – Sark needs to think again!* **Unquote** (Sark News No.13, September 2008, Page 7)
- 27.4 As always, the Committee leave the final decision to Chief Pleas but would recommend that no further action be taken.
- 27.5 That is the position of the Agriculture Committee and I would now like to make a few points of my own in support.
- Over the last couple of weeks I have conducted a straw poll of the local farmers and growers. Comments have been –
- I would not be able to afford organic fertiliser or seeds as I am already working on a very tight budget;
 - to continue to produce what we do now we would need twice the amount of land we currently farm;
 - I would need to employ more staff and I cannot afford this;
 - my crops would become so expensive, nobody would buy them.
- That's just a snapshot of some of the comments; none of the people I have spoken to thinks it is a good idea. Then there is the scenario of producers trying to compete against non-organic produce being brought in from elsewhere. Do we monitor all imports to see if they are organic? Who is going to do this? More to the point, who will pay? Personally, I do not see the advantage to our Tourism Industry. I cannot see many tourists looking at a Sark brochure and proclaiming, “*Oh look, we must go there they are organic*”. I would much prefer to see on restaurant or food outlet menus “*locally produced beef, lamb, pork or locally grown vegetables*”. This immediately tells the consumer where the item has come from, simply saying “organic” has no meaning as the item could have come from anywhere and been flown around the world.

- 27.6 We all remember the huge problems with the brown tailed moths a few years ago. If we could not have sprayed to control the caterpillars, they would have chomped their way all around the Island having a devastating effect. We may have been able to get a derogation but at what cost?
The proposers thinking with this puzzles me; on the one hand, they continually advocate independence and then, on the other, they wish an outside organisation to control the way we farm. This is nonsense; I do not think we have the right to tell the farmer/growers how to operate. We may suggest but that is a different matter altogether. As is obvious – I am not in favour of this proposal.
- 27.7 Dep. S. Williams Fully supported Deputy Paul Williams comments and could not see what attraction this would have sufficient to improve Tourism. She has enjoyed 25 years of buying Sark produce and always takes the opportunity to purchase it when it is available.
- 27.8 Sieur Curtis Was happy to declare an interest in both the Tourism and Farming Industries.
Following a four year course in Farm Management, he had farmed here for 24 years, growing vegetables, wheat and farming beef, and in that time just one customer has seriously asked me to grow organically. He has spent the last year therefore researching organic farming with a view to converting an area of his farm – should the sums add up – to supply a very niche market. He has no plans to convert the remainder as he does not expect organic produce to be in demand from the majority of his customers (and certainly not at premium prices).
- 27.9 Organic farming needs more labour, more land and uses far more diesel than conventional farming. It has an appalling carbon footprint. In a potato crop for instance diesel use is almost ten times higher in organic systems and CO² output was 3-5 times higher than conventional potato weed control (University of Nottingham Project 9/11/07).
The only thing sustainable about organic farming in the developing world is the preservation of poverty and malnutrition. So as more people in the developed world (ie. our potential tourists) realise that organic farming can be inefficient and a luxurious way to produce food in a world where over 840 million people go to bed hungry, rather than flock here, they may well boycott such tourist resorts that promote this as their food and land policy.
- 27.10 Banning conventional farming as is suggested by this proposition would create many problems for Sark.
Firstly – there would be a very serious trade issue. You simply cannot prohibit the use of certain crop protection chemicals and fertilisers and continue to allow food products (be they for human or livestock consumption) to enter Sark unless they too have been organically produced. This would mean customers would no longer have a choice and it would, of course, cost residents and visitors considerably more to feed their families, bearing in mind that food prices are expected to continue to rise substantially worldwide as there are many more mouths to feed off less land.
- 27.11 Secondly – more land is required to produce the same quality of food – yet we are an Island with a finite quantity of land. If I need twice as much land for example and the dairy industry needs twice the land to maintain a continuity of supply, where is this extra land to come from? There are also plans for a golf course and ongoing demands for housing, so one must conclude that some land use will be displaced. The most vulnerable may be that land used for keeping and grazing horses but how regrettable it would be for Sark to lose another signature industry, the horse and carriage trade.
- 27.12 Thirdly – more labour is required. Without pesticides, tractor hoeing and hand weeding of crops is the order of the day. Organic research sites indicate a figure of 100-300 man hours per hectare for carrots! An extra cost of say £2k for no benefit except perhaps to swell the doctor's surgery with people like me with backache. More labour, I estimate I would need 2 or 3, necessitates more housing and possibly more demands on the school, together with the obvious requirements for water and its later disposal.
- 27.13 Fourthly – more traffic, yes much more tractor use as crops will require hoeing 4 or 5 times; more noise for much longer once the tractor reaches the field. For examples it would take 1-2 hours to hoe a field just once rather than 10 minutes to apply an approved modern herbicide.
- 27.14 Fifthly – without crop protection products, growers might exclude pests and diseases by using physical structures as barriers. I can foresee more crops under fleece and plastic, more poly-tunnels and glasshouses which do not, I believe enhance the beautiful landscape of open fields.
- 27.15 Sixthly – who would administer the cumbersome administration? Surely we should not elect an outside agency from another government to control our land use and food supply yet internal administration will also bring problems.

- 27.16 Sieur Curtis continued Concluded that farmers, growers and their customers should continue to be able to choose how their food is produced and not be straight-jacketed into a bureaucratic regime that would interfere with the balance of our land use and food supply. Visitors may purchase organic produce in their homeland, they do not need to come here to obtain it. Without financial help (and please remember our farmers no longer receive direct subsidy whilst neighbouring Guernsey and Jersey spend millions supporting agriculture) the truly commercial farming here will be extinguished without related trade embargos on non-organic produce. This is a lose/lose situation and should not be pursued. Sieur Curtis would be voting against the proposition.
- 27.17 Dep. R. Dewe Spoke as an ex-farmer and hotelier. There is no doubt that there is a niche market for organic food however, it is more costly to produce and yields are lower. Unless the public either directly or through secondary outlets such as hotels or restaurants are prepared to pay an enhanced price for the produce, the economics of farmers going organic do not add up.
He then quoted from a recent article that he had read according to a study carried out at the University of Copenhagen. It says - *Organic food may be more expensive than food grown with pesticides and artificial chemicals, but it is no richer in minerals or vitamins and buying organic is simply a "life-style" choice.*
- 27.18 In the present financial climate, the sales of organic produce are declining. One major chain of shops that specialised in the trade has recently called in the receivers because of lack of demand. Another national chain of supermarkets has had to sell its organic produce at the same price level as conventional produce because of sales resistance due to the price. This is certainly not good news for the farmer.
- 27.19 For an island like Sark to convert to producing organic produce and claim that it was 100% organic takes no account of all the imported produce from all over the world. For an hotel or restaurant to claim that all its food was locally sourced and organic would be very difficult to sustain when the majority of the produce comes from outside the Island. Sark can and does produce "free-range eggs" and local lamb etc. but the chickens would need to be fed organic layers pellets and the sheep organic concentrates which are prohibitive in price, for them to be marketed as organic.
- 27.20 If Britain was to go organic, we would be like a Third World Nation, with a starving population – one only has to see how the minor swing from grain crops to crops that produce bio-diesel across the World has resulted in the cost of food in the shops rising dramatically. The difference between feast and famine is a very narrow one. The oil producing countries have found that by cutting back on production by only a small percentage, makes the price rocket, it is called the law of supply and demand and there is little demand for organic produce at the moment.
- 27.21 Sieur Donnelly The proposition only asks for investigation by the Agriculture Committee. Sieur Curtis is only investigating in a small way but perhaps we are burying our heads in the soil. We should be looking and listening to our experts.
- 27.22 Mlle. Perrée It is good that the Barclay Brothers are interested in agriculture and herbiculture.
- 27.23 Dep. P. Williams Was confused now by Mr. Donnelly's comments; he referred back to the arguments of his statement.
- 27.24 Mr. Dawes The proposition was only asking for the idea to be investigated. The Island could take a lead in these matters. He had come to the conclusions that this legislature, as sure as night follows day, will never take forward any proposition put forward by my colleagues.
- 27.25 Seneschal Reminded Mr Dawes that Sir David and Sir Frederick Barclay are not his colleagues, they are his clients and he was representing them in this House.
- 27.26 Mr. Dawes Was appalled by the comments from the dais. This issue was never intended to be controversial and the comments that have been made are not properly researched.

Proposition – LOST

That Chief Pleas instructs the Agriculture Committee to investigate and report on the merits of whether the Island of Sark should convert exclusively to organic farming methods, to the intent that the Island should, as a whole, be certified by a Department for Environment Food and Rural Affairs (Defra) approved certifying body such as Organic Farmers and Growers Limited or the Organic Food Federation and/or any equivalent local certifying authority.

Closing Remarks

- a** The Seneschal read out the timetable for the General Election of Conseillers on 10th December 2008 and all the key dates associated with it. These are attached to these minutes. These arrangements have been put to the GP&A Committee and the Reform Law Enactment Committee and both Committees have given their support.
- b** The Seneschal gave notice of the Christmas Chief Pleas on the 21st January 2009 and the deadline for reports and the anticipated distribution of papers. These are listed below.
- c** The Seigneur provided a closing statement –
Some time ago someone, possibly the Seneschal, said to me, “you will of course be making an end of term address at Michaelmas?” Actually, I hadn’t thought about doing so at the time, but seeing that this is not just the end of term but the end of an era of some 400 years, that it is probably right that I should say something even if not very erudite.
My immediate thoughts ran to saying goodbye to the Old Chief Pleas in the manner of Shakespeare’s Mark Antony at the death of his friend Caesar – the *Friends, Romans, Countryman* speech. One has only to alter a word or two and replace Caesar with Chief Pleas and you would be surprised how well it rings most of the way through but I was advised against it as the relevance and humour might be lost under prevailing conditions.
But on to my address; for old times sake I am going to start by quoting from my very first speech to Chief Pleas back in 1974: I started by saying –
I have told the press that I want to see Sark remain as it is today. This is of course an over simplification. We are a dynamic community living in a changing world and it is inevitable that we will, as we have done in the past, change and adapt to suit. And went on –
By the wisdom of this court we have managed to keep the worst excesses of the 20th century at bay whilst accepting many of the comforts and conveniences it can bring. We have managed to maintain the beauty, tranquillity and peace in which we are fortunate enough to live and for which our visitors come to see us.
Back then I never dreamt that change and adapt would see a collapse of Chief Pleas as it was then, or suffer the ever present threat of the destruction of our tranquillity and peace that we get now. Or maybe I am looking at the past through rose-tinted glasses as old men are minded to do. But I do console myself with the thought that after I gave my speech I was asked by many of the press that had arrived to cover this change of Seigneur whether I really believed the system could remain. I replied that one can never say never but if change were to happen it would come from outside not from within, so on that point, at least, I was right.
From my perspective the last few years of Chief Pleas has not been a happy experience, nor I am sure, has it been for many of you. Events have exposed significant flaws in the judicial system over which we have no control, and highlighted the vulnerability of the Feudal system of land tenure over which we have; I hope this will be addressed with some urgency by the new Assembly. The result of all this is that I feel rather nostalgic for the Chief Pleas I remember of some 30 years ago. I prefer to remember Chief Pleas when the meetings started at 11.00am and were over by 12.30pm or the latest by 1.00 o’clock. Though I do remember hearing of one occasion when there was a break for lunch, mostly liquid I understand, and was greatly regretted, as many never returned and those that did were in no fit state for rational debate.
I first attended Chief Pleas just after the war and then the language switched between patois and English according to the speaker. With the odd family disagreement thrown in for good measure – always in patois so that visitors wouldn’t understand. Nor me for that matter. All under a freedom of speech now regrettably lost, although, as the Seneschal reminded us, we have regained it in Chief Pleas but outside the old war time exhortation of “watch what you say, walls have ears” remains very necessary.
It wasn’t of course all brightness and light. There was always a few awkward so-and-so’s as there are now who objected to any change whatsoever. Dame Sibyl’s request to allow electric invalid chariots met with endless cries referring to thin end of wedges which now, in retrospect looks very mean and silly. However, on the plus side I certainly don’t recall any mention of the word constitution or calls for checks and balances and joy of joy not a lawyer in sight trying to undermine us all the time. There were no long tedious “corrections” under “approval of the minutes” as the minutes only gave the decisions. It was all very parochial and, for the Members and community, all the better for that. Indeed, for those who remember, it was actually pleasant and rewarding to attend.

I cannot let this opportunity pass without recording my thanks to all past and present Deputies and Tenants for their work inside and outside Chief Pleas. It is hard work, it is unpaid, often derided but absolutely essential for the Island to function. I would particularly like to thank the Deputies who serve by choice and sense of duty and have borne the brunt of the workload in recent months, who along with a relatively small number of Tenants have been prepared to face up to a high work load and the constant external abuse. It has not been easy and nearly all of us have or are, to quote Hamlet – *Suffering the slings and arrows of outrageous fortune.*

The slings and arrows are not going to stop of course, and one may have to put up with them for a few years yet, but I do hope the experience won't stop you and others putting yours, and their names forward for the next Chief Pleas. There is a lot of difficult work ahead and if I may continue the Hamlet quotation –

I am sure that it is nobler in the mind *to take up arms against a sea of troubles and, by opposing, end them.* Appeasement of course, is easier, but has not in my lifetime had a very good record of success.

However, when all is said and done, please do remember you may shortly no longer be Members of the Assembly but YOUR ISLAND WILL STILL NEED YOU.

The end of the Seigneur's speech was greeted with applause from most Chief Pleas Members and from those in the Public seats.

Forthcoming meetings for Chief Pleas Members

ISLE OF SARK SHIPPING COMPANY SHAREHOLDERS' MEETING -

Wednesday 29th October 2008 at 5.15pm

ELECTION DAY – Wednesday 10th December 2008

A full timetable of dates associated with the election period is attached to these Decision Sheets.

**SPECIAL COURT – Friday 9th January 2009 for swearing in of Conseillers followed by
SPECIAL SITTING OF CHIEF PLEAS for Election of Conseillers to Committees.**

CHRISTMAS MEETING – Wednesday 21st January 2009 at 10.00am

Agenda closes on **Monday 15th December 2008 at 3.00pm**

Papers distributed to Members by **Friday 19th December 2008.**

This meeting closed at 4.25pm.

Brian Garrard (Sark Committee Secretary) 3rd, 4th, 6th & 7th October 2008

7th October 2008



Seneschal



Greffier

MEMBERS OF CHIEF PLEAS

Michaelmas Chief Pleas Meeting 1st October 2008.

Tenants	Attending	Propositions		
		Item 8 Prop. 4	Item 8A	
Michael Beaumont Seigneur	/	P	P	
Lawrence de Carteret				
Iris Williams				
Helen Magell	/	P	P	
John Donnelly	/	C	P	
Rossford de Carteret	/	P	P	
Duncan Barclay >>	/	C	P	
David Curtis	/	P	P	
Isabel Jackson	/	NV	P	
Heather Snelling*	/	C	P	
Kevin Delaney	/	C	P	
Christopher Rang	/	P	P	
Suzie Thorpe	/	P	P	
Gwendoline Drawmer*	/	C	P	
June Carré	/	P	P	
Stefan Gomoll	/	C	P	
Phyllis Rang	/	C	P	
Sir Frederick Barclay*	/	C	P	
Diane Baker	/	P	P	
Edric Baker	/	P	P	
Mark Harrison	/	C	P	
George Steinmetz				
Simon de Carteret	/	P	P	
Dennis Hurden	/	P	P	
Andrew Miller				
Sir David Barclay*	/	C	P	
Isabel Perchard				
Molly Bull	/	P	P	
Philip Perrée	/	P	P	
Esther Perrée	/	P	P	
William Raymond	/	P	P	
Christopher Harris	/	P	P	
Sir Peter Miller	/	+P	P	
Donald Willis*	/	P	P	
Elizabeth Perrée	/	C	P	
Harriet Carré*	/	P	P	

Deputies	Attending	Propositions		
		Item 8 Prop. 4	Item 8A	
Helen Plummer	/	P	P	
Dave Cocksedge	/	P	P	
Dave Melling	/	P	P	
Paul Williams	/	P	P	
Tony Le Lievre	/	P	P	
Richard Dewe	/	P	P	
Sandra Williams	/	#P	P	
Paul Armorgie	/	#P	P	
Roger Olsen	/	P	P	
Elizabeth Dewe	/	P	P	
Anthony Dunks	/	P	P	
Paul Burgess	/	#C	P	

P - POUR	30	43
C- CONTRE	12	0
NV – NO VOTE	1	0

interest declared

+ interest declared (as a non-smoker)

* NOMINATED REPRESENTATIVES

>> Withdrew at lunchtime with apologies

Brian Garrard, Committee Secretary 2nd October 2008

2nd October 2008

TIMETABLE FOR

GENERAL ELECTION OF CONSEILLERS

10th DECEMBER 2008

- 14 Nov 08 Notice in Gazette Officielle and Island Boxes of forthcoming election and giving closing date & time by when nominations are to be received etc.
- Nomination forms will be available for collection from the Greffe or Seneschal's office. When completed the forms are to be delivered by one of the persons named on the form to the Seneschal (Returning Officer).
- A daily list of nominations received will be posted in the Official Notice Boxes; nominations will be listed in the order received.
- 26 Nov 08 Nominations will close at 12 noon. Thereafter I shall be posting Official Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes; applications for those functions to close on the 3rd December.
- 28 Nov 08 Notice in Gazette Officielle and Island Boxes of Nominations with Proposers and Seconders.
- 08 Dec 08 A briefing will be held for the polling station and count volunteers.
- 10 Dec 08 General Election Day: 10.00am until 6.00pm – Polling Station in Snooker Room, Count in Main Hall.
- Election results will be announced at the completion of the Count and a Notice of the Results will be posted on the Polling Station door as soon as possible thereafter.
- 11 Dec 08 Notice in Gazette Officielle and Island Boxes of Result.
- In the event of a 'tie' between two (or more) candidates, when the addition of one more vote would have caused a person to be elected, a second election has to be held. (New Voting Papers have to be produced for the tied candidates & Notices of the second election need to be published in the Gazette Officielle & Island Notice Boxes.)
- 07 Jan 09 General Election re-run, only for candidates tied at 10 Dec. (No other nominations allowed.) It is hoped that the same set of volunteers would assist the Returning Officer at this second election as they did on the 10th December.

continues over >>>>

- 08 Jan 09 Notice in Gazette Officiale and Island Boxes of Result.
- At midnight on the 8th January the term of office of the present Assembly will cease in accordance with paragraph 23 (2) of "The Reform (Sark) Law, 2008.
- 09 Jan 09 A Court will be held at 10am to administer the Oath of Office and Oath of Allegiance to the elected Conseillers; this will immediately be followed by a Special Sitting of Chief Pleas at which elections to fill places on all the Committees will be held. Thereafter and before the Christmas Meeting of Chief Pleas all Committees will need to meet to select Committee Chairman and Vice-Chairman and to take on the Reports made to Chief Pleas by the outgoing administration.
- 21 Jan 09 Christmas Meeting of Chief Pleas to commence at 10am with an official photograph to be taken at 9.30am.

NOTE: I have been asked to inform prospective candidates for the Election of Conseillers that any mail shots to households must be sent through the Post Office before the end of November. My advice to prospective candidates is that they should work on getting their manifestos out as soon as they have made a decision to stand and have applied to do so. This is Post Office policy for the busy mail month of December and the Christmas rush.

**Lt Col RJ Guille MBE
Seneschal and Returning Officer**

1st October 2008