

ISLAND OF SARK

**MIDSUMMER MEETING of the CHIEF PLEAS to be held on
WEDNESDAY 3rd JULY 2013 at 10.00am in the ASSEMBLY ROOM**

AGENDA

1. To APPROVE the MINUTES of the EXTRAORDINARY MEETING held on the 16th May 2013.
2. MATTERS ARISING from the Minutes of the Extraordinary Meeting.
3. QUESTIONS Not Related to the Business of the Day.
4. To CONSIDER a Report from the GENERAL PURPOSES and ADVISORY COMMITTEE entitled "**Civil Weddings**" (see Note 1 below).
5. To CONSIDER a Report from the GENERAL PURPOSES and ADVISORY COMMITTEE entitled "**The Chairmanship of Committee**".
6. To CONSIDER a Report from the FINANCE and COMMERCE COMMITTEE entitled "**La Ville Roussel Fund**".
7. To CONSIDER a Report from the GENERAL PURPOSES and ADVISORY COMMITTEE entitled "**Aviation Consultation Procedures**".
8. To CONSIDER a Report from the MEDICAL COMMITTEE entitled "**Health Visitor**".
9. To CONSIDER a Report from the FINANCE and COMMERCE COMMITTEE entitled "**The Hathaway Settlement**".
10. To Consider a Report from Conseiller S. Williams and Conseiller Hunt entitled "**Recording of Chief Pleas**".
11. To CONSIDER an Information Report from Conseillers Guy and Dunks entitled "**Declaring an Interest**".
12. To CONSIDER an Information Report from the FINANCE and COMMERCE COMMITTEE entitled "**Rules of Procedure**".
13. To CONSIDER an Information Report from the AGRICULTURE COMMITTEE entitled "**Sark's Dark Skies**".
14. To RECEIVE a Verbal Report from the MEDICAL COMMITTEE on Medical Insurance.

15. To RECEIVE a Verbal Report from the TOURISM COMMITTEE on the Tourism Forum etc.

Ordinances Laid Before Chief Pleas

“The Egypt (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013”
“The Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013”
“The Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013”
“The North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013”

5th June 2013

**Lt. Col. R.J. Guille MBE
President of Chief Pleas**

Note 1 - If available the Report will be added not later than 10 days before the Meeting.

Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday – Thursday, between 2.30pm and 5.00pm and at other times when the offices are open; copies may be obtained from the Committee Secretary.

GENERAL PURPOSES & ADVISORY COMMITTEE

Report with proposition to Midsummer Chief Pleas, 3rd July 2013

THE CHAIRMANSHIP OF COMMITTEE

The rules requiring a committee of Chief Pleas to nominate a Chairman and Deputy are made by resolution of Chief Pleas. In the case of the General Purposes & Advisory Committee (GP&A) the Chairman does also have a statutory executive responsibility in a very few instances.

After the Easter meeting of Chief Pleas, Charles Maitland resigned as a Conseiller and, in consequence, as Chairman of the GP&A Committee. He was of the view that without organised administrative support the proper operation of the business of government would continue to be difficult. He worked hard to present Chief Pleas with options for such support.

The current GP&A Committee is of the opinion that, as previously constituted and operated, this committee is unsustainable and that it is not in the interests of Chief Pleas for the Committee to return to its pre-Easter constitution. The Committee is encouraged by the vote to enable the recruitment of a Senior Administrator at the recent Extraordinary Meeting and believes that the way forward for the Government of Sark is for this post to be operational as soon as possible. Conseillers should also all consider what will then be the most effective way that, as the elected representatives of the inhabitants of Sark, they can best consider, present and deliver future policy, and how Sark should engage politically with the outside world.

It is the opinion of the GP&A Committee that the Chairmanship, with the current expectations and mandate, is impossible for one person to fill, or for others to expect to be filled, and is not one that gives the electorate of Sark the representation to which they can comfortably relate. Therefore asking that the rules, requiring the nomination of a Chairman and Deputy, are suspended until the Members of Chief Pleas have had the opportunity to debate and present an acceptable and practical evolution to our government, is not an unreasonable proposition.

The Committee considers its current role as being to maintain the day to day business for which it has responsibility whilst working with all Conseillers to deliver the changes that, as the recent vote at the Extraordinary Meeting of Chief Pleas suggests, they believe are essential for Sark to survive as a responsible Crown Dependency with the considerable independence, and the obligations, that go with that privilege.

In the meantime the Committee propose to nominate a 'Chairman for statutory obligations' and will ensure a single point of contact for all committee business. It believes that the government of Sark cannot move forward to deliver the policies that the inhabitants want, whilst retaining the confidence of the wider world, until such time as it has reorganised itself to be more effective and efficient.

Proposition –

That Chief Pleas approve the suspension of the requirement for the GP&A Committee to nominate a Chairman or Deputy Chairman until a reorganised system of government is in place.

**Conseillers Bache, Baker, Cook, Cottle, Fry, & Mallinson
General Purposes & Advisory Committee**

FINANCE & COMMERCE COMMITTEE
Report with proposition to Midsummer Chief Pleas, 3rd July 2013

LA VILLE ROUSSEL TRUST

This Report is presented at the request of the Trustees of the Ville Roussel Trust (“the Trustees”).

Background:

Funds held in the Ville Roussel Trust have historically been made available as loans to Sark born residents to help to finance the purchase of a home.

All loans previously granted have been repaid and the Trustees have cash of approximately £90,000 available.

The Trustees are of the opinion that it is reasonable, under the terms of the Ville Roussel Trust Deed, to offer new unsecured loans of up to £15,000 to any one applicant, provided that he or she is a Sark born resident of at least one Sark born parent and that he or she could show the need for such assistance.

(Sark born is taken to mean born in the Bailiwick of “normally” resident Sark parents).

The Trustees also suggest that the loans be for a maximum of 10 years and that interest be charged on the loans at 1% above the Bank of England base rate

Proposition 1 –

That Chief Pleas approve the granting by The Trustees of La Ville Roussel of unsecured loans of up to £15,000 per Sark born applicant (as defined above) such funds to be used towards the purchase of a home.

Proposition 2 –

That interest charged on the loans should be at the rate of 1% above the Bank of England base rate for the time being in force.

Conseiller E Dewe
Chairman, Finance and Commerce Committee

GENERAL PURPOSES & ADVISORY COMMITTEE
Report with proposition to Midsummer Chief Pleas, 3rd July 2013

AVIATION CONSULTATION PROCEDURES

The Director of Civil Aviation is obliged to consult Sark if he seeks to make substantive changes to policies which might affect Sark, including the granting of exemptions, covered by the Air Navigation (Restriction of Flying)(Guernsey) Regulation, 1985 and by the Aviation (Bailiwick of Guernsey) Law, 2008. This position was not altered by the Air Navigation Law, 2012.

Draft consultation documents covering Policy and Procedure were discussed by Chief Pleas at its meeting on 18th January 2012 (Minute Ref: 8.8) which sought an assurance that Chief Pleas consent would have to be obtained before any changes were made . Members of GP&A have since had discussions with the Director of Civil Aviation who in turn has sought legal advice about this point. He has however had to conclude that it would not be possible to agree to any clause which might be construed as reducing his overall position, including his obligations and functions as outlined in the Aviation (Bailiwick of Guernsey) Law 2008, sections 2 and 4. This position is set out in 2 and 3 of the Policy Statement which is contained in the attached Statement of Policy - 01 which is under consideration.

Against this background GP&A pressed for confirmation in the Procedure - 01 that Chief Pleas would be able to be made aware of any consultation before the consultation was completed. This was agreed and 4.2.5 of this document now reflects this point.

Proposition –

That the General Purposes & Advisory Committee be authorized to sign the documents Policy-01 and Procedure-01 on behalf of Chief Pleas.

Conseiller Andrew Bache
General Purposes & Advisory Committee

Statement of Policy Number: 01**Title:** Consultation with Alderney and Sark**Effective Date:** 13/03/13**File Ref:** C&E: P:\Global\Aviation\DCA Policies & Procedures\080812_POL_01**Status:** Under consultation**Rationale:**

The Aviation (Bailiwick of Guernsey) Law, 2008 Section 4(1)(c)(i) & (ii) requires that the DCA shall carry out his function where reasonably practicable, when the interests of Alderney and Sark are likely to be affected, following consultation, respectively, with the Policy and Finance Committee of the States of Alderney or the General Purposes and Advisory Committee of the Chief Pleas of Sark. Section 177 further states that an Ordinance made under the Law does not have effect in Alderney or Sark unless approved, respectively, by the States of Alderney and by the Chief Pleas of Sark. The provision regarding consultation is not affected by the Air Navigation (Bailiwick of Guernsey) Law, 2012. Section 150 of that law states that “an Ordinance made under this law does not have effect in Alderney or Sark unless approved by the States of Alderney or by the Chief Pleas of Sark”.

The purpose of this statement of policy is to provide a sound basis for the development of appropriate working procedures between the DCA and the Alderney and the Sark authorities as to the arrangements for ensuring adequate consultation on aviation issues and regulations affecting Alderney and Sark; and to avoid, whenever possible, differences of approach on aviation matters across the Bailiwick generally.

Policy Statement:

1. Whenever a proposal is being considered (a) to amend or revoke the Aviation (Bailiwick of Guernsey) Law, 2008 or, (b) to add new functions by resolution of the States of Guernsey or, (c) to bring forward an Ordinance under the Law or, (d) to make Regulations or other subordinate legislation under the Law or, (e) issue instructions (including permissions, exemptions and restrictions), policies or procedures under the Law, which materially affect Alderney or Sark, the DCA shall ensure that appropriate and timely consultation with the Alderney and/or Sark authorities, as appropriate, is undertaken as required by the Aviation (Bailiwick of Guernsey) Law, 2008 Section 4(1)(c)(i) & (ii).
2. Nothing in the requirement to consult will be construed as detracting from or limiting the DCA's obligations and functions set out in the Aviation (Bailiwick of Guernsey) Law, 2008 Sections 2 and 4.
3. In particular, nothing in the consultation process shall be construed as hindering the DCA from making decisions under the Law, with fairness, impartiality and independence.
4. Consultations shall be carried out in an open and transparent way in accordance with procedures developed and agreed with the interested parties.

Notes:

1. This statement of policy was agreed by Sark GP&A Committee on xx/xx/xx
2. This statement of policy was agreed by the Policy and Finance Committee of the States of Alderney on xx/xx/xx

Procedure – 01

Title: Consultation with Sark

Effective Date: xx/xx/xx

File Ref: C&E:P:\Global\Aviation\DCA Policies & Procedures\080812_PROC_01

Status: under development

1. Introduction

Consultation with Sark is required, under the Aviation (Bailiwick of Guernsey) Law, 2008 (as amended) and the Air Navigation (Bailiwick of Guernsey) Law, 2012 on aviation matters where the interests of Sark are likely to be affected. This procedure has been developed to provide a transparent and agreed methodology for the conduct of consultations taking into account **Statement of Policy 01** "Consultation with Alderney and Sark".

2. Purpose and Scope

This procedure is designed to provide guidance to the DCA and to interested parties on the conduct of consultations on any aviation matters affecting Sark. However, in the context of Sark, where there is a relatively low level of aviation activity and no established aerodromes for public use, the procedure is expected to be of particular value in handling requests for entry into the Sark Restricted airspace known as Restricted Area 95 (EG R095). It is not intended to be used as a means to challenge or subvert the decisions of the DCA properly taken under the Law.

3. Points of Contact

For the purpose of consultation the DCA will normally make contact and work through the Chairman of the General Purposes & Advisory Committee of Sark Chief Pleas. It will be the responsibility of the Chairman of the GP&A Committee to inform his Committee colleagues and other officials as he deems necessary about the subjects under discussion and the decisions being taken.

4. EG R095

4.1 **EG R095** extends from the reference point at 492546N 0022145W to 3nm radius and to a height of 2000ft above ground level (approximately 2400 feet above mean sea level). It is a 'Restricted Area' where flight is not permitted except with the permission of the Director of Civil Aviation or, under a permission previously granted by the States of Guernsey Public Services Department when they had that responsibility.

4.2 There are five categories of aviation activity foreseen as taking place in R095:

1. **Operational – ATC:** meaning cases where Guernsey ATC route aircraft into R095 for operational reasons – traffic spacing, avoidance of conflict or general safety. Such activity, by its very nature, does not require prior permission. The activity would be monitored for use, and excessive activity would result in discussions with ATC.

2. **Operational – Emergency/Humanitarian:** as the name suggests, this includes any situation of Search and Rescue, medical evacuation etc. when authorised by an agreed person (to be defined), but including the emergency coordination services in Guernsey or Sark and the national Rescue Coordination Centre for a large incident, or the medical officer on Sark in the case of a simple Medevac. Such cases would not require prior permission, but a report would be provided annually to GP&A Committee for Chief Pleas.
3. **1-Off Requests:** Such activity as flying displays, requests from Trinity House for aviation support to maintain the lighthouse, aerial photography etc. These could be initiated by Sark or by individual applicants via Guernsey ATC or direct through the DCA. The outcome in each case will be either the granting or denial of an exemption by DCA to operate in R095 for the designated activity and time specified in the Exemption. Note – Decisions of the DCA are subject to an appeals process to the Royal Court under Section 11 of the Aviation Law on the grounds of reasonableness, for example.
4. **Requests for Royal Flights, Military Displays and Military Training:** These go through Government House and, in addition, Royal visit requests come to Sark through the Seigneur. Chief Pleas will be consulted, or at least notified, when time permits by the Seigneur for Royal visits and by the President of Chief Pleas for other Government House initiated visits. In each case, the initiating office must inform the DCA so that the necessary consultation with other stakeholders, particularly Air Traffic Control, takes place.
5. **Long Term Exemptions:** Such applications are expected to be rare. Since long term exemptions would have a continuing impact on the peace and tranquillity of Sark the GP&A Committee can be expected to refer their consultation role in such cases to Chief Pleas to ensure the widest possible consultation within Sark. The GP&A Committee will ensure that Chief Pleas would be aware of any consultations before they were completed. The party first receiving the application shall inform the other interested parties to ensure that full and open consultation takes place.

5. Consultation Process

As indicated in paragraph 4, consultation is required only for cases 3, 4 and 5. In each of these cases the commencement of the process will depend on which party first receives the request from the applicant. In general, the key points of contact are the Director of Civil Aviation and the Chairman of the GP&A Committee. Through them, all other stakeholders shall be informed as appropriate.

In particular, the Chairman of GP&A Committee has responsibility for co-ordinating consultation and informing the interested parties on Sark. These include: Sark Chief Pleas and the Seigneur. The DCA is responsible for the overall co-ordination of the consultation process and, particularly, for informing the airport authorities to ensure that the aviation activity, where permitted, is conducted in the full knowledge of Guernsey ATC. The DCA may also consult with the relevant States of Guernsey Departments.

6. Decisions

In accordance with the Aviation (Bailiwick of Guernsey) Law, 2008, the decision with respect to the granting of exemptions is a matter for the DCA. On completion of the consultation process, the DCA shall make his decision and inform the applicant accordingly. The decision will result in either, the granting of an Exemption from the restriction on flying imposed in EG R095 or a refusal to grant an Exemption. In the case where an Exemption is granted, it shall define the limits of use of the airspace in terms of time, type or types of aircraft to be used, type of activity and, if appropriate, the number of flights that are permitted. A grant of exemption shall be accompanied by a justification of the decision in writing being sent to the Chairman of Sark's GP&A Committee.

7. Appeals

A person aggrieved by a decision of the DCA may appeal against the decision in accordance with the Aviation (Bailiwick of Guernsey) Law, 2008, Section 11.

END

MEDICAL COMMITTEE

Report with proposition to Midsummer Chief Pleas, 3rd July 2013

HEALTH VISITOR

At its meeting on 19th January 2011 (Item 7 ref: 7.18), Chief Pleas first considered the idea of funding a monthly visit by a Health Visitor from Guernsey and carried a proposition to provide up to £5k for this to be set-up for 2011. By the time arrangements were made, visits did not start until October 2011 and the Committee returned to Chief Pleas in April 2012 (Item 18 ref: 18.4) and was granted additional funding to extend the visits to the end of 2012.

At Chief Pleas on 4th July 2012 (Item 10 ref: 10.5), approval for the arrangements to continue through 2013 was given so that benefits could be fully assessed to justify continuation into the future.

The following is an activity report sent by Mrs Debbie Pittman, Head of Child Health and Family Partnership Services, HSSD Guernsey, who visits Sark each month.

“During 2012, 12 visits have been made to Sark by the health visitor for a full day each time. 4 visits have been made in 2013”.

“During this time the workload has increased. There have been 8 new babies in Sark during the year which has meant an increase in home visits but primarily in clinic visits, with as many as 8 parents attending the clinic. The clinic is a very efficient way of seeing parents within a short space of time and, in addition to this, it has become a valuable meeting point for the parents who exchange experiences, and ask for advice. Fathers as well as mothers and grandparents bring the children to clinic. During this time routine weighing and measuring takes place; however the main purpose is to offer help and advice about feeding issues, weaning, behaviour, dental care, anticipatory guidance, behavioural issues and parental health and wellbeing”.

“It has become clear during the year that by this increased attendance the parent's value the service and I am now getting other parents contacting me for help and advice mainly about parenting issues. I am now spending from 1-3.30pm in the playschool doing a clinic because of the numbers who attend and the increased complexity of the issues people are wishing to discuss. This is a very time and resource efficient way of seeing as many people as possible in the time I have on Sark, for example I saw 9 parents with their children during my last visit, most of them in clinic. I could not do 9 home visits during this time”.

“I liaise with the doctor and the school during every visit which is valuable in terms of exchanging information and being able to offer help to parents who need it”.

“What has been apparent recently is the number of behaviour problems that are arising just prior to children starting school or on starting school. Had these children been seen throughout their early years some of these issues would have been identified and dealt with early, and therefore would have been easier and quicker to resolve. One of the main issues for health visitors is to ensure children are as 'school ready' as possible in order that they are able to learn and develop in school to their full potential”.

“One of the issues the school is concerned about is parenting skills and the ensuing behaviour problems for children when parents do not have these skills. A recent question sent out to all parents showed that there is an interest in a parenting session and I am planning to do some parenting sessions in the summer/ autumn if a suitable venue can be found”.

The Medical Committee has met with the Chairman of the Education Committee, the Headteacher and the Medical Officer of Health for Sark to discuss if this arrangement is working and whether it is helpful to families and should continue. The overwhelming opinion of everyone involved is this service has become invaluable to young families especially those that need a little extra help or advice.

The Headteacher Mrs Sarah Cottle has said:

“The Health Visitor is doing far more in her role on Sark than just working with pre-school mums. She is working with families on parenting issues after parents approached school and agreed to her input. She is liaising closely with school and the doctor on a number of issues regarding specific children. She always drops into school at the beginning of her visit so we can discuss any issues and has provided extremely good advice on a number of issues that have arisen with older children in school. She is working with a mum of a pre-school child who is due in school in September to try and ensure he is ready for school. We have plans for an afternoon parenting group in September after we sent out a questionnaire asking if parents would be interested and had a positive response”.

“Debbie has extremely good contacts with professionals in Guernsey and this has already meant that a referral could be made quickly to the paediatrician in Guernsey. She offers telephone advice between her visits and I know contacts some parents weekly to see how they are getting on”.

“Speaking to parents I know how much they value her support and advice. From a school’s perspective she is an enormous asset. Whereas before, other than a visit to the doctors, it was difficult to suggest a source of help for parents, Debbie, in the role of school nurse, is providing invaluable help and support. Parents seem willing to see and speak to her because they see her as a professional and neutral – not someone they will encounter in the shop later in the day or socialise with in the evening. The value of this cannot be understated”.

“I feel it would be an extremely backward step, having established the role of health visitor on Sark, to move away from it. It is valued by the people who benefit from it. It has vastly enhanced the service available on Sark and the support that can be given as Debbie has a wealth of knowledge and expertise from which we benefit. I wonder whether part of her success in engaging with parents is the fact that she lives in Guernsey and so is neutral”.

The Medical Officer of Health for Sark has said:

“I feel that the Health Visitor has provided a useful service, appreciated by mothers and families in general. Once a relationship is formed, people feel free to ring her between visits. Debbie always calls on her visit days and we discuss individual children as well as comments from other sources such as the school”.

“I am happy to support the present situation as I feel it is important to prioritize the young as the potential lifeblood of the island’s future”.

The Committee will update Chief Pleas on the cost attached to this proposal but we believe it will be below the original estimate of £5,000 per year. Taking the advice of those involved on a professional level the Medical Committee would ask you to approve the following proposition

Proposition –

That Chief Pleas makes permanent the financial support for monthly visits to Sark by a Guernsey Health Visitor until such time as the Committee recommends otherwise.

**Conseiller Diane Baker
Chairman, Medical Committee**

FINANCE & COMMERCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 3rd July 2013

THE HATHAWAY SETTLEMENT

This Report is presented at the request of the Trustees of the Dame Sibyl Hathaway Settlement ("the Trustees").

Background:

At the Midsummer 2009 meeting of Chief Pleas (Minute Ref: 16.2) the following proposition was carried:

"That the Trustees of the Dame Sibyl Hathaway Settlement have absolute discretion to sell by auction on behalf of Chief Pleas those items within the Settlement that they consider have no relevance to Sark."

The subsequent sale of the items in question raised £51,427 and that sum was deposited in the bank account of the Inhabitants of Sark pending a decision as to how the funds should be utilised.

Of the sale proceeds £50,000 was committed at Chief Pleas in July 2011 leaving a balance of approximately £1,500.

The Trustees now wish to propose that the balance of the trust funds is paid to La Société Serquaise to be allocated to the costs of the building project at the Manoir Cider Barn as detailed in the attached letter.

Proposition

That Chief Pleas approve the payment of a grant of £1,500, from the funds realised by the Trustees of the Dame Sibyl Hathaway Trust, to La Société Sercquaise to be utilised on the project to rebuild the Manoir Cider Barn.

**Conseiller Elizabeth Dewe
Chairman, Finance and Commerce Committee**

**RESTORATION OF A CIDER BARN
LA SOCIÉTÉ SERCQUAISE - THE SARK SOCIETY**

VISITOR CENTRE, SARK

I am writing to ask if you will help with an exciting project - the Society's restoration of the dilapidated Cider Barn at Helier De Carteret's Manoir. The beauty and usefulness of this ancient building, at the very centre of Sark, have been obscured for over half-a-century. Thanks to the Society's initiative - and to the good will and foresight of the owners - it will have a new life as an annexe to our Heritage Room.

Non-perishable objects, archaeological finds and agricultural implements can be stored there, to be worked on and displayed to the visiting public. Besides its usefulness, the restored Barn will enhance the beauty at the historic heart of Sark.

History of the building

A sketch by Joshua Gosselin in 1785 shows the building much as it is now, but thatched and lacking the east window. Gosselin correctly identifies the long building at right angles as Sark's primitive Church. Three militia men standing guard in the sketch suggest the barn may have been used for storing ammunition in the years before 1795, when the Seigneur leased the old Granary (now the Arsenal) for that purpose to the Board of Ordinance.

Originally, the building would have housed a cider press with its apple crusher located on the north side, where the orchard is. It's certain that in 1627 the Seigneur's *pressoir* was included in the buildings leased to his farmer Thomas Le Masurier. Massive stones in the southwest corner indicate a date around 1600, as do the door and small window jambs, made of orange-pink Jersey granite. But there have been many alterations over time. The southeast corner has dark Guernsey coigns that suggest 18th century re-building. Later still, possibly around 1900, bricks were used at the east end to adapt the loft for threshing and winnowing, and wooden stalls were built below to stable half-a-dozen cows. Thatch was replaced by corrugated iron ('Sark thatch').

Restoration proposed by La Société

The Development Control Committee has welcomed our proposal for restoration as 'maintenance of an agricultural building'. The exterior will be essentially unchanged, though some sections of stonework will be rebuilt. There will be new hardwood windows and doors. A newly-framed roof will support heavy-duty corrugated steel, in a grey polymer finish, with lighting panels on the north side. The interior will be open to the roof, except for a mezzanine storage loft at the west end. The floor, now a patchwork of cobbles and concrete, will be preserved beneath newly-compacted Sark gravel and lime (as in the Seigneurie 'chapel').

How the Barn will be used

The building is surprisingly spacious and, with storage in the loft, the ground floor will be available for larger displays and a traditional work bench. The Society already has a large quantity of archaeological finds, stone and pottery, temporarily crated in the Old Island Hall. Just last summer Sir Barry Cunliffe emphasized how rare and important these materials are for prehistoric archaeology - and not just for the Channel Islands. Sarkaeology is still in its infancy and there will be many more discoveries in the coming years. All over the island there are historic artefacts from later times - agricultural implements, quernstones and the like (some of them unrecognised and decaying) - and people have been asking the Society to take care of them. A large machine, such as a cider press or winnower, could be a challenging restoration project, where young people could develop technical skills and learn about Sark traditions. Since the Barn is just across the road from the Visitor Centre, we shall be able to put on exhibitions and workshop events open to the public.

Progress so far

Since the meeting on 24th November, when members voted unanimously for the project, good progress has been made. We have exchanged Letters of Intent with Sally Ward-Jones and her family, owners of Le Manoir, regarding restoration and a formal contract for a 20-year peppercorn lease to La Société. Our specifications for the work were approved by the Development Control Committee before Christmas.

Preparatory work outside has attracted curiosity and welcome offers of practical help. Inside, the old loft made of corrugated iron has been removed and with it half a ton of wet straw. Likewise the woodwormy cow stalls and layers of manure. To the north, a sycamore over-leaning the roof has been cut down. At the front, the holly and bay trees are gone. They were strongly rooted in a huge mound of rubbish and ancient compost, clutched around a massive trough of Jersey granite – last remains of the apple crusher. Until we discover eleven more sections, this great sculpture will probably go back where the mound was, surrounded by a small herb garden. The post-war wooden privy has been demolished and a small cannon ball was found. We now have a clear view of the state of the stonework. Scaffolding is promised soon. Once the building is scaffolded and covered, the old roof can be demolished and the walls can be repaired in preparation for a new roof.

Warm thanks to Dave Melling (cartage), Adrian Guille and Olivia Donnelly (tree felling), Simon and James Couldridge (clearing and carting), Jeremy La-Trobe Bateman (demolition and surveying), Kevin Adams and his gallant little blue digger, Andrew Gordon-Brown (telegraph pole beams), Phil Godwin (scaffolding).

Organisation and funding

Richard Axton is liaising with Mrs Ward-Jones and her family and is overseeing the project and its funding. Jeremy LaTrobe-Bateman is surveyor and clerk of the works. Andrew Prevel is the principal contractor, assisted by some specialist local craftsmen and by volunteer labour. La Société has set up a specific Restoration Fund to raise £30,000 to cover the cost of the work. Already this Fund has over £11,000, of which £5,000 was voted from the Society's reserves and £5,000 was given anonymously. With such a flying start, we feel confident that you will want to contribute to this imaginative and far-sighted project.

With best wishes, yours sincerely,

Cheques can be made out to 'La Société Sercquaise Restoration Fund' and sent to -

Chris Elgie
Hon Treasurer
Natwest Bank
Sark GY10 1SE

or

Richard Axton
La Société Sercquaise
Visitor Centre
Sark GY10 1SA

Donations direct to Restoration Fund: Natwest, Sort code 60-09-20 Ac.74375040

Overseas codes: IBAN: GB73NWBK60092074375040
IBAN BIC: RBOSGGSX

CONSEILLERS S. WILLIAMS & HUNT
Report with propositions to Midsummer Chief Pleas, 3rd July 2013

RECORDING OF CHIEF PLEAS

At the Easter sitting of Chief Pleas it was agreed that item 25 (Recording Chief Pleas) be deferred until this meeting in order to give members of the Assembly the opportunity to trial the recording system for themselves.

A test website ([Appendix 1](#)) was created and the recordings from both the Easter sitting and subsequent extraordinary sitting of Chief Pleas were posted on this site.

- When a break occurs during a sitting of Chief Pleas this causes a break in the recording hence why there are four separate recordings for the Easter sitting.
- A time log ([Appendix 2](#)) is created during the sitting by the Greffier; this enables the listener to easily move to specific times within the recording.
- A Resolutions sheet ([Appendix 3](#)) is created by the Greffier.

Now that the Assembly has had the opportunity to test this service we would like to re-introduce the propositions below.

In addition, we also believe it necessary to make a decision with regard to a written transcript, whether it is now necessary at all or whether it should continue in the form of Minutes as is currently undertaken, or by a Hansard transcript.

The President of Chief Pleas has made enquiries in to the cost implications of commissioning the services of a Hansard transcript service from a provider based in the Isle of Man; he has confirmed that it charges £128.12 per audio hour. He has also surmised that, on average, this would cost Sark £346 per meeting based upon the 4-year average meeting length of 2 hours 42 minutes. The provider charges pro-rata – i.e. – if a meeting takes 30 minutes, they will charge £64.06.

The setting up of a Hansard transcript service for Sark involves some detailed preparation including the creation of a Sark “Style Book” which sets out rules with regard to such elements as punctuation, common words, use of abbreviations etc. to this end it may well be pertinent to form a Hansard Committee.

Bearing in mind the current workload of the Committee Secretaries’ office, if a hard copy transcript is desired by Chief Pleas, we propose that the Finance & Commerce Committee be instructed to make further inquiries in to the exact cost implications of a Hansard transcript service.

Proposition 1 -

That Chief Pleas confirms its wish that future meetings of Chief Pleas be recorded and that copies of such recordings be made available to members of Chief Pleas and members of the public.

Proposition 2 -

(If Proposition 1 is carried this proposition is withdrawn)

That Chief Pleas rejects the proposition of the sitting of the July 2008 that in Principal future meetings of Chief Pleas be recorded and that copies of such recordings be made available to members of Chief Pleas and members of the public.

Proposition 3 -

(If Proposition 1 is lost this proposition is withdrawn)

That Chief Pleas instructs the Finance & Commerce Committee to report back to Chief Pleas with the costing of setting up a Hansard Transcript Service.

Conseiller Sandra Williams

Conseiller John Hunt



**Chief Pleas Test Site
Recording of Chief Pleas**

This site is strictly private and confidential and should only be used by members of the Chief Pleas Assembly

2013

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<i>- Extraordinary Meeting</i>	<i>16th May</i>	Agenda	Resolutions
<i>Tape 1</i>			
Click here to view the agenda		Click here to download clip	
<i>- Easter Meeting</i>			
<i>10th April</i>			
Agenda		Agendas/Agenda Papers/Minutes	Resolutions
<i>Tape 1</i>		<i>Tape 2</i>	
Click here to view the agenda		Click here to download clip	
<i>Tape 3</i>		<i>Tape 4</i>	
Click here to view the agenda		Click here to download clip	

<i>- Extraordinary Meeting</i>	<i>27th February</i>	Agenda	Minutes	
<i>- Christmas Meeting</i>	<i>16th January</i>	Agenda	Minutes	Additional to Agenda Points 35-37/37.1
<i>- Extraordinary Meeting</i>	<i>11th January</i>	Agenda	Minutes	

APPENDIX 2

Example of the recording time log – Tape 1 Easter Meeting 10th April 2013

Description	Easter Chief Pleas		
Date	10/04/2013	Location	[PC711]
Recording No. 1			
Time	Speaker	Note	
00:00:00	Start	Start of recording	
00:00:13	President of Chief Pleas		
00:00:14	Greffier	Opening Prayer	
00:01:19	President of Chief Pleas		
00:01:21	Greffier	Roll Call	
00:02:49	President of Chief Pleas	Opening remarks	
00:05:45	Seigneur	Condolences to the family of Margaret Thatcher	
00:07:16	President of Chief Pleas	Informs meeting that Conseiller J. Guy wishes to make a statement	
00:07:24	Conseiller J. Guy	Thanks all those involved for all their work for keeping the Harbours operational during the recent bad weather	
00:08:24	President of Chief Pleas	Thanking Chief Pleas for the Vin d'Honneur in recognition of his time as Seneschal and informing members that the meeting was being recorded.	
00:10:03	President of Chief Pleas	Agenda Item 1. To approve the Minutes of the Christmas meeting held on the 16th January 2013	
00:10:22	Conseiller S. Williams	Asked by B. Perree and M. Rang to amend Minute 0.3 Having checked this after the meeting Conseiller S. Williams was actually referring to the Minutes of 27/02/2013	
00:10:53	President of Chief Pleas		
00:11:21	President of Chief Pleas	Agenda Item 2. Matters arising from the Minutes of the Christmas meeting	
00:11:38	Conseiller J. Guy		
00:12:34	Conseiller R. Dewe		
00:13:09	President of Chief Pleas		
00:13:10	Conseiller R. Dewe		
00:13:24	President of Chief Pleas		
00:13:29	Conseiller A. Bache		
00:14:51	President of Chief Pleas		
00:14:52	Conseiller D. Melling		
00:14:57	President of Chief Pleas		
00:15:05	Conseiller J. Hunt		
00:15:23	President of Chief Pleas		
00:15:33	President of Chief Pleas	Agenda Item 3. To approve the Minutes of the Extraordinary (Special) Meeting held on the 27th February 2013	

Time	Speaker	Note
00:16:17	President of Chief Pleas	Agenda Item 4. Matters arising from the Minutes of the Extraordinary (Special) Meeting
00:16:26	Conseiller S. Williams	
00:16:44	President of Chief Pleas	Agenda Item 5. Questions not related to the Business of the Day
00:17:00	Conseiller A. Bache	
00:17:38	President of Chief Pleas	
00:17:40	Conseiller S. Gomoll	
00:18:20	President of Chief Pleas	
00:18:26	Conseiller A. Bache	
00:18:43	Conseiller S. Gomoll	
00:19:02	President of Chief Pleas	
00:19:11	President of Chief Pleas	Agenda Item 6. To consider a report from the General Purposes and Advisory Committee and to approve the Projet de Loi entitled "The Air Navigation (Bailiwick of Guernsey) Law, 2012"
00:19:29	Conseiller C. Maitland	
00:20:20	President of Chief Pleas	
00:20:26	Conseiller J. Hunt	
00:20:48	President of Chief Pleas	
00:20:51	Conseiller A. Dunks	
00:21:44	President of Chief Pleas	
00:22:17	President of Chief Pleas	Agenda Item 7. To consider a Report from the Road Traffic Committee and to approve the Projets de Loi entitled "The Motor Vehicles (Sark) Law, 2013" and "The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013
00:22:42	Conseiller J. Hunt	
00:23:16	President of Chief Pleas	
00:23:43	Conseiller A. Dunks	
00:24:26	President of Chief Pleas	
00:24:29	Conseiller A. Dunks	
00:24:43	President of Chief Pleas	
00:24:50	Conseiller A. Dunks	
00:25:31	President of Chief Pleas	
00:25:34	Conseiller J. Hunt	
00:25:57	President of Chief Pleas	
00:26:01	Conseiller A. Dunks	
00:26:42	Conseiller J. Hunt	
00:27:17	President of Chief Pleas	
00:27:21	Conseiller H. Plummer	
00:29:22	President of Chief Pleas	
00:29:26	Conseiller J. Hunt	
00:32:25	President of Chief Pleas	

Time	Speaker	Note
00:33:02	Conseiller H. Plummer	
00:33:04	President of Chief Pleas	
00:33:06	Conseiller H. Plummer	
00:33:07	President of Chief Pleas	
00:33:11	Conseiller M. Perree	
00:33:46	President of Chief Pleas	
00:33:50	Conseiller J. Hunt	
00:34:15	President of Chief Pleas	
00:34:19	Conseiller A. Bache	
00:36:15	President of Chief Pleas	
00:36:18	Conseiller S. Gomoll	
00:37:20	President of Chief Pleas	
00:37:21	Conseiller J. Hunt	
00:37:22	President of Chef Pleas	
00:37:24	Conseiller J. Hunt	
00:37:52	President of Chief Pleas	
00:38:10	Conseiller J. Hunt	
00:38:15	President of Chief Pleas	
00:38:20	Conseiller D. Cocksedge	
00:39:14	President of Chief Pleas	
00:39:15	Conseiller D. Cocksedge	
00:39:16	President of Chief Pleas	
00:39:17	Conseiller D. Cocksedge	
00:41:57	President of Chief Pleas	
00:41:59	Conseiller J. Hunt	
00:43:04	Conseiller J. Hunt & Conseiller D. Cocksedge	
00:43:06	Conseiller D. Cocksedge	
00:43:09	Conseiller J. Hunt	
00:43:29	Conseiller D. Cocksedge	
00:43:40	Conseiller J. Hunt	
00:43:44	Conseiller D. Cocksedge	
00:43:55	Conseiller J. Hunt	
00:44:03	President of Chief Pleas	
00:44:05	Conseiller D. Cocksedge	
00:44:06	President of Chief Pleas	
00:44:07	President of Chief Pleas	
00:44:25	Conseiller J. Hunt	
00:45:52	Conseiller D. Cocksedge	
00:45:58	Conseiller J, Hunt	
00:47:13	Conseiller D. Cocksedge	
00:47:35	Conseiller J. Hunt	
00:47:42	President of Chief Pleas	
00:47:46	Conseiller Gomoll	
00:47:54	Conseiller J Hunt	
00:48:10	Conseiller S. Gomoll	
00:48:34	Conseiller J. Hunt	

Time	Speaker	Note
00:49:02	President of Chief Pleas	
00:49:05	Conseiller J. Guy	
00:50:54	President of Chief Pleas	
00:50:58	Conseiller C. Audrain	
00:52:55	Conseiller J. Hunt	
00:53:37	President of Chief Pleas	
00:54:12	Conseiller D. Melling	
00:56:46	President of Chief Pleas	
00:56:47	Conseiller J. Hunt	
00:57:52	President of Chief Pleas	
00:58:10	Conseiller J. Hunt	
00:58:11	President of Chief Pleas	
00:58:18	Conseiller J. Hunt	
00:58:42	President of Chief Pleas	
00:58:46	Conseiller A. Ventress	
00:59:46	President of Chief Pleas	
00:59:54	Conseiller E. Baker	
01:00:24	President of Chief Pleas	
01:00:28	Conseiller S. Williams	
01:02:06	President of Chief Pleas	
01:02:11	Conseiller J. Hunt	
01:04:11	President of Chief Pleas	
01:04:15	Conseiller A. Bache	
01:06:01	President of Chief Pleas	
01:06:03	Conseiller S. Williams	
01:06:28	President of Chief Pleas	
01:06:29	Conseiller J. Hunt	
01:06:43	Conseiller S. Williams	
01:06:56	Conseiller J. Hunt	
01:06:57	President of Chief Pleas	
01:07:25	Conseiller J. Hunt	
01:07:27	President of Chief Pleas	
01:07:29	Conseiller D. Cocksedge	
01:08:44	President of Chief Pleas	
01:08:48	Conseiller E. Baker	
01:09:34	President of Chief Pleas	
01:09:58	Conseiller J. Hunt	
01:09:59	President of Chief Pleas	
01:10:12	Conseiller S. Gomoll	
01:12:13	President of Chief Pleas	
01:12:15	Conseiller R. Dewe	
01:13:47	Conseiller J. Hunt	
01:13:48	President of Chief Pleas	
01:13:55	Conseiller J. Hunt	
01:13:56	President of Chief Pleas	
01:14:08	Conseiller J. Hunt	

Time	Speaker	Note
01:14:25	Conseiller R. Dewe	
01:14:26	Conseiller J. Hunt	
01:15:19	President of Chief Pleas	
01:15:41	Break	Session Break

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APPENDIX 3.

Example of the Resolutions Sheet.

RESOLUTIONS of the EASTER MEETING of CHIEF PLEAS 10th April 2013

- 1 **Minutes of the Christmas Meeting on 16th January 2013**
The minutes were approved

- 3 **Minutes of the Extraordinary (Special) Meeting on 27th February 2013**
The minutes were approved

- 6 **General Purposes & Advisory Committee**
The Air Navigation (Bailiwick of Guernsey) Law, 2012
Proposition – Approved
That Chief Pleas approves The Air Navigation (Bailiwick of Guernsey) Law, 2012

- 7 **Road Traffic Committee**
The Motor Vehicles (Sark) Law, 2013
The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013
Proposition – Approved on a named vote - 18 Pour, 9 Contre
That Chief Pleas approves the Projet de Loi entitled The Motor Vehicles (Sark) Law, 2013 and the Projet de Loi entitled The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013.

- 8 **Medical Committee**
The Mental Health (Bailiwick of Guernsey) Law, 2010
(Commencement)(Sark) Ordinance, 2013
Proposition – Approved
That Chief Pleas approve The Mental Health (Bailiwick of Guernsey) Law 2010, (Commencement) (Sark) Ordinance, 2013.

- 9 **Medical Committee**
The Mental Health (Miscellaneous Provisions) (Sark) Ordinance, 2013
Proposition – Approved
That Chief Pleas approves The Mental Health (Miscellaneous Provisions) (Sark) Ordinance, 2013.

- 10 **Agriculture Committee**
The Traps (Sark) Ordinance, 2013.
Proposition – Approved
That Chief Pleas approves The Traps (Sark) Ordinance, 2013.

- 11 **General Purposes & Advisory Committee**
A Vision for Sark
The report was noted

- 12 **General Purposes & Advisory Committee**
Appointment of a Permanent Senior Administrator
Proposition – Lost an a named vote – 13 Pour, 14 Contre
That Chief Pleas authorises the General Purposes & Advisory Committee to take all necessary steps to recruit a Senior Administrator on a full time basis, and agrees to the appointment of a suitable candidate once the recruitment process has been concluded.
- 13 **Conseillers Audrain & E. Baker**
Digimap
Proposition – Approved on a name vote – 24 Pour, 3 Contre
That Chief Pleas supports the budget request of £2,225 for the licence for Digimap, to be paid in January 2014.
- 14 **Public Health Committee**
Electro-Magnetic Radiation – Combined Output of Masts and Antennae
Proposition – Approved
That Chief Pleas agrees to the Public Health Committee being granted the sum of £5,000 to cover the costs incurred by them in employing the services of Red-M to conduct electro-magnetic radiation tests in the Island of Sark.
- 15 **Harbours & Pilotage Committee**
Charges for Harbour Services
Proposition – Approved
That, pursuant to section 7B of the Harbours (Sark) Ordinance, 2011 as amended, the following charges shall be payable by a commercial passenger vessel using the harbour in respect of harbour services provided by or on behalf of the Harbourmaster or the Harbours and Pilotage Committee (in circumstances where there is no agreement in place between the operators of the vessel and the Committee in relation to such charges): -

Charge for harbour services relating to a voyage within Sark waters:

Harbourmaster attending the embarkation and disembarkation of more than 12 passengers on the vessel's coming alongside Maseline or Creux Jetty.

2013 charge: one charge of £33.00 to cover both embarkation and disembarkation in a single day; to increase by Guernsey RPI each succeeding year.
- 16 **Finance & Commerce Committee**
2012 Financial Statements
Proposition – Approved
That the Financial Statements of the Island for the year ended 31 December 2012 be approved.
- 17 **Development Control Committee**
The Housing (Control of Occupation) (Sark) Law, 2012
Proposition – Approved
That Chief Pleas directs the Development Control Committee to request the Law Officers of the Crown to draft an amendment to the Housing (Control of Occupation) (Sark) Law, 2012, to include a definition of Ordinarily Resident.

- 18 **Development Control Committee**
 To elect a new Member to the Development Control Appeals Tribunal
 Mr Rowen Gill was elected.
- 19 **The Douzaine**
 To elect an Assistant Constable
 Proposition – Approved
 That Mrs Caragh Couldridge be appointed as Assistant Constable in accordance with Section 53 (1) of The Reform (Sark) Law, 2008 in order that she may occasionally, when authorised by the Constable, perform the duties and exercise the powers appertaining to the office of Constable.
- 20 **Road Traffic Committee**
 Traffic Regulations
 The report was noted.
- 21 **Agriculture Committee**
 Protection of Wildlife in Sark
 The report was noted.
- 22 **Emergency Services Committee**
 Sark Fire & Rescue Service
 The report was noted.
- 23 **Agriculture Committee**
 Options to provide support to the Dairy Industry in Sark
 The report was noted.
- 24 **Medical Committee**
 Health Insurance
 The report was noted.
- 25 **Conseillers S. Williams & Hunt**
 Recording of Chief Pleas
 Propositions – Deferred
 1. That Chief Pleas confirms its in principle resolutions that in future meetings of Chief Pleas be recorded and that copies of such recordings be made available to members of Chief Pleas and members of the public.

 2. That Chief pleas rejects the resolution of the sitting of July 2008 that in principal future meetings of Chief Pleas be recorded and that copies of such recordings be made available to member of Chief Pleas and members of the public.

Statutory Instruments Laid Before Chief Pleas

Statutory Instrument 2013 No. 1
The Harbours (Sark) Regulations, 2013

T.J. Hamon
Greffier.

CONSEILLERS GUY & DUNKS

Report for discussion to Midsummer Chief Pleas, 3rd July 2013

DISCUSSION DOCUMENT ON DECLARING AN INTEREST

Brought forward for discussion with a view to bringing a report with propositions to the Michaelmas or Christmas meeting

One of the seven principles of public life is that of SELFLESSNESS. This means that a Conseiller should take decisions solely in terms of public interest. Any Conseiller must be seen to be doing this by making a declaration whenever a subject to which the Conseiller has an interest is discussed both in Chief Pleas and, we feel, in Committee meetings.

The aim of this item is to present our observations and research, promote discussion here today, take comments and consult with those who wish to have an input over the next few weeks and then return at either Michaelmas or Christmas with firm proposals and propositions.

The current situation as far as declaring an interest in Chief Pleas is concerned is outlined in the rules of procedure:

Declaration of interest

13. *Where any member of Chief Pleas has a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character, in the subject submitted to the Assembly he shall, as soon as practicable, declare his interest and withdraw from the Chamber during the consideration of and voting on the issue save that, at the request of another Member, supported by a simple majority of Chief Pleas, he may stay during the consideration of the issue but not vote. Every declaration made in pursuance of this section shall be recorded in the Minutes of the Meeting.*

Source: Chief Pleas of Sark, Rules of Procedure

At the moment there appears to be no formalisation of declaring an interest in committee meetings but there is considerable evidence that this does take place. Perhaps it should be formalised. Perhaps a phrase attached to all committee mandates would be the simplest way of doing this.

What is a conflict of interest?

It is a situation that has the potential to undermine the impartiality of a Conseiller because of the **possibility** of a clash between the Conseiller's self-interest and public or professional interest. There are a number of ways to mitigate against this and these were outlined to us in a workshop lead by Cathryn Hannah, Head of Crown Dependencies Team, Ministry of Justice.

They are:

Removal: This avoids the issue completely. An example might be selling stocks or resigning from corporate boards before taking up political office (or, perhaps, not being a voting member on a committee which is involved in your employment. JG AD)

Disclosure: It is normal for politicians in other governments (and we have looked particularly at the examples of Guernsey, Alderney and Jersey JG AD) to disclose any actual or potential conflicts of interest and financial benefits such as jobs (past/present) and directorships.

This is usually done through a register of interests.

Recusal

Those with a conflict of interest are expected to recuse themselves from (i.e. abstain from) decisions where such a conflict exists. The imperative for recusal varies depending on circumstances and profession, either as common sense ethics or codified ethics. Recusal is also expected when someone of their family or close friend might be affected directly by an issue.

Third-party evaluations

If members of Chief Pleas might benefit from a decision, it might be appropriate to get an independent evaluation of the issues to prevent a conflict between the fiduciary duty of the committee to the people of Sark and the personal interests of the members of Chief Pleas.

Source: Presentation to members of Chief Pleas 'The Role of a Conseiller' by Cathryn Hannah. Head Crown Dependencies, overseas territory and visits team, Ministry of Justice.

How could the present arrangement re Chief Pleas be improved?

While the default is that anyone having an interest withdraws this depends purely on a Conseiller declaring that he/she has an interest. There is no opportunity for another Conseiller, or the President of Chief Pleas, to suggest that a Conseiller may have an interest as any knowledge about that would simply be personal knowledge or hearsay. We would suggest that a register of Conseillers interests is needed and, in common with other jurisdictions, this should be held and updated regularly by the Greffier and should be a public document, available to all, including being on the website.

Consequently we have looked at what is registered as an interest in Jersey (J), Guernsey (G) and Alderney (A) and wish to thank officers of those islands for their prompt and open responses. Not surprisingly these are fairly similar and, we suspect, would be similar to those in other jurisdictions. These are the main interests that would have to be declared.

It is important to note that in most cases it is necessary to declare that an interest is held, but not how much it is worth.

- *Property and land. Jersey says property and land except principal residence. (J.G.A.)*
- *Employment including self-employment (J.G.A.)*
- *Directorships of limited companies (J.G.A.)*
- *Shareholding/material interests (Jersey says exceeding £25 thousand) (J.G.A.)*
- *Spouses and partners interests (G.A.)*
- *Partnerships (J.G.)*
- *Offices held (J.G.)*
- *Trusts (excluding professional trusteeships) (G.)*
- *Payment for public speaking other than charity events (G.)*
- *Gifts which are more than 1% of basic allowance paid to States members (J.G.)*
- *Consultancy (J.)*
- *Other things which might be perceived by others to influence actions as States Members (G.)*
- *Sponsorship (J.)*
- *Overseas visits sponsored by outsiders if any way related to being a States member (J.)*

Source: Taken from information supplied by officers from Jersey, Guernsey and Alderney.

Information is usually disclosed on a form and an example of the one used in Guernsey is attached as an appendix. Note that there is also a box for denoting that the States member does not have an interest in each aspect.

Other considerations.

We hope that no one is in any doubt as to the process of declaration at the moment. Perhaps there should also be an opportunity for the President of Chief Pleas to ask '*Are there any calls for this Conseiller to remain?*' when a Conseiller recuses him/herself?

Perhaps there should be an opportunity of a Conseiller to request another Conseiller to consider if they *have* an interest in the item being discussed, though this would be somewhat 'toothless' without a register?

If a Conseiller is requested to stay even though they have an interest, rules of procedure says they may not vote but does not say anything about whether or not they make speak on the issue. Should we consider this?

If we decide that there is to be a registry of interests, should there be sanctions for false or incomplete declarations?

There must be a dry, comfortable place for any recusing themselves to retire to and this perhaps, could be arranged before this matter is brought back to Chief Pleas.

**Appendix 1.
Declaration of interest form, Guernsey
accompanies this report**

Conseillers Janet Guy and Antony Dunks



DECLARATION OF INTERESTS
MADE PURSUANT TO RULE 23 OF THE RULES OF PROCEDURE
OF THE STATES OF DELIBERATION

<i>Surname:</i>	<i>Forenames in full:</i>
-----------------	---------------------------

I hereby certify that, to the best of my knowledge and belief, this Declaration of Interests gives full and complete particulars, as at the date of this Declaration, of all matters which I am required to declare, as a Member of the States of Deliberation, pursuant to Rule 23 of the Rules of Procedure of the States of Deliberation.

I understand that I am required to declare interests or benefits of which I am aware received by my spouse, co-habiting partner or infant children.

I further understand that this form is a public document and will be published on the States website.

<i>Signature:</i>	<i>Date:</i>
-------------------	--------------

**This form must be returned to Her Majesty's Greffier
not later than the 30th June 2012.**

For use by H. M. Greffier:

Date return received:

PART 1 Employment

<i>Enter 'none' in box if there is no interest to declare</i>	
---	--

<i>Name and address of each Employer</i>	<i>Brief description of the business/work</i>

PART 2 Directorships

<i>Enter 'none' in box if there is no interest to declare</i>	
---	--

<i>Name and address of each Company</i>	<i>Brief description of the business/work</i>

PART 3 Partnerships

<i>Enter 'none' in box if there is no interest to declare</i>	
---	--

<i>Name and address of each Partnership</i>	<i>Brief description of the business/work</i>

PART 4 Offices Held

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Office held</i>	<i>Brief description of the business/work</i>

PART 5 Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4

Enter 'none' in box if there
is no interest to declare

<i>Brief description of the business/work</i>	<i>Name and address of any person or entity from whom you receive payment or benefit which forms a significant portion of either your income from this work or your total income</i>

PART 6 Real Property situated in the Bailiwick

Enter 'none' in box if there
is no interest to declare

<i>Address of each Property</i>	<i>State whether owned Leased or held in trust</i>	<i>Purpose for which Property is held</i>

PART 7 Company Shareholdings

<i>Enter 'none' in box if there is no interest to declare</i>	
---	--

<i>Name and address of each Company</i>
<i>In respect of companies listed above where the holding is over 10% of the issued share capital, give a brief description of their business/work and state what real property, if any, they hold (either directly or indirectly) in the Bailiwick.</i>

PART 8 Trusts (excluding Professional Trusteeships)

<i>Enter 'none' in box if there is no interest to declare</i>	
---	--

<i>Name and address of each Trust</i>	<i>State whether as beneficiary or trustee</i>

PART 9 Payments received for Public Speaking

Enter 'none' in box if there is no interest to declare

Name and address of each organisation from which a payment was received in the period from 1 st May 2011 to 30 th April 2012 §	Brief description of the function at which the speech was made

§ This section does not apply to Members who were not in office during the relevant period.

PART 10 Other Gifts, Benefits and Hospitality Received

Enter 'none' in box if there is no interest to declare

Declare all gifts and material benefits received by you, a close family member or associate in the period from 1 st May 2011 to 30 th April 2012 § which are of a value greater than 1% of basic allowance payable to States Members	
Nature of gift or benefit:	
By whom received:	
Name of donor or benefactor:	
Value of gift or benefit:	
If gift was money or a tangible item state date that money or item was transferred or delivered to the States	

§ This section does not apply to Members who were not in office during the relevant period.

PART 11 Any Other Interests

Enter 'none' in box if there
is no interest to declare

Declare here any other interest or benefit received which, whilst not required to be registered under Parts 1-10 might reasonably be perceived by other persons to influence actions as an elected Member of the States.

--

CONTINUATION SHEETS

If there was insufficient space provided in any Part of this form please add a continuation sheet.

<i>Are any continuation sheets attached?</i>	<i>YES / NO</i> <i>If yes, specify number of sheets</i>
--	--

EXPLANATORY NOTES

Applicability of Declaration to Interests of the Member's spouse, co-habiting partner and infant children

Throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interests of which you are aware which relate to your spouse, co-habiting partner and infant children. An infant child is one who has not yet attained the age of 18 years.

PART 1 Employment

If you are currently employed, whether or not you are in receipt of remuneration, state the name and address of every employer and give a brief description of the main business activities of each of those employers.

Do **not** include your position as a Member of the States of Deliberation.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 2 Directorships

State the name and address of every company of which you are a director, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those companies.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 3 Partnerships

State the name and address of every partnership or firm of which you are a partner, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those partnerships or firms.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 4 Offices Held

State the name and address of every organisation in which you are the holder of any office, whether or not you are in receipt of remuneration, and give a brief description of the main activities of each of those organisations.

An office-holder is someone who by virtue of that office is able to take part in the making of executive decisions on behalf of the organisation.

You are **not** required to declare the amount of any remuneration or benefit received. Similarly you are **not** required to declare any general membership or similar relationship with those organisations. The following two examples are offered as illustrations:

- X is an ordinary member of a natural history society – this is **not** declarable but if X were a member of the Society's Council it would be declarable.
- Y is a member of a church congregation – this is **not** declarable but if Y were a Churchwarden it would be declarable.

PART 5 Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4

Give a brief description of the main business activities relating to any business in which you are self-employed, consultancies, professions, trades or vocations or other work not otherwise declared.

If you receive a payment or other benefit from any person or entity which forms either a significant portion of your total income or your income from that particular work, then you must also declare the name and address of such person or entity.

“Significant” in this regard means more than one-third.

You are **not** required to declare the amount of any payment or benefit received.

PART 6 Real Property situated in the Bailiwick

List all real property – including your principal place of residence – which you own either in your own name or jointly with others, or lease, or which is held in trust on your behalf.

A brief statement declaring the purpose for which the property is held is also required, for example – “principal residence”; investment property for letting”, agricultural land let to farmer”, etc.

PART 7 Company Shareholdings

List the name and registered office of every limited liability company in which you own shares which exceed 1% of the issued share capital. A declaration must also be made when the aggregate of the shareholdings of one or more of yourself, your spouse, co-habiting partner and infant children exceeds 1% of the issued share capital.

In addition, if the shareholding, or aggregate shareholding, exceeds 10% of the issued share capital you must also give a brief description of the main business activities of each of those companies and state what real property, if any, situated in the Bailiwick is held, either directly or indirectly, by the company.

PART 8 Trusts (excluding Professional Trusteeships)

List any trust of which you are either a trustee or a beneficiary. This includes family trusts but **excludes** any trust of which you are trustee in a professional capacity. In such cases an appropriate declaration should be made in Part 5.

You are **not** required to declare the value of the trust or the value or nature of any beneficial interest which you may have therein.

PART 9 Payments received for Public Speaking

Give the name and address of each organisation from which you received for your personal benefit a payment for public speaking during the year ending 30th April 2012, together with a brief description of the function at which the speech was made. You are **not** required to declare public speeches where the payment received was wholly for the benefit of a charitable organisation.

You are **not** required to declare the amount of any remuneration or other benefit received.

PART 10

Other Gifts, Benefits and Hospitality Received

1. Any gift or material benefit received by a Member, or to the Member's knowledge by his spouse, co-habiting partner or infant children, must be declared if it:
 - (a) in any way relates to membership of the States; and
 - (b) is of a value greater than 1% of the basic remuneration for the time being payable to ordinary States Members (*i.e. the rate payable to Members who are not Chief Minister, Ministers, Chairmen, Deputy Ministers or vice-Chairmen*) – hereafter referred to as the “qualifying value”.
2. Gifts of money or tangible items (e.g. jewellery, glassware), or other benefits (e.g. hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services, etc.) must be declared if they exceed the qualifying value. The Code of Conduct for States Members requires that any such money or tangible gifts received by a Member must not be retained but must be transferred or delivered into the ownership of the States.
3. This means that any gift, or other benefit, which in any way relates to membership of the States and which is given gratis, or at a cost below that generally available to members of the public, shall be declared whenever the value of the gift or benefit is greater than the qualifying value. Any similar gift or benefit which is received by any company or organisation in which the Member, his spouse, co-habiting partner or infant children have a controlling interest must also be declared.
4. Gifts and other benefits from the same or associated sources in the course of the relevant 12 months which cumulatively are of greater value than the qualifying value must be registered, even if each single gift or benefit is of lesser value.
5. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member must be declared as if they had been received by the Member.
6. Gifts or other benefits from another Member of the States are to be declared in the same way as those received from other persons.
7. Excepted from declaration:
 - a. are gifts and benefits known to be available to all Members of the States;
 - b. is attendance at a conference or a site visit within the Bailiwick, the United Kingdom, Jersey and the Isle of Man in the context of legitimate States business where the organiser meets reasonable travel and subsistence costs only;
 - c. is hospitality provided in the context of legitimate States business by the States of Guernsey, States of Alderney, Chief Pleas of Sark

or the governments the United Kingdom, Jersey or the Isle of Man or the devolved institutions in Scotland, Wales or Northern Ireland.

8. Gifts and material benefits are exempt from declaration if they do not relate in any way to membership of the States. Whether this exemption applies in any particular case is necessarily a matter of judgment. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the States, and would not reasonably be thought by others to be so related, it need not be declared. If a Member has any doubt the gift or benefit must be declared.

PART 11

Any Other Interests

List any other interest or benefit received which you have not been required to declare in other parts of this form but which might reasonably be perceived by other persons to influence your actions as an elected Member of the States.

You are **not** required to declare the value of any interest or benefit received.

You may also use this section to record any interests or other matters that are not required to be registered but which, in your opinion, should be disclosed to the public.

WHAT HAPPENS TO THIS RETURN?

Declarations must be made annually between the 1st and the 31st May.

The information required in Parts 9 and 10 is in respect of the 12 months ending on the previous 30th April.

The declarations are available for public inspection at the Greffe during normal opening hours and are published on the States' website.

FINANCE & COMMERCE COMMITTEE
Report for discussion to Midsummer Chief Pleas, 3rd July 2013

RULES OF PROCEDURE

On a number of occasions an answer to a question directed to the Finance and Commerce Committee has fallen outside its knowledge and required it to redirect the question to the Treasurer. It has been customary practice for the Committee to ask the Seneschal, as ex officio President of Chief Pleas, to allow the Treasurer to speak in Chief Pleas.

The Committee is seeking from Chief Pleas its opinion as to whether the current situation is adequate, or if the matter of calling on the Treasurer, or any other officer, to speak in Chief Pleas, to give technical support or explanation to an item being presented by a Conseiller, needs to be covered in the Rules of Procedure.

Should Chief Pleas indicate a change is preferred the Committee will return at a future meeting with a report and proposition(s).

Conseiller E. Dewe
Chairman, Finance and Commerce Committee

AGRICULTURE COMMITTEE

Information Report to Midsummer Chief Pleas, 3rd July 2013

DARK SKIES AWARD FOR SARK

Dark Sky Association – “to preserve and protect the night-time environment and our heritage of dark skies through quality outdoor lighting”

It's just over two years since Sark applied for and was granted its award of Dark Skies Community by the International Dark Sky Organization. Chief Pleas was asked for a grant of up to £3250 in October 2010 as a contribution to the Lighting Management Plan and other expenses, totalling £5,133. In the event only £2,000 was required as the remainder was raised by fundraising and donation plus many gifts 'in kind' – accommodation, bicycles etc.

To apply as a community, we needed to focus on three areas in order to demonstrate island-wide commitment.

1. The Lighting Management Plan (cost £3,250) applies to the whole island of Sark, is voluntary and relates to exterior lighting only. It was supported by Chief Pleas, Sark Electricity, the Chamber of Commerce and various hotels and businesses. All Island-owned lighting became 'dark-sky friendly'.
2. The residents of Sark needed to show support for the project by ensuring that all outdoor lighting did not waste light by shining it outwards and upwards, thus causing night sky pollution. It is hoped that the very few lights that currently fail in this respect will soon either be put on timers or else changed to more compliant types. (Examples of such lights can be found in the Committee Office for anyone new to the island.) Designation is permanent but subject to regular review by the IDA (www.darksky.org/communities.)
3. Sark Astronomy Society, (SAstroS) was formed and to date has organized four star-gazing festivals at six monthly intervals since April 2011. World class astronomers have visited Sark by invitation; Professor Andrew Coates, Dr Chris Lintott, Dr Marek Kukula and Steve Owens all gave public talks and Stocks Hotel has been particularly supportive. All have been very complimentary about the quality of our night-time skies and the events have received good publicity in the Channel Islands and the UK. At present SAstroS is continuing to raise funds towards establishing a permanent observatory on Sark.

At the time of the award we received some excellent media coverage both nationally and internationally. While it is difficult to gauge how many people visited Sark solely due to its Dark Sky Island status, we feel sure that it has helped our tourist industry and to raise Sark's profile. It is one more quality to add to the island's natural beauty and peacefulness, clear air and clean waters.

Conseiller Paul Williams
Chairman, Agriculture Committee

The Egypt (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013

THE GENERAL PURPOSES AND ADVISORY COMMITTEE, in exercise of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Amendment of Egypt (Freezing of Funds) (Sark) Ordinance, 2011.

1. (1) The Egypt (Freezing of Funds) (Sark) Ordinance, 2011^c ("**the Ordinance**") is amended as follows.

(2) For section 1(2) of the Ordinance, substitute the following section -

"(2) A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EU Regulation is guilty of an offence."

(3) For section 2 of the Ordinance, substitute the following section

-

"Modification of Regulation.

2. The EU Regulation in its application to Sark is modified as follows -

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Order in Council Nos. V, VII and XXVII of 2008 and No.XIV of 2010.

^c Folio No. 195.

- (a) Articles 1(e) and 14 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty's Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,
- (e) references to the Member State concerned shall be construed as including Sark where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Sark,
- (g) references to the territory of the Union and its airspace shall be construed as including Sark, its airspace and the territorial waters adjacent thereto,
- (h) references to ports of Member States shall be

construed as including any port in Sark,

- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Sark or from Sark, and
- (k) references to the law of a Member State shall be construed as including the law of Sark."

(4) In section 9 of the Ordinance –

- (a) for the definition of "Ordinary Court", substitute the following definition –

"Ordinary Court" means the Royal Court of Guernsey sitting as an Ordinary Court and for the purposes of this Law the Royal Court is constituted by the Bailiff sitting unaccompanied by the Jurats," and

- (b) insert the following definitions in the appropriate places-

"advocate" means an advocate of the Royal Court of Guernsey,"

"Bailiff" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délegué and a Judge of the Royal Court,"

""Chief Officer of Customs and Excise" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

""enactment" includes a Law, an Ordinance and any subordinate legislation,"

""Judge of the Royal Court" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,"

""subordinate legislation" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and".

Citation.

2. This Ordinance may be cited as the Egypt (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the ** ****, 2013.

The Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013

THE GENERAL PURPOSES AND ADVISORY COMMITTEE, in exercise of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Amendment of Tunisia (Freezing of Funds) (Sark) Ordinance, 2011.

1. (1) The Tunisia (Freezing of Funds) (Sark) Ordinance, 2011^c ("**the Ordinance**") is amended as follows.

(2) For section 1(2) of the Ordinance, substitute the following section -

"(2) A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EU Regulation is guilty of an offence."

(3) For section 2 of the Ordinance, substitute the following section

-

"Modification of Regulation.

2. The EU Regulation in its application to Sark is modified as follows -

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Order in Council Nos. V, VII and XXVII of 2008 and No.XIV of 2010.

^c Folio No. 193

- (a) Articles 1(e) and 14 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty's Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,
- (e) references to the Member State concerned shall be construed as including Sark where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Sark,
- (g) references to the territory of the Union and its airspace shall be construed as including Sark, its airspace and the territorial waters adjacent thereto,
- (h) references to ports of Member States shall be

construed as including any port in Sark,

- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Sark or from Sark, and
- (k) references to the law of a Member State shall be construed as including the law of Sark."

(4) In section 9 of the Ordinance -

- (a) for the definition of "Bailiff", substitute the following definition -

""**Bailiff**" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délegué and a Judge of the Royal Court," and

- (b) insert the following definitions in the appropriate places

-

""**advocate**" means an advocate of the Royal Court of Guernsey,"

""**Chief Officer of Customs and Excise**" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

""enactment" includes a Law, an Ordinance and any subordinate legislation,"

""Judge of the Royal Court" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,"

""subordinate legislation" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and".

Citation.

2. This Ordinance may be cited as the Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the ** ****, 2013.

The Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013

THE GENERAL PURPOSES AND ADVISORY COMMITTEE, in exercise of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Amendment of Iran (Restrictive Measures) (Sark) Ordinance, 2012.

1. In sections 9 and 10 of the Iran (Restrictive Measures) (Sark) Ordinance, 2012^c references to Article 32.1(d) shall be read as references to Article 30.6(d).

Citation.

2. This Ordinance may be cited as the Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the ** ***, 2013.

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Order in Council Nos. V, VII and XXVII of 2008 and No.XIV of 2010.

^c Folio No. 215

The North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013

THE GENERAL PURPOSES AND ADVISORY COMMITTEE, in exercise of the powers conferred on Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Amendment of North Korea (Restrictive Measures) (Sark) Ordinance, 2007.

1. (1) The North Korea (Restrictive Measures) (Sark) Ordinance, 2007^c ("**the Ordinance**") is amended as follows.

(2) For section 2 of the Ordinance, substitute the following section

-

"Infringement of EC Regulation

2. A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EC Regulation is guilty of an offence."

(3) For section 3(1) of the Ordinance, substitute the following subsection -

"(1) Authorisation for any of the derogations provided for under the EC Regulation shall in Sark be by way of a licence in writing granted by the Policy Council in accordance with the relevant provisions of

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Orders in Council Nos. V, VII and XXVII of 2008 and No. XIV of 2010.

^c Folio No. 158

the EC Regulation in question."

(4) After section 3 of the Ordinance insert the following section -

"Appeals against decisions of Policy Council.

3A. (1) A person aggrieved by a decision of the Policy Council made under the EC Regulation, or a decision of the Policy Council not to exercise any of its powers under the EC Regulation, may appeal to the Ordinary Court against that decision on the grounds that -

- (a) the decision was ultra vires or there was some other error of law,
 - (b) the decision was unreasonable,
 - (c) the decision was made in bad faith,
 - (d) there was a lack of proportionality, or
 - (e) there was a material error as to the facts or as to the procedure.
- (2) On an appeal under this section the Court may -
- (a) set the decision of the Policy Council aside and, if the Court considers it appropriate to do so, remit the matter to the Policy Council with such directions as the Court thinks fit, or
 - (b) confirm the decision, in whole or in part.

(3) On an appeal under this section the Court may, upon the application of the appellant, and on such terms as the Court thinks just, suspend or modify the operation of the decision in question, pending the determination of the appeal."

(5) In section 4 of the Ordinance, for "Article 10" substitute "any article".

(6) For section 8 of the Ordinance, substitute the following section

-

"Modification of Regulation.

8. The EC Regulation in its application to Sark is modified as follows -

- (a) Articles 1.8 and 15 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty's Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,

- (e) references to the Member State concerned shall be construed as including Sark where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Sark,
- (g) references to the territory of the Union and its airspace shall be construed as including Sark, its airspace and the territorial waters adjacent thereto,
- (h) references to ports of Member States shall be construed as including any port in Sark,
- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Sark or from Sark, and
- (k) references to the law of a Member State shall be construed as including the law of Sark."

(7) In section 9 of the Ordinance -

(a) delete the word "and" immediately after the definition of Schedule, and

(b) insert the following definitions in the appropriate places

-

""**advocate**" means an advocate of the Royal Court of Guernsey,"

""**Bailiff**" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délegué and a Judge of the Royal Court,"

""**Chief Officer of Customs and Excise**" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

""**enactment**" includes a Law, an Ordinance and any subordinate legislation,"

""**Judge of the Royal Court**" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,"

""**Ordinary Court**" means the Royal Court of Guernsey sitting as an Ordinary Court and for the purposes of this Law the Royal Court is constituted by the Bailiff sitting unaccompanied by the Jurats," and

""**subordinate legislation**" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and".

Citation.

2. This Ordinance may be cited as the North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the 12th April, 2013.