



OFFICIAL REPORT

OF THE

CHRISTMAS MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 20th January 2016

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.gov.sark.gg*

Volume 2, No. 1

Present:

Deputy Seigneur

Dr R P Axton

President of Chief Pleas

Lt Col. R J Guille MBE

Deputy Prévôt

Mrs J Godwin

Greffier

Mr T J Hamon

Treasurer

Mrs W Kiernan FCA

Constable

Mr P S La Trobe-Bateman

Vingtenier

Mr G Williams

The Acting Lieutenant Governor

Sir Richard Collas QC

Conseillers:

Sandra Williams
Hazel Fry
Karen Adams
Richard Dewe
Antony Dunks
Paul Williams
Rosanne Byrne
Christine Audrain
Robert Cottle
Alan Blythe
Diane Baker
Edric Baker
Paul Burgess

Peter Byrne
Elsie Courtney
Colin Golds
Charles Maitland
Nicholas Maloney
Elizabeth Norwich
Roger Norwich
Helen Plummer
William Raymond
Arthur Rolfe
Stephen Taylor
Christopher Nightingale
Anthony Ventress

Business transacted

Welcome to the Acting Lieutenant Governor, Sir Richard Collas QC.....	5
Eulogy for Mr John Hamon	5
Eulogy for Mr Rossford de Carteret	6
Resignation of Mr Matthew Joyner – Statement by the President	6
Tax transparency – Statement by Conseiller Raymond	6
Overseas representation of Sark – Statement by Conseiller Maitland.....	7
90th birthday of Her Majesty the Queen – Statement by the Deputy Seigneur	8
Procedural – Electronic devices	8
Business of the Day.....	8
1. Michaelmas Meeting, 30th September 2015 – Matters arising	8
2. Questions not related to the Business of the Day – None.....	9
3. The Children (Sark) Law, 2016 – Policy and Performance Committee Report considered – Proposition carried as amended ...	9
4. Committee elections – Conseiller Blythe elected to Development Control Committee; Conseiller Nightingale elected to Education Committee; Conseillers R Dewe and Courtney elected to Harbours and Pilotage Committee	21
5. Sark elections 10th December 2014 – Report of the Independent Observer: Howard Knight – Results of the Public Consultation – Policy and Performance Committee Report considered – Propositions 1-4, 5(b) and (c), 6 and 8(a) carried; Propositions 5(a), 7, 8(b) and 9 lost.....	23
<i>Chief Pleas adjourned at 11.48 a.m. and resumed its sitting at 11.55 a.m.....</i>	<i>29</i>
6. Sark Slaughterhouse – Proposed Transfer of Management to the Island – Agriculture and Environment Committee Report considered – Proposition carried	29
7. Securing Sark’s Future – Policy and Performance Committee Progress Report considered – Proposition carried.....	30
8. Proposed Changes to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 relating to Property Transfer Tax – Finance and Resources Committee Report considered – Propositions carried.....	34
9. Securing an eResource for Sark – Policy and Performance Committee Report considered – Proposition lost	35
10. Establishment Review – Consideration of Policy and Performance Committee First Progress Report – Debate commenced	42
<i>Chief Pleas adjourned at 1.05 p.m. and resumed its sitting at 2.14 p.m.....</i>	<i>44</i>
Establishment Review Progress Report – Debate concluded – Proposition carried	44
The Children (Sark) Law, 2016 – Rules of Procedure suspended to revisit amendment.....	47
The Children (Sark) Law, 2016 – Revision of approved amendment – Proposition carried ...	47
The Children (Sark) Law, 2016 – Further amendment – Proposition carried	48

CHRISTMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 20th JANUARY 2016

11. Reform Law (Good Governance) – Policy and Performance Committee Information Report noted	48
12. Review of the Seneschal’s Court – Policy and Performance Committee Information Report noted	50
13. Renewable Energy – Policy and Performance Committee Information Report noted	50
14. The Fire Services (Sark) Law, 2015 – Emergency Services Committee Information Report noted	51
15. Probation Period of the Deputy Treasurer – Policy and Performance Committee Information Report noted	51
16. Annual Report on Development Control – Development Control Committee Information Report noted	52
17. Isle of Sark Shipping Company Limited Report for 2014-15 – Shipping Company Information Report noted	52
18. Sea Fisheries Annual Report – Sea Fisheries Committee Information Report noted	53
Ordinance Laid Before Chief Pleas – The Burundi (Restrictive Measures) (Sark) Ordinance, 2015	54
Procedural.....	54
<i>Chief Pleas closed at 2.49 p.m.</i>	54

Christmas Meeting of Chief Pleas

Chief Pleas met at 10.00 a.m.

[THE PRESIDENT *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 26 Conseillers, the Deputy Seigneur and the President of Chief Pleas present.

5 **The President:** I present apologies from Conseiller Elizabeth Dewe, and also to say that the Seigneur is not well – not seriously ill, just not well.

Welcome to the Acting Lieutenant Governor, Sir Richard Collas QC

The President: I would like to welcome the Acting Lieutenant Governor, Sir Richard Collas QC, to this meeting of Chief Pleas, our first one of 2016.

Eulogy for Mr John Hamon

10 **The President:** I shall be giving two eulogies in a moment, to Mr John Hamon and Mr Rossford de Carteret, which we will follow with a silence in their memory.

15 Mr John Hamon died, age 90, on 29th October last year. He was a long-time servant of this Island and Chief Pleas, whose public career started when he was elected as a Deputy of the People in 1955. Whilst he was a Deputy, he also served as Vingtenier and Constable during the years 1957-59; and, as if that was not enough, he was the Junior Procureur, starting in 1960, and then Procureur, ending in 1964. Whilst still a Deputy, he was appointed to the position of Deputy Greffier and Deputy Treasurer by La Dame in November 1965. He then stood down, at the following General Election, as a Deputy. The Seigneur, in his term, then appointed him as the Greffier in October 1978, a role he was to inhabit until his resignation in July 2005. However, he was then immediately appointed as the Deputy Greffier until his final retirement in January
20 2011.

This was a remarkable length of public service over a period of 56 years, and his dedication to the Island was recognised in the New Year's Honours list of 2003, when he was awarded the MBE for services to Sark: a very proud moment for John, Barbara and the family.

Eulogy for Mr Rossford de Carteret

The President: Mr Rossford de Carteret died on 7th December last year, and he was also a long-serving servant of Sark and of Chief Pleas, having been elected as a Deputy of the People in the General Election of December 1975. While still a serving Deputy, he purchased La Forge *tenement* and took his seat as a *tenant* Member at the Michaelmas Meeting in 1978. In 1981 he was elected Vingtenier and then Constable, finishing in October 1982. He remained a *tenant* Member until the General Election of 2008, when he successfully stood and was elected to be a Conseiller and remained in that position until his resignation on 3rd May 2011, on reasons of ill health, after 36 years of service.

Would you please stand for a silence in the memory of these two men of Sark.

Members stood in silence.

**Resignation of Mr Matthew Joyner –
Statement by the President**

The President: I wish to make a short Statement on the resignation of Mr Matthew Joyner.

Matthew Joyner wrote to me on 19th November 2015 resigning his position as a Conseiller of the Chief Pleas, effective immediately.

Matt was elected in the by-election held in December 2013, and then successfully stood for election again in the General Election of December 2014. After his by-election success he was elected to be a Member of the Education, Development Control and Medical Committees, and after the election in 2014 he was re-elected to those same Committees and also onto the Harbours and Pilotage Committee. Also in 2015, he was elected to the Policy Development Teams of Children Law, Policing Review and Register of Medical Practitioners.

His resignation is due to work and family commitments. On your behalf, I would thank him for his two years' service as a Conseiller.

**Tax transparency –
Statement by Conseiller Raymond**

The President: Conseiller Raymond, do you wish to make a Statement, please?

Conseiller Raymond: Thank you, sir.

This is a further update on the verbal report given to the Michaelmas Meeting of Chief Pleas in connection with the matter of tax transparency.

Since the last report, the published list of jurisdictions has been amended and Guernsey is no longer shown in any form of default; Sark is not shown either.

Sark has not been asked to enter into any tax information exchange arrangements or agreements.

The supply of tax information is changing with effect from 2017. Jurisdictions are required from that date to supply detailed information on individuals as to residence, place of birth, taxable income, details of asset disposals and the individual's tax identification number. This information will be collated in a central worldwide information bank. The difference between this and the present system of Tax Information Exchange Agreements is that, whereas those agreements are entered into on request to supply information as required, the common

60 reporting standard is intended to require the deposit of all information whether requested or not.

The Finance and Resources Committee has been in discussion with the Law Officers on the implications of this for Sark. The conclusion is today that the required information will be submitted automatically through the Guernsey access portal or another jurisdiction through which the transactions may be cleared.

65 The Finance and Resources Committee intend to put a document in connection with tax transparency on the Chief Pleas website so that concerned jurisdictions can be reassured that Sark is committed to tax transparency and to the supply of information gathered by its own assessment procedures.

70 The common reporting standard will place a considerable emphasis on the question of residence, and Sark needs therefore to develop a residence definition as a matter of urgency. We do not know whether or not the common reporting standard will be entirely effective; it may depend upon whether increasing the size of the haystack makes it more possible to detect the needle.

**Overseas representation of Sark –
Statement by Conseiller Maitland**

The President: A Statement by Conseiller Maitland, please.

75

Conseiller Maitland: Part of the remit of the Policy and Performance Committee is to represent the Government of Sark overseas, which in our context tends to mean Guernsey, the United Kingdom and, on occasion, France as well.

80 In this last year we have established regular meetings with Lord Faulks at the MoJ on a six-monthly basis. These have proved extremely useful, as it is vital that the Ministry is aware of the problems we are facing and is also confident that we can deal with them, possibly with help where needed and asked for.

85 Recently, the All-Party Parliamentary Channel Islands Group has been re-established at Westminster. It is an important group because it includes Members of both Houses with a special interest in the Channel Islands. I recall back in 2009, soon after the first democratic elections, we welcomed a group of MPs and Members of the Lords to Sark and I hope that in the near future a similar visit can be organised. The first meeting of this resurrected group was held on 9th November last year and was attended by Guernsey's Chief Minister and representatives from Jersey, Alderney and myself. We all had to speak for five minutes on issues such as fishing and the finance industry, and in my case I updated them on the move from the feudal Government to full democracy which has happened over the last seven years. Later that same evening we all attended a dinner at the House of Commons – somewhat interrupted by the MPs present having to leave the table to vote on the Scottish Bill – and I was able to speak to Lord McNally, whom I was sitting next door to, at length and bring him up to date with events in Sark.
90 The next meeting is to take place on 29th February.

95 Just before Christmas, Conseiller Fry and I attended the Bailiwick Council at its first meeting in Guernsey, with representatives from Alderney joining the Chief Minister and his Deputy. The next meeting will be held in Sark on 15th March, followed by a meeting in Alderney in June.

100 One last item: on 2nd December, Conseiller Fry and the Senior Administrator attended a reception at the Foreign and Commonwealth Office, which has now become an annual event in the calendar.

Altogether it was a busy end to the year.

**90th birthday of Her Majesty the Queen –
Statement by the Deputy Seigneur**

The President: A statement by the Deputy Seigneur, please.

105

The Deputy Seigneur: Thank you, sir.

It is Her Majesty the Queen's 90th birthday on 21st April this year, and we have accepted an invitation to take part in the celebrations by lighting a bonfire or a beacon that evening along with the rest of the UK.

110

As is normal procedure, a Constable's Committee will be formed to organise the event. The Constable has already been given the detailed information that will enable Sark to participate in this national event. More information will be promulgated by the Constable in due course.

The President: Thank you.

**Procedural –
Electronic devices**

115

The President: In accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment is switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 16.

I would also ask that if any member of the public wishes to leave during debate they do so quietly and respectfully.

120

Thank you.

Business of the Day

1. Michaelmas Meeting, 30th September 2015 – Matters arising

Matters arising from the Michaelmas Meeting held on 30th September 2015.

The President: Now we move on to Agenda Item 1: Matters arising from the Michaelmas Meeting held on 30th September 2015.

Before I ask for any matters arising, I would point out two errors that have been notified to me in the *Hansard*.

125

The first is on page 2, which is the list of officers and Conseillers, and I would ask you to cross out the word 'Deputy' before Prévôt.

Then, on page 18, in the penultimate line of Proposition 1 delete the word 'forfeit' and replace with *forfait*; there is a slight difference in meaning.

Conseiller Dunks, I believe you have a small error to point out as well.

130

Conseiller Dunks: Yes, on page 25, line 795 – and if you read it yourself you will find out the error. The line reads: 'You have said yourself, Madam President ...' I believe 'Madam' may be incorrect.

135 **The President:** I'm not in for transgender surgery yet, (*Laughter*) so delete 'Madam' and
insert 'Mr'.
Conseiller Paul Williams.

140 **Conseiller Paul Williams:** Just another correction, sir. At line 301 and line 317 – this is a
goodie – it should say 'pig scaldler' and not 'pigs holder'. (*Laughter*)

The President: I have found both those references. Just tell me how that should read again.

145 **Conseiller Paul Williams:** It should read 'pig scaldler' and not 'pigs holder'.

The President: Okay, thank you.
Right, having got the corrections to *Hansard* dealt with, are there any matters arising? No.

**2. Questions not related to the Business of the Day –
None**

Questions not related to the Business of the Day.

The President: We move to Agenda Item 2, Questions not related to the Business of the Day,
and there are none.

**3. The Children (Sark) Law, 2016 –
Policy and Performance Committee Report considered –
Proposition carried as amended**

*To consider a Report from the Policy and Performance Committee entitled 'The Children (Sark)
Law, 2016' and to approve the Projet de Loi entitled 'The Children (Sark) Law, 2016'.*

Proposition

That Chief Pleas approve 'The Children (Sark) Law, 2016'.

150 **The President:** We move to Agenda Item 3: To consider a Report from the Policy and
Performance Committee entitled 'The Children (Sark) Law, 2016' and to approve the Projet de
Loi entitled 'The Children (Sark) Law, 2016'.
I would ask the Chairman of the Committee, Conseiller Maitland, to introduce the Report.

155 **Conseiller Maitland:** I would ask Conseiller Audrain, whose Report it is, to introduce it.

The President: Conseiller Audrain.

160 **Conseiller Audrain:** Thank you.
There is an amendment that we are proposing to this Law, and I would like to give the
background to this amendment. I am afraid it is quite lengthy to explain why we have decided to
put in this amendment.

165 **The President:** Can I just interrupt? You have in front of you an email that came in to me yesterday, which has the detail of the proposed amendment on it, and it is that amendment which we will be voting on in due course.

Thank you. Please continue.

Amendment to section 2(2)(c)

(c) by written agreement with that child's mother –

(i) in such a form, and

(ii) if the Chief Pleas see fit, registered in such manner as may be prescribed by the Chief Pleas under this paragraph.

170 **Conseiller Audrain:** Thank you.

I want to give some background to the Law itself. The need for a law for children was perceived some years ago by the courts and all who deal with children. The Children Act was passed in 1989 with extent over England and Wales, Scotland and Northern Ireland, and in the Bailiwick a Children Law was brought in in 2009, but for various reasons it was not possible to
175 extend it to Sark.

At the heart of the Children Act and the Children (Guernsey and Alderney) Law are the principles of child welfare and parental responsibility. These principles are also enshrined within the Sark Law that you have before you today.

180 Because the Law is a little complicated, the team developing it produced a short guide and you have this in your papers. It summarises the content of the Law and, in order to receive comments, the *Projet de Loi* and the short guide were put out for public consultation in late August 2015. The Policy Team was rather disappointed that few replies were received.

185 The Law was put on the Agenda for this meeting in December 2015 and no comments were received until last Friday, when the concept of acquisition of parental responsibility by unmarried fathers was questioned.

As I have mentioned, parental responsibility is at the heart of the Law and it is defined on page 10 of your copy in section 4. There is a list of duties that parents have in relation to the child. Section 5, which is on page 11, outlines how parental responsibility is acquired: if parents are married at the time of the birth, they each have parental responsibility; if they are not, the
190 mother has parental responsibility and the father can acquire it in ways described under section 6. The Law that you have before you will give unmarried fathers rights and options which they currently do not have and will place them in the same position as fathers under the Guernsey and Alderney Law, and indeed Great Britain.

Section 6(1)(b), on page 13, states:

6.(1) ... before the commencement of this section ...

(b) had parental responsibility, or its equivalent, under the law of any part of the British Isles, other than Sark,

195 So, in other words, if we are talking about an unmarried father, if he had parental responsibility before the commencement of this section, or its equivalent under the law of any part of the British Isles other than Sark, this applies to these fathers.

200 As most Sark children are born and registered in Guernsey, if the father's name appears on the birth certificate the unmarried father will qualify for parental responsibility under section 6(1)(b) – that is after the introduction of the Law.

If the unmarried father is not on the birth certificate, he will be able to acquire parental responsibility under any of the criteria in section (2). In section (2) there are a number of criteria under which the father could acquire parental responsibility.

205 A question has arisen with regard to section (2)(c). In (2)(c) it says that the father can acquire parental responsibility:

by written agreement with that child's mother in such form as may be prescribed by Ordinance of the Chief Pleas made under this paragraph,

210 In order to make this as clear as possible, we are proposing an amendment in place of (2)(c) for there to be an Ordinance which produces a form that the parents can fill in. This would be a simple form expressing the agreement of the couple. It would be presented to the Seneschal's Court and, if approved, registered at the Greffe. A short Ordinance will state this and can be brought to Easter Chief Pleas ready for the enactment of the Law after Royal Assent, which is not likely to be before June.

I would also like to state that if parents are going to enter into this agreement, they would come to the Court – there would be no need for legal representation and it would take place in camera in complete confidentiality.

215 Before going on to debate the amendment, I would also like to state that all of this is private law to protect the welfare of the child and to help couples who are in dispute over some aspect of care, control, residence and other aspects of the child's upbringing. If arrangements have already been made and they are working, this Law does not change them. To emphasise that, I would point you towards section 2(2)(i) on page 7, which says:

... it is expected that parents and any others responsible for a child's welfare will consult and co-operate with one another, and where possible resolve matters by agreement, in an atmosphere of openness and non-confrontation, with recourse to formal judicial proceedings only as a last resort,

220 So, to go back to the amendment, we wish to make the amendment as you have before you, which you have just been given before Chief Pleas started, and this has been drawn up by the Law Officer in order to try and make it clearer what happens in this section.

Conseiller Audrain read the amendment.

Conseiller Audrain: That is the amendment we are proposing.

225 **The President:** Thank you.

We will debate the amendment first and I will just remind you of that. It is a complete change to 2(2)(c) in its format.

The President read the amendment.

The President: Any comment or debate, please? Conseiller Burgess.

230 **Conseiller Burgess:** Thank you very much.

The first point is I find it very unfair that the father has to apply to be the father when they already are, when the mother does not. That goes back to page 8, item (k), and it states:

no discrimination ... on the grounds of gender, marital status, ethnic or cultural ...

etc. I personally find it unfair that the father has to apply.

235 Moving on to the amendment, it says 'by written agreement of the mother'. That is fine, obviously, if the mother agrees. There are other channels with that, I do understand. And it says 'on such form' – we do not have a form at the moment, do we? I am sure we do not.

Also, in (ii) it says 'if Chief Pleas sees fit'. I think that could be worded a bit better, actually. I think it sounds quite like they can say, 'Well, no, go away, you are not going to be the father.' So I would like to see that maybe adjusted.

That is all on that matter, thank you. I have others we will come to.

240

The President: Conseiller Audrain, do you want to reply and come to those points?

Conseiller Audrain: Thank you, yes.

245 This is the wording that we have received from the Law Officer in order to bring in this idea of the form. The form would be a simple form, simply stating who the people are, that they have been identified as those people and that they wish to be registered as the child's parents. But I will repeat that this will only need to take place if the father is not mentioned on the birth certificate.

250 **The President:** Anybody else before I come back to you? No.
Conseiller Burgess again.

255 **Conseiller Burgess:** Sorry, just going back to where it says 'if Chief Pleas see fit'. You have said the Law Officers have written this: are we not allowed to do what we see fit for Sark, or do the Law Officers just tell us what to do? I still think that 'if Chief Pleas see fit' is not very nice. Sorry.

Conseiller Audrain: My interpretation of it is that if Chief Pleas agrees to this, then they see fit to adopt this.

260 **The President:** Anybody else with any comments on this particular issue? Conseiller Diane Baker.

265 **Conseiller Diane Baker:** I am sorry, I am not sure that I am hearing the question quite right. If 'if Chief Pleas sees fit' is you are going to approve the form, as Conseiller Audrain said, it is not to do with each individual case, each individual family that applies; it is once the form is printed and you have approved it, then it is in use.

270 **The President:** I think I would just re-emphasise the words that Conseiller Audrain used. She proposes that at Easter they will return with a simple form, with an Ordinance of the Chief Pleas which will enact the form that would be used for registration of that agreement. Is that not correct, Conseiller Audrain?

Conseiller Audrain: Yes, it is, sir.

275 **The President:** So the intention is very much, Conseiller Burgess, that the form will come back to you at Easter with an Ordinance which would enable that form to be used in any registration procedures that were required.
Conseiller Audrain.

280 **Conseiller Audrain:** Could I just add that also my understanding is that an Ordinance does need to come after a law has been proposed and accepted, so it was not possible to bring the Ordinance with this Proposition at this Chief Pleas.

285 **The President:** No, secondary legislation has to come after Chief Pleas has approved, and then it goes for Royal Assent. But Ordinances can be worked on, on the presumption that Royal Assent will be given. We have done that previously in Chief Pleas, whereby we have approved a law and, while it is still going through the process of Royal Assent with a presumption that the law will be approved, Chief Pleas have approved and enacted Ordinances under that law.

290 Any other comments on the amendment before you, which we will vote on before we move on to the main debate? No.

Therefore, we will move to the vote on the amendment. Paragraph 2(2)(c) will now read:

- (c) by written agreement with that child's mother –
- (i) in such a form, and

(ii) if the Chief Pleas see fit, registered in such manner as may be prescribed by the Chief Pleas under this paragraph.

Those in favour; those against. **Carried.**

295 Having approved that amendment, when we come to the main proposition at the end of the report we will add the words 'as amended' at the end because we have now accepted that amendment. That amendment is now in place and we now debate the complete Law, Projet and Report.

Conseiller Audrain.

300 **Conseiller Audrain:** I do not have anything to add by way of introduction to the Proposition. I would just like to hear any questions or debate.

The President: We then go to general debate on the Report, the Proposition and the Projet de Loi that is before you.

305 Can I have an indication of who wishes to speak, please? Conseillers Burgess, Rolfe, Maitland and Elizabeth Norwich. Anybody else? No. We will start off with that.

Conseiller Burgess.

Conseiller Burgess: Thank you.

310 In Conseiller Audrain's address she mentioned sections 5(2)(b) and 6(1)(b). I would just like to clarify what she said, so if you turn to page 11, which is 5(1) and 5(2), it states:

5(1) Subject to subsection (3), where a child's mother and father are married to each other at the time of the child's birth they shall each have parental responsibility in respect of that child.

(2) Subject to subsection (3), where a child's mother and father are not married to each other ...

(b) the father (referred to hereinafter as an 'unmarried father') shall not have parental responsibility in respect of that child, unless he acquires it under section 6.

315 If we turn to page 13, section 6(1)(b), my question is: does the unmarried father have automatic parental responsibility under Guernsey law if a child is born in Guernsey with both the unmarried mother's and unmarried father's names on the birth certificate? That is my question. I would just like to clarify what you said earlier.

Conseiller Audrain: Yes, that is correct, but only after the commencement of the Law.

320 **Conseiller Burgess:** Thank you. So, if I can just clarify that this means that, under 6(1)(b), the unmarried father has parental responsibility under the law of any part of the British Isles, other than Sark?

325 **Conseiller Audrain:** Yes. That is why I mentioned the fact of registration of birth in Guernsey at the time of the child's birth. If the child was in Guernsey and the father's name was put on the birth certificate, then after the commencement of this Law he will have automatic parental responsibility, or if the child had been born in the British Isles.

330 **Conseiller Burgess:** Thank you. A further question is ... I have tried to find it myself and I cannot find it, and maybe you have not either, but if a child is born in Guernsey and it is registered on the birth certificate as that place of birth, does that child stay under the Guernsey Law until it is 18, or will this new Law bring it back to Sark?

Conseiller Audrain: That is not something I have considered, but I would assume that it would be under Sark law when we have that Law. That is one of the reasons why we have been

335 working to introduce this Law – to ensure that Sark children have the protection of the law
within Sark.

Conseiller Burgess: Thank you.

340 **The President:** Conseiller Rolfe.

Conseiller Rolfe: It will probably come as no surprise to anybody that I wish to speak on this,
having had so many marriages, followed by an equal number of divorces and rather too many
children, one of whom was born out of wedlock.

345 I spoke to my 50-year-old son at the weekend and I explained to him that under this new Law
of Sark, if we were both subject to it, I would not have had parental responsibility for him. I find
that extraordinary, and I must say that, as you would expect of a son of mine, his level-headed
response was, 'Where is the next beer coming from?' (*Laughter*)

350 I just would just like to make a brief comment about the way in which this has come to us. It
is unfortunate that the Projet has not been seen by a Policy Committee, which I believe it should
have, and this is the first opportunity that we have of discussing what is basically raw legislation.
We need to change that situation, and there are changes afoot.

355 On the Projet itself and the work of the PDT, it is a most important piece of work and I will be
the first to compliment the members of the PTD for a very thorough job, even though I believe
the due process was thwarted.

360 I turn to the Report itself. This is, as it says, based on Guernsey law. Unlike the UK and
Guernsey, where legislation is often enacted for the masses, Sark is different. I would like to feel
that in this Chamber we would recognise that in an Island where most people know most other
people we could have been a little more lenient in the way in which we have treated, as
Conseiller Burgess has already suggested, unmarried fathers and the rights of parents.

365 I turn also ... on the first page of the Report ... that it is the child that comes first and it should
be noted that parents are defined as having responsibilities rather than rights. I would challenge
that, because I believe that we must recognise that parents too have rights, and that is
something I find quite unacceptable in the Report.

Bear with me, if you will, Mr President, because this is a complicated issue with rather a lot of
sections.

Section 2(2)(e) on page 6 refers to:

a child should be given an opportunity to express his wishes, feelings and views in all matters affecting him,

370 That, I would say, is a very important aspect of this Projet. I find that acceptable because,
having had as many children as I have, they are certainly not backward in coming forward when
they want to express their own views, and that also includes who they regard as their parents.

I turn now to the comments that Conseiller Burgess has already mentioned. Section 5:

Where a child's mother and father are not married to each other at the time of the child's birth –

(a) the mother shall have parental responsibility in respect of that child, and

(b) the father ... shall not have parental responsibility in respect of that child, unless he acquires it under
section 6.

375 That, to me, goes too far. I have had a number of children who have been subject to divorce
proceedings, and throughout all of those it was up to the parents themselves to actually decide
between themselves how they wanted those arrangements to be. I think it is important that we
understand here that when you try and prescribe these arrangements in law by predetermining
that the mother shall have parental responsibility in respect of that child, in almost all cases that
will be the case but there will be cases where it may not be appropriate, it may not be desired,
and this Law would circumvent that. For that reason I am not happy with that at all.

380 Also, the question of the father not having parental responsibility in respect of that child unless he acquires it under section 6 – in other words, the most commonly referred to is the one where he actually applies to the court. Personally, with all of the children I have had there was no question of it: ‘We will decide that, the courts won’t decide that, we will decide that between ourselves.’

385 What I would have preferred to have seen here under this section 5 is an understanding that this will only apply where the two parents cannot agree. That is the way in which the UK operates, it is the way that most sensible democracies operate – they would not prescribe in law what arrangements should be unless there is a disagreement between the parents.

I refer now to the suggestion on page 13 that the unmarried father of a child requires parental responsibility in respect –

390

Conseiller Audrain: Could I interrupt?

The President: If you wish to clarify a point, yes.

395 **Conseiller Audrain:** It is going to be rather difficult to respond to all these points at the end when there are such a number of points that need to be clarified.

The President: Well, you need to be making a note of them as we go along so that you can respond, and of course you can always ask the speaker who put the question to put the question back to you. Do you wish to come in at this stage with a –

400

Conseiller Audrain: No, I will wait until the end.

The President: You are happy to wait, okay.
405 Conseiller Rolfe, do continue, please.

Conseiller Rolfe: Yes. I do not want to thwart anything that will make life difficult for Conseiller Audrain, as she has clearly done a lot of work on this and I respect her efforts for it, but that one point that I have just made, where the Law should only come in when parents cannot agree with each other, that it should be left to parents to determine how indeed the arrangements are made for each other, for the children –

410

Conseiller Audrain: Can I comment on that?

415 **The President:** Yes, you can make a quick comment on that as an intervention.

Conseiller Audrain: That is exactly why I referred to the paragraph on page 7, which is 2(2)(i). I made a point about this, because if there are arrangements already made amicably between parents, then the Law is not going to change any of those arrangements at all. This is only for instances when parents are in dispute, and they will be able to use this Law to help them.

420

What should be happening is that parents, even if they are separated and they are sharing the parenting of the child, come to arrangements on their own and they do not need to use the Law.

425

The President: Thank you.
Conseiller Rolfe.

Conseiller Rolfe: Yes, I will actually come back to that point later, if I may, because there are important sections later on where, when I look at them, it may be that there are existing

430

amicable arrangements between two parents which, once this Projet is enacted, could be revisited by one or other who think they may get a better deal out of it. I will come back to that.

Going on to section 40 on page 44:

Persons permitted to be present in court when dealing with a child.

40(1) No person may be present during the hearing by a court of any proceedings in respect of a child except for –

(a) members and officers of the Court,

(b) ... any persons having responsibility for their welfare, and any witnesses and other persons directly concerned in the matter,

435 My question on that is: would this allow or ban an unmarried father who is not registered under section 6 to be in court? What is the reasoning behind that one?

I will continue with the next point. This is the schedule on page 54, the Financial Provision Orders, which outlines a number of financial provisions for the court to determine. To what extent are parents, married or unmarried, allowed to make their own financial arrangements? I think that has probably been answered already – that they can make their own arrangements.

440 Also, it has been suggested that this legislation is not retrospective, in that an existing financial arrangement can be overturned by one side, using ... Indeed, the question is: can it be overturned by using this new legislation? Can it be revisited by one party or the other? That would create a degree of disharmony amongst couples who already think they have got an arrangement, but this Projet is enacted and one or other side of the agreement can decide to
445 revisit it simply because they can get more out of it. There does not really seem to be anywhere where such mutual arrangements are protected from what I would call random litigation.

I would just like to finally say that, subject to reasonable answers and assurances, I will decide whether to vote for or against the Proposition. I would very much like to feel that ... I do not believe that what we are talking about here is something where major work needs to be
450 done, but certainly I do believe that not enough thought has been given to parents deciding for themselves issues such as the parenthood, and the prescribing of a mother being the sole parent in an unmarried relationship to me is something that I would have preferred to have left to the two sides, unless they were in dispute with each other.

455 **The President:** Conseiller Audrain, if you would like to come back on any of those specific points you wish to raise at this stage.

Conseiller Audrain: On that last point, I think the very last sentence that Conseiller Rolfe said explains why you need to have something in the Law about it. Nothing is going to change to do
460 with arrangements that people have made unless they are in dispute, and then they need to have recourse to the Law. So these things need to be written into the Law, as far as I can see.

Could Conseiller Rolfe just repeat the last point that he made?

465 **The President:** Conseiller Rolfe.

Conseiller Rolfe: Yes. I am not sure which point. The last point I made was that subject to reasonable answers and assurances ... I am not sure that that is necessarily ...

470 **The President:** No, I think Conseiller Audrain is talking about the Financial Provisions Order, the schedule.

Conseiller Rolfe: Yes, although Conseiller Audrain, I am sure, genuinely believes that once mutual arrangements have been made that are already in existence, they will stay as put. But my question on this is: once this Law is enacted, what is to stop one of the parties of one of
475 these mutually agreed arrangements deciding for themselves that retrospectively they could get better out of the financial arrangements that they already have?

480 **Conseiller Audrain:** I do not think any of this could be retrospective. I think what you are saying is that maybe one party would go to the court and ask for some new financial arrangement to be made. That is the protection that the Law gives to the child, but it cannot be retrospective.

The President: We will move on to the next speaker, but before we do so, Conseiller Rolfe, you have brought up section 40, which is persons permitted to be present in court. Of course, you did not look at (c) when you were talking, but it does have a catch-all there:

such other persons as the court may specifically authorise to be present.

485 So, if the unmarried father did not have parental responsibility but applied to the court to attend the court, then the court has that catch-all in 40(1)(c), which allows the court to bring a party into the proceedings.

490 **Conseiller Rolfe:** Thank you, President. If I may just say that I accept what you say, and provided the court is sympathetic in those cases then I am quite happy to leave it as such.

The President: Conseiller Audrain and Conseiller Diane Baker.

495 **Conseiller Audrain:** Yes, going back to something which Conseiller Rolfe said earlier in his speech, I would like to reiterate that, in fact, until now there has been very little opportunity, rights – I did use the word ‘rights’ – and options for unmarried fathers, and this Law introduces those rights and options, so that if there is a dispute the father can represent his views. At the moment, that is not possible under Sark law.

500 **The President:** Conseiller Diane Baker.

505 **Conseiller Diane Baker:** I have not really got much to add; it is just that my feeling was that the court will ask for who they want to attend. It is the same today and it will be same after this Law is, hopefully, passed. It is not changing; it is just making it more correct. The same with matters to which the court is to have regard: surely the court still has the regard at this moment and will have regard in the future. If you want to change the financial needs for the child, you can do that now, or with this you can do it later. It is not actually making things much different; it is just giving it a law to work around.

510 **The President:** Conseiller Maitland, followed by Conseiller Elizabeth Norwich and Conseiller Adams.
Conseiller Maitland.

515 **Conseiller Maitland:** I would like to commend Conseiller Audrain and her team on their tenacity in bringing this much-needed Law to fruition. She has already dealt with section 2(2)(i), which says that the court is only the last resort and that existing arrangements would not be upset by the Law.

520 I think one should make the point, as far as unmarried fathers go, that there is a great range of sorts of unmarried fathers, from those who are in committed relationships and who obviously would be on the birth certificate, to those who might have a child through a casual relationship and would not want to be involved. So it is right that the Law does put the onus on the unmarried father to register his interest, whether that is on the birth certificate or applying to the court, and that seems quite right to me.

525 But well done, team. I think that at long last the children on Sark will be properly protected.

Several Members: Hear, hear.

The President: Conseiller Elizabeth Norwich.

530 **Conseiller Elizabeth Norwich:** This is a very large piece of legislation and it has obviously taken more years than anyone would ever have wanted to take to get it to this stage. So well done for getting this far.

But I would like to confirm my understanding of the legislation. It might be repeating what has already been said but I would like to be absolutely sure, and I wonder if it would be easier if you answered each question as it goes along.

535 That this Projet is written to provide protection to innocent children because there is no law currently – would I be correct?

Conseiller Audrain: Yes, that is correct. There is legislation which the court uses, but it does not cover most of the things that are in this Law.

Conseiller Elizabeth Norwich: That there is a common assumption that there is Sark law already that gives rights to children and parents and that that assumption may not be correct.

545 **Conseiller Audrain:** It does not give rights to unmarried fathers.

Conseiller Elizabeth Norwich: Thank you.

That this Law has been designed to protect children living on Sark, but any private arrangements between unmarried parents are not invalidated by this Projet, and that this Projet is specifically to protect children when those private arrangements are no longer working.

Conseiller Audrain: Thank you, yes, I think you have put that very well – a point that I have been trying to make, perhaps not quite as well as you did. Thank you.

555 **Conseiller Elizabeth Norwich:** Thank you for the clarification.

Can you confirm – and I know this is repetitive – that currently, just because the father is registered on the birth certificate that may not confirm his parental responsibilities or rights; and a mother currently, before this Law comes into being enacted, if that is the case, could leave the Island with the child and the unmarried father has no rights in that situation currently?

560 **Conseiller Audrain:** Yes, unfortunately that is the case and is one of the reasons why we need this to be made absolutely clear. In a situation like that a father will need recourse to the law, and at the moment there is not anything to help him.

565 **Conseiller Elizabeth Norwich:** And the last bit: understanding your amendment, which has been passed, parental responsibility can easily be obtained once the Ordinance is through and the Law is enacted. Can you confirm that this option is, of course, not needed if parents are consulting and co-operating in an open and non-confrontational way, being in the best interest of the child?

570 **Conseiller Audrain:** Sorry, could you repeat that, please?

Conseiller Elizabeth Norwich: Can you confirm that this option is not needed, so they do not need recourse to law, if both parents are consulting and co-operating in an open and non-confrontational way, being in the best interest of the child?

Conseiller Audrain: Thank you. Yes, that is the case.

Conseiller Elizabeth Norwich: Thank you.

580 **The President:** Conseiller Adams.

Conseiller Adams: Just to come back to a couple of things that were raised. I just want to reiterate what Conseiller Audrain has said repeatedly: this Law gives rights to unmarried fathers which they do not have now.

585 The PDT are imminently going to be working on the prescribed form by which an unmarried father can achieve parental responsibility and it is envisaged it will be a very simple process – no big court case, no big expense. We will be working on that form very soon – tomorrow, in fact.

590 Conseiller Rolfe mentioned that this is the first time that the wording of this Law has come to Chief Pleas. That is true, but of course it has been open to consultation. Full consultation has been applied. This law was out in the public domain at the time of the public consultation, so there has been a lot of time for comments to be made about the Law.

I just wanted to remind everybody that the progress of this Law is the top priority of our Government. It has been identified at priority number one.

595 **The President:** Anybody else in debate before we go to the vote? Conseiller Fry. Anybody else? Conseiller Burgess. Right, Conseiller Fry followed by Conseiller Burgess.

Conseiller Fry: I just wanted also to add my congratulations to Conseiller Audrain and to her team. I know this has been a long hard journey and we are very pleased to have got to this stage, so well done.

600

The President: Conseiller Burgess.

Conseiller Burgess: Thank you, just a few points.

605 We do actually have two fathers in here, unmarried fathers, whom I have spoken to or who have spoken to me about things, and there are a couple of things I want to bring up, just to clarify.

If you turn to page 14, section 8(1)(b), it reads:

removing the child out of the jurisdiction of Sark.

610 My question is: does this mean going to Herm, Guernsey ... or does it mean going outside, like the UK or further afield?

Conseiller Audrain: I think this applies to residence, so exactly what we have been talking about a few moments ago: if one parent wishes to reside somewhere else, apart from Sark, if both parents have the parental responsibility this must be discussed and arranged between them, and if the other parent does not wish this to happen then they would need to have recourse to the courts.

615

Conseiller Burgess: Thank you.

That leads on, then, to page 26, section 19(2), and it reads:

A residence order may be made in favour of more than one person, who need not live together.

620 The question was: if one of them was in the building trade and it comes to the stage where the building trade ceases and they have to go to Guernsey to work, would they be allowed to have the child to stay in Guernsey under the residential order they may have here, or would they have to go to court for that?

CHRISTMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 20th JANUARY 2016

625 **Conseiller Audrain:** If the two parents could not agree about that matter, then they would have to go to court; if they can agree about it, they would not.

Conseiller Burgess: Thank you.

630 **The President:** We will now go to the vote, but I would just give Conseiller Audrain the opportunity to make any final summing-up statement that she would wish to. Would you wish to make a final statement?

Conseiller Audrain: I do not think so, thank you.

635

The President: Thank you.

In that case we will go straight to the vote, and the vote is that Chief Pleas approve the Children (Sark) Law, 2016 as amended.

640 **Conseiller Audrain:** Could it be a named vote, please?

The President: Yes, you may have a named vote.
Greffier.

There was a named vote.

Carried – Pour 23, Contre 3, No Vote 0, Absent 1

POUR

Conseiller Sandra Williams
Conseiller Fry
Conseiller Adams
Conseiller Richard Dewe
Conseiller Dunks
Conseiller Paul Williams
Conseiller Rosanne Byrne
Conseiller Audrain
Conseiller Cottle
Conseiller Blythe
Conseiller Diane Baker
Conseiller Edric Baker
Conseiller Peter Byrne
Conseiller Courtney
Conseiller Golds
Conseiller Maitland
Conseiller Elizabeth Norwich
Conseiller Roger Norwich
Conseiller Plummer
Conseiller Raymond
Conseiller Taylor
Conseiller Nightingale
Conseiller Ventress

CONTRE

Conseiller Burgess
Conseiller Moloney
Conseiller Rolfe

NO VOTE

None

ABSENT

Conseiller Elizabeth Dewe

645 **The President:** There were 23 votes Pour and 3 Contre. I therefore declare the Proposition **carried.**

650 What will happen subsequent to Chief Pleas is that I shall be in contact with St James' Chambers to have the amendment that you have approved today incorporated into the Projet de Loi, and when that is returned to me I will then transmit it to the Bailiff's Chambers for onward transmission for Royal Assent. So, hopefully, it will be off for Royal Assent within the next two to three weeks.

**4. Committee elections –
Conseiller Blythe elected to Development Control Committee;
Conseiller Nightingale elected to Education Committee;
Conseillers R Dewe and Courtney elected to Harbours and Pilotage Committee**

Committee elections: To elect Conseillers to Committees, as required.

The President: We now move on to Agenda Item 4 – Committee elections: to elect Conseillers to Committees, as required.

I would ask any committee that has vacancies to nominate Conseillers to their committees now. I believe we have a nomination from DCC, Education and Harbours and Pilotage.
655 So, DCC, Conseiller Baker.

Conseiller Edric Baker: Yes, sir. I would like to nominate Conseiller Alan Blythe.

660 **The President:** Are there any other nominations from the floor? No.

Those in favour that Conseiller Alan Blythe be elected to the Development Control Committee; those against. **Carried.**
Education.

665 **Conseiller Audrain:** I am sorry to say that we have had no one come forward to come onto the Education Committee.

The President: This is an important Committee. Can I ask for a self-nomination from the floor, please, to join the Education Committee.

670 Thank you, Conseiller Nightingale.

Conseiller Audrain: Thank you.

The President: So we have a self-nomination of Conseiller Nightingale for the Education
675 Committee.

Those in favour; those against. **Carried.**

I am glad we had a volunteer, or there was going to be some arm-twisting going on!
And finally, Harbours and Pilotage.

680 **Conseiller Sandra Williams:** I am astounded, in this House, that we have 25 Conseillers ... We have 10 Members of the Conseillers who are on one committee, doing a lot of work – I do not dispute that. We have Chris Nightingale, who probably is one of the older Members of the House, and we have Richard Dewe, who is probably one of the other older Members of this House, and they are the only two people who have put themselves forward to go onto
685 operational committees today.

I sent out an email three weeks ago, telling the whole of the committees that we have been looking for someone to come on to Harbours, now we are three Members. I resigned as Chairman of this Committee back in July; I am still doing the work in order to keep the Committee quorate.

690 I am seriously concerned that the committees structure that we have at this present moment is putting more and more strain on the older generation and I am unprepared to carry on taking the extra workload that I feel should be shouldered by some of the other Committee members.

I only have one person to put forward today for Harbours, and that is Conseiller Richard Dewe.

695

The President: We have a nomination from Harbours and Pilotage Committee of Conseiller Richard Dewe, but before we go to the vote are there any other nominations from the floor to stand for that Committee?

700 **Conseiller Richard Dewe:** May I speak?

The President: Yes, you may speak, Conseiller Dewe.

705 **Conseiller Richard Dewe:** It would only be interim, because I do not intend to stand for the next election this December. I will be 80 around about at that time and I think I have done enough, as I have been here since I was 21, thank you! So, if anybody wants to replace me now, this is probably the better time.

710 **The President:** There will be a number of committee vacancies thrown off, anyway, after the General Election at the end of this year, but Conseiller Dewe is willing to stand until then, so I ask again: is there anybody else who wishes to stand against him?

Conseiller Courtney, you wish to put your name forward? Right, we have two nominations for this Committee. We have –
Conseiller Williams.

715 **Conseiller Sandra Williams:** Sorry, is Conseiller Dewe still standing, or just Mrs Courtney? We actually have two availabilities on our Committee at the moment.

720 **The President:** You have two, therefore –

Conseiller Sandra Williams: We have two –

The President: In that case –

725 **Conseiller Sandra Williams:** I thought Conseiller Dewe said if somebody else wanted to stand, he would not.

The President: So we need a third.

730 **Conseiller Sandra Williams:** Sir, that is what I am saying. Before we go to the vote, can we check, please?

The President: Yes, we have two nominations now for the two vacancies on Harbours and Pilotage: Conseiller Richard Dewe and Conseiller Courtney. Nobody else? Going, going, gone.

735 We will go to the vote: that Conseiller Richard Dewe and Conseiller Courtney be elected to the Harbours and Pilotage Committee.

Those in favour; those against. **Carried.**

Thank you, both, for putting your names forward for that important Committee.

740 Are there any other committees would wish to take the opportunity of elections to them now? Yes, Conseiller Ventress.

Conseiller Ventress: Road Traffic actually has one vacancy at the moment, but we have decided not to fill this vacancy as at Easter we are planning to reduce our Committee from five to two – from five to four, sorry! *(Laughter)*

745 I would like to thank everybody who has served on Road Traffic for all the work they have put in up to the issue of tractor licences etc. on the 31st. It went through probably more smoothly than ever before, and I would like to thank them all very much for the work they put into it.

The Present: Thank you.

750 So as long as you approve the reduction of five to four at Easter, they will not require to fill a position on Road Traffic. However, should you choose to vote against that, then we will be looking for a nomination.

**5. Sark elections 10th December 2014 –
Report of the Independent Observer: Howard Knight – Results of the Public Consultation –
Policy and Performance Committee Report considered –
Propositions 1-4, 5(b) and (c), 6 and 8(a) carried;
Propositions 5(a), 7, 8(b) and 9 lost**

To consider a Report from the Policy and Performance Committee entitled ‘Sark Elections 10th December 2014 – Report of the Independent Observer: Howard Knight – Results of the Public Consultation’.

Proposition 1

That the Election Ordinance be put to the Michaelmas Chief Pleas in election years and the timetable announced at the same time. That the timetable allows two weeks for submission of nomination papers and closure of nominations 19 days before Election Day.

Proposition 2(1)

That there should be a mail drop from the Greffier to all residents inviting them to register giving them the criteria and stating how to register and a follow up annually, to update/register/deregister.

Proposition 2(2)

That the ‘Definition of a Resident PDT’ is urged to complete its work as soon as possible.

Proposition 3

The government of Sark should accept the majority view from the public consultation and oppose the introduction of ‘compulsory voting’.

Proposition 4

The government of Sark should accept the majority view from the public consultation and oppose the provision of a short candidate description on the ballot paper.

Proposition 5(a)

That a controlled system of proxy voting be introduced for future elections with only one proxy vote per elector, renewable every two years.

Proposition 5(b)

That a controlled system of postal voting should not be introduced for future elections.

Proposition 5(c)

That those electors who may have difficulty on the day through disability should have provision as arranged by the returning officers to register their [sealed] vote to the Returning Officer or Deputy Returning Officer.

Proposition 6(1)

The government of Sark supports all initiatives to increase knowledge about the government and governance of Sark, including for potential candidates.

Proposition 6(2)

That, in the run up to Election Day, the status quo be maintained publishing a daily list of candidates.

Proposition 7

That the government of Sark should continue to encourage and to provide the opportunity for candidates to publish their 'manifesto' and arrange hustings or debates at the next election, if possible, by an independent organiser.

Proposition 8(a)

That when there is a General Election of 14 Conseillers plus casual vacancies requiring a By Election that are combined in the same ballot and such an election is contested by more candidates than available places, the 14 candidates with the largest number of votes be elected to the 14 seats that are being vacated and the remaining casual vacancies be filled by those with the next highest votes. In the event that such a combined election is uncontested, a ballot be held to determine which successful candidates serve which terms of office.

Proposition 8(b)

That By-elections should be called as soon as there is a single vacancy, for the outstanding period to fulfil.

Proposition 9

That the Returning Officer's Marked Register confirming the identity of those who did and did not vote at an election is not published.

755 **The President:** We now move on to Agenda Item 5: To consider a Report from the Policy and Performance Committee entitled 'Sark Elections 10th December 2014 – Report of the Independent Observer: Howard Knight – Results of the Public Consultation'.

I would ask the Chairman of the Committee, Conseiller Maitland, to introduce the Report, please.

760 **Conseiller Maitland:** I would like to ask Conseiller Rolfe to introduce his Report.

The President: Thank you.

Conseiller Rolfe.

765 **Conseiller Rolfe:** Thank you, Mr President.

I think the Report itself is self-explanatory, and I would invite people to comment and vote freely before we go to the Propositions.

770 There is a correction, which I hope everybody has picked up, to question 5, in which the narrative begins, 'Although 48% of respondents supported proxy voting against', and that figure should be 34% who were opposed. The original version went out quoting 17% – that should be 34%.

775 Fifty people responded to this, and I would like to start by thanking 50 residents of Sark for responding to quite a detailed public consultation exercise, although in doing the assessment, which I did myself ... I should, first of all say, that I took no part in responding to this, since I was doing the assessment, because I thought that would probably be quite wrong. I would like to thank those 50 who responded. They did respond in very considerable detail and it allowed me

to develop a spreadsheet, which I have now passed into the office, which I think would be useful for all future public consultations. It will make life easier to have a spreadsheet that, once the answers are filled into it, actually does all the self-calculations there.

780 I would just like to offer thanks also to you, Mr President, and the Greffier, and to the PDT Members – Conseillers Fry, Jane Norwich, Richard Dewe and Tony Ventress – who had a very useful meeting with you, Mr President, and the Greffier, where a number of very helpful comments were made, which also helped formulate the narrative and the arguments.

785 The only other thing I would say is that the Propositions are something for you to vote on. By and large, in all but one, I think, circumstances, they represent the majority view from the public consultation – with one exception, and that is 8(b), in which I have said that by-elections should be called as soon as there is a single vacancy for the outstanding period to fill. That was a minority recommendation, a minority view from the public consultation, but I put it in on the basis that because Members here complain that they are completely overloaded with
790 committee work and what have you, they should balance whether or not it is worth spending the money that is described in the report on by-elections as they occur, and as far as I am concerned, on that Proposition, as with all other Propositions, one can vote either for or against and I will be quite happy whichever way any of those Propositions go.

795 **The President:** Thank you.

Any questions or debate? Hands up, please. Conseiller Diane Baker, Conseiller Adams.
We will start with Conseiller Diane Baker.

Conseiller Diane Baker: Howard Knight, as the election observer, has, I believe, gone further
800 than he was asked to, but if it brings Sark into a better position for a future election we should listen to what he has to say before we make our minds up.

This is an interesting report and it is right that we listen to everyone who wants to be heard, and this is everyone's chance to have a say; but, as usual, there are so few who replied to this consultation.

805 I agree with Proposition 3 and oppose the introduction of compulsory voting, but I object to the words 'The government of Sark should accept the majority view from the public consultation'. In this case, 10 people agreed and 38 disagreed and that is not enough of either opinion to give a good idea of what most people want. I shall vote for this, as it opposes compulsory voting. That is my view and the consultation did not offer me a reason to change my
810 mind.

I shall comment on the Propositions only where I will not be supporting the Committee.

Proposition 2(1): I would support wholeheartedly this, but not to do it annually. We have an election every two years and I feel that every two years is when the register should be updated. Why make more work for anyone when it is unnecessary?

815 Proposition 5(a): I am sure that those of us who feel the importance of casting our vote will continue to make the effort and be here in person for the election.

Proposition 5(c) allows for someone who, through a disability, is unable to make the polling station, and I shall support that Proposition and hope when the details are worked out we will again have the chance to reconsider the matter.

820 Proposition 7 I will vote against. We have arranged hustings, but not as expected. Everyone had the chance to speak with any candidate, but it was not enough for some – why, I do not understand. Is it the line-up of potential candidates waiting in trepidation to be ridiculed because they did not understand a question, or that question was not one they had sufficient information to answer? A line-up of candidates will simply stop even more people from
825 standing. The opportunity to speak with candidates was there. Many supporters of Chief Pleas will have done their homework, know who wants what and who they will vote for. It is for those who are still undecided to ask more questions – quietly and privately seems a good way to do

so. We already have the ability to publish our manifestos, if we choose. Should this Proposition go through, I hope the independent organiser asked for is not from outside the Island.

830 Proposition 8(b): there is no need to fill one empty seat in Chief Pleas. The cost does need to be considered and Chief Pleas can carry on with one less Conseiller.

835 Proposition 9: I cannot support this. I feel that publishing this list will be good for the community. If someone decides not to use their vote, that is fine; but if that person then goes on to ridicule, demean, discredit or humiliate Conseillers and all the good work that is accomplished within Chief Pleas, I think everyone has a right to know if they used their vote.

The President: Thank you.
Conseiller Adams.

840 **Conseiller Adams:** Well, there is much food for thought in what Conseiller Baker has just said, and it is still all going round in my mind.

I wanted to congratulate P&P on collating the consultation response in such a clear and detailed way. It has obviously been hours and hours of work.

845 Up until Conseiller Baker just spoke, there was only one issue where my own opinion went against the consensus, and that was at number 6, the decision on whether to publish daily the names of candidates for election or to keep them confidential until after the close of nominations. I have a feeling that we would get more nominations if all the names were kept confidential until the end. I could be wrong, but we would be able to avoid the tactical approach employed by some candidates of putting their names forward at the last possible minute. But it
850 does create a dilemma for me whether to vote for Proposition 6(2) or against it: should I go with my own gut feeling or go with the consensus opinion that has already been determined? It is very difficult and I am still deliberating it, especially in the light of what Conseiller Baker has just put forward.

855 **The President:** Before I ask if anybody else wishes to speak, I would just clarify that when the Greffier and I met with the PDT we did so as Returning Officer and Deputy Returning Officer, and not as President and Greffier.

860 Anybody else wishing to speak? Conseiller Maitland. Anybody else? Conseiller Maitland followed by Conseiller Rolfe – well, Conseiller Maitland, and then I will ask you to sum up, Conseiller Rolfe.

Conseiller Maitland: I would just like to make the point that Proposition 2(2), on the definition of a resident PDT, our work is with the Law Officers at the moment. We should be able to bring a paper to the Easter Chief Pleas.

865 As far as 6(2) goes, I wonder whether publishing daily lists of who has applied to be Conseillers in some ways distorts the situation, because if everyone keeps an eye as to who has applied ... it might be better if perhaps numbers could be listed or wait until the end of the period and see what happens then. That is just my own opinion.

870 **The President:** Conseiller Rolfe, if you would like to sum up, please, and then we will go to the vote on the one or two Propositions we have in the Report.

Conseiller Rolfe: I try to make life interesting for you!

875 I do not wish to comment on the individual views of Members of this House, but I would just like to add something to what Conseiller Diane Baker said, and in so doing I would like to thank her very much because she was the one person who did send me an enquiry before this meeting, which I managed, hopefully, to answer.

Conseiller Baker did, I think, mention the question of the detail and some of the comments that were made. These are all actually in the database, and what I meant to say earlier was that I

880 am very happy to pass to any Member of this House the database. The database last page has
the identity of all the respondents. I have given them numbers and then created an abridged
version, where you can see all the comments against a numbered person without the identity of
that person being shown, and any Member of this House who wishes to receive a copy of that
885 database I am very happy to send the abridged version so they can actually read through the
comments. Some of the comments are really quite fruity! (*Laughter*)

The President: Thank you.

We will ... we will *not* now go to the vote: Conseiller Diane Baker.

890 **Conseiller Diane Baker:** I just wondered if anyone else in Chief Pleas felt, like me, that
Proposition 2(1) would be better to be done every two years and not annually; and if there was
such a feeling, would the Committee consider changing that Proposition?

The President: Can I just make a comment here. The Greffier maintains a rolling register, so
895 people could apply to go on that register at any time they become qualified; and also the
Greffier removes anybody from that role if they die, etc. Therefore, the register is maintained
throughout the year, and the issue here is not how often he maintains it but how often he
reminds people to get themselves on the register. Of course, in the run-up to any election, be it
a by-election or a General Election, there is a cut-off date when the election register is frozen
900 before that, and that is published in the Ordinance that you approve. So the issue is should he
give out an annual reminder or not, because he does maintain a rolling register.

However, you did ask a question. Conseiller Rolfe, do you wish to make any changes to the
Proposition?

905 **Conseiller Rolfe:** No, I have no feelings either way. I personally cannot see why there should
not be an annual mail drop, and indeed ... well, that is all I would wish to say on it. I do not have
any strong feelings either way if people want to go to two years, but I would have thought it is
something that perhaps is best done annually.

910 **The President:** We will go to the Propositions.

Proposition 1: That the Election Ordinance be put to the Michaelmas Chief Pleas in election
years and the timetable announced at the same time. That the timetable allows two weeks for
submission of nomination papers and closure of nominations 19 days before Election Day.

Those in favour; those against. **Carried.**

915 As Returning Officer, I would make a comment to the Policy and Performance Committee.
The Election (General Provisions) Ordinance sets out a timetable for when various things must
be published by a certain date. The acceptance of Proposition 1 alters that timetable in the
Ordinance. Therefore, P&P, you will have to, I suggest, talk to me and look at how you are going
to amend that Ordinance in time for the next election.

920 Proposition 2(1): That there should be a mail drop from the Greffier to all residents inviting
them to register giving them the criteria and stating how to register and a follow up annually, to
update/register/deregister.

Those in favour; those against. **Carried.**

925 Proposition 2(2): That the 'Definition of a Resident PDT' is urged to complete its work as soon
as possible.

Those in favour; those against. **Carried.**

Proposition 3: The government of Sark should accept the majority view from the public
consultation and oppose the introduction of 'compulsory voting'.

Those in favour; those against. **Carried.**

930 Proposition 4: The government of Sark should accept the majority view from the public
consultation and oppose the provision of a short candidate description on the ballot paper.

Those in favour; those against. **Carried.**

Proposition 5(a): That a controlled system of proxy voting be introduced for future elections with only one proxy vote per elector, renewable every two years.

935 Those in favour; those against. I declare that **lost.**

Proposition 5(b): That a controlled system of postal voting should not be introduced for future elections.

Those in favour; those against. **Carried.**

940 Proposition 5(c): That those electors who may have difficulty on the day through disability should have provision as arranged by the returning officers to register their [sealed] vote to the Returning Officer or Deputy Returning Officer.

Those in favour; those against. **Carried.**

Proposition 6(1): The government of Sark supports all initiatives to increase knowledge about the government and governance of Sark, including for potential candidates.

945 Those in favour; those against. **Carried.**

Proposition 6(2): That, in the run up to Election Day, the status quo be maintained publishing a daily list of candidates.

Those in favour; those against. **Carried.**

950 I was hoping that you were going to reduce the workload of the Returning Officer there, but there you go! (*Laughter*)

Proposition 7: That the government of Sark should continue to encourage and to provide the opportunity for candidates to publish their 'manifesto' and arrange hustings or debates at the next election, if possible, by an independent organiser.

Those in favour; those against. I declare the Proposition **lost.**

955 Proposition 8(a): That when there is a General Election of 14 Conseillers plus casual vacancies requiring a by-election that are combined in the same ballot and such an election is contested by more candidates than available places, the 14 candidates with the largest number of votes be elected to the 14 seats that are being vacated and the remaining casual vacancies be filled by those with the next highest votes. In the event that such a combined election is uncontested, a ballot be held to determine which successful candidates serve which terms of office.

960 Those in favour; those against. **Carried.**

Proposition 8(b): That by-elections should be called as soon as there is a single vacancy, for the outstanding period to fulfil.

965 Those in favour; those against. Carried. Sorry, **lost.** (*Laughter*) Not quite unanimously, but lost nevertheless.

Proposition 9: That the Returning Officer's Marked Register confirming the identity of those who did and did not vote at an election is not published.

Those in favour; those against. *Appel nominal*. A named vote, please.

970 Just to explain, during the polling day, the pollsters who operate the polling station on my behalf complete a marked register of persons who come to vote. They are then issued with a ballot paper and ticked off on the electoral register. That marked register is an official document required by law to be maintained. It does not in any way say to people 'person x voted for this person'. It purely says their name and the position on the electoral role that they hold – so 'person x, number 113' on the roll. There is no indication in that register as to a person's voting intention. That is entirely secret on the ballot paper.

975 So that is the register we are talking about and it has to be filled in by law. The question you are deciding is whether or not you wish that document to be made available to the public for viewing after the election. It would not be available for viewing until such time as any challenge to the election had been heard by the court, so there are safeguards and checks in place in the law to prevent documents being seen by the public until such time as any court proceedings have occurred or the Conseillers have been sworn in, whichever is the sooner.

980 So we return to Proposition 9 and I will ask Conseiller Dunks to make a comment.

985 **Conseiller Dunks:** I just want to stress that the way it is phrased it is *not* published, so if you are voting in favour of the Proposition you do not want to see the list published.

990 **The President:** It will not be published, it will be ... If you vote against this it will not be published, it will be available for public viewing. That register will not be published as a document for people to look at, they will be able to view it. So Conseiller Dunks is correct that the Returning Officer's marked register confirming the identity of those who did and did not vote is not published. In other words, if you support that, the public will not be able to see the marked register.

We will go to a recorded vote. Greffier.

Carried – Pour 12, Contre 14, No Vote 0, Absent 1

POUR	CONTRE	NO VOTE	ABSENT
Conseiller Audrain	Conseiller Sandra Williams	None	Conseiller Elizabeth Dewe
Conseiller Cottle	Conseiller Fry		
Conseiller Blythe	Conseiller Adams		
Conseiller Edric Baker	Conseiller Richard Dewe		
Conseiller Peter Byrne	Conseiller Dunks		
Conseiller Maitland	Conseiller Paul Williams		
Conseiller Moloney	Conseiller Rosanne Byrne		
Conseiller Plummer	Conseiller Diane Baker		
Conseiller Raymond	Conseiller Burgess		
Conseiller Rolfe	Conseiller Courtney		
Conseiller Taylor	Conseiller Golds		
Conseiller Nightingale	Conseiller Elizabeth Norwich		
	Conseiller Roger Norwich		
	Conseiller Ventress		

995

The President: I declare the vote to be Pour 12, Contre 14. Therefore, the Proposition is **lost**.

1000 So the result of that vote is that the marked register will be available for public scrutiny at a determined time after the election, and they are maintained as a historical record anyway but it does mean, with the loss of that Proposition, that you actually do want the public to be able to view the list of people who come in to vote, and that is something that the Returning Officers of the future will make available.

We will now take a seven-minute recess. Please be back in here at five minutes to 12, ready to proceed with Agenda Item 6.

Thank you.

*Chief Pleas adjourned at 11.48 a.m.
and resumed its sitting at 11.55 a.m.*

**6. Sark Slaughterhouse – Proposed Transfer of Management to the Island –
Agriculture and Environment Committee Report considered –
Proposition carried**

To consider a Report from the Agriculture and Environment Committee entitled 'Sark Slaughterhouse – Proposed Transfer of Management to the Island'.

Proposition

That Chief Pleas directs the Agriculture and Environment Committee to enter into discussions with the operator of the slaughterhouse to arrange the sub-lease of the slaughterhouse to the Island and also the transfer of the management of the slaughterhouse to the Island.

1005 **The President:** We will now move on to Agenda Item 6: To consider a Report from the Agriculture and Environment Committee entitled 'Sark Slaughterhouse – Proposed Transfer of Management to the Island'.

I would ask the Chairman of the Committee, Conseiller Paul Williams, to introduce the Report, please.

1010 **Conseiller Paul Williams:** Thank you, sir.

I have not got much to add to this. Everything has been outlined in the Report. We just need the go-ahead from Chief Pleas to get on with the task in hand and to give the farmers some reassurance that this facility will remain open for the foreseeable future, as it is a vital part of the continuance of farming on Sark.

1015 **The President:** Thank you.
Any comment or debate, please? No, in that case –
Conseiller Taylor.

1020 **Conseiller Taylor:** In principle I do not have a problem with this at all, but I just wonder if there have been any costings on how much the lease will cost. And is it likely that the charges for people using the facility will meet those costs?

Thank you.

1025 **The President:** Thank you.

Conseiller Paul Williams: Again, this is part of the progress that we are trying to make. We have not got any concrete figures at all yet, but as soon as we do we will let you know.

1030 **The President:** Right, we will go to the Proposition: That Chief Pleas directs the Agriculture and Environment Committee to enter into discussions with the operator of the slaughterhouse to arrange the sub-lease of the slaughterhouse to the Island and also the transfer of the management of the slaughterhouse to the Island.

1035 Those in favour; those against. **Carried.**

**7. Securing Sark's Future –
Policy and Performance Committee Progress Report considered –
Proposition carried**

To consider a Report from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'.

Proposition

That Chief Pleas takes note of the contents of this progress report.

The President: We move to Agenda Item 7: To consider a Report from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'.

I would ask Conseiller Maitland to introduce the Report.

1040 **Conseiller Maitland:** Recently, I was sent a copy of a letter that one of the 22 had written to a friend of mine, in which this gentleman states:

CHRISTMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 20th JANUARY 2016

The reports commissioned by Chief Pleas by both Crowe and Kniveton are both excellent documents and offer a great deal of sound advice as to how Sark can be managed for the benefit of the community as a whole. Our observations conclude that very little of the advice offered or the strategic initiatives advanced have neither been initiated or implemented.

1045 The writer has obviously not been paying attention to the work of Chief Pleas, as this Item was initiated in 2014 and is presented to every Chief Pleas. It lays out the work that Chief Pleas has been doing on the development of policy following Colin Kniveton's report on securing Sark's future. A great deal was achieved in 2015 and hopefully more will reach a conclusion this coming year, directly following on the work of Colin Kniveton.

As I have said, on the definition of a resident PDTR, a paper on the subject is at present with the Law Officers and we aim to bring concrete proposals to Easter Chief Pleas.

1050 Conseiller Fry will now deal with sustainable energy.

The President: Conseiller Fry.

Conseiller Fry: Thank you.

1055 We seem to have been discussing electricity for a long, long time. Many of you will probably have expected, and we had very much hoped, to bring the draft legislation on price control before this Chief Pleas for final approval. But no, it is not so.

1060 The consultation process, you may remember, was extended by request of Sark Electricity Ltd. We received 22 responses altogether and many valid and interesting points were raised. As a result, in consultation with our Law Officers, changes to the draft legislation are being considered. Where appropriate, these will be incorporated in the final draft.

The mills of God grind slowly and they grind extremely small.

This quotation is often applied to governments and to the legal profession. The project of ensuring to supply the sustainable, reasonably priced electricity to Sark can surely be added, but be assured the wheels are still turning and the grinding goes on.

1065 One thing that has become increasingly clear last year is that regulation is necessary for the essential utility of electricity. Following our consultation, we know that it is absolutely essential, regardless of who is supplying it, be it SEL, Guernsey Electricity or anyone else.

1070 As a Policy Development Team, we have sought to maintain the confidentiality agreement we believed was established with SEL at the beginning of our discussions. Contrary to accusations, we have always sought to act with integrity. At every step we have involved our Law Officers and a few carefully selected experts in this field. We have made every effort to consult widely on proposals for regulatory legislation, updated Chief Pleas whenever an opportunity has arisen, and we received overwhelming approval from Chief Pleas at our Michaelmas Meeting for the strategy presented to move forward.

1075 In closing, I would like to remind you all that the lengthy efforts invested in progressing the Government's policy to secure sustainable, reasonably priced electricity for Sark has not been undertaken lightly or vindictively. We are working to ensure that the price of electricity on Sark is and can be seen to be fair and reasonable. We believe that 61 pence a unit, the price SEL has informed we would be paying in 2016 – the highest in the Crown Dependencies and possibly one of the highest prices in the world – must have oversight and justification through a proper and fair regulatory process. High electricity prices harm individuals, are a disincentive to investment and seriously damage the economic and social viability of a small community such as our own. If they are justifiably high, then there will be limitations on actions that might properly be taken to reduce them. However, until a basic mechanism is in place to enable open and transparent review, the key decisions that need to be made concerning arrangements for long-term future provision of electrical power for the Island cannot be sensibly made.

1085

Our Policy Development Team will be taking the opportunity to further brief all Conseillers regarding progress planning next month, with a view to presenting final draft legislation for approval at the Easter meeting of Chief Pleas.

1090 We also intend to hold a residents' meeting to explain how the proposed regulatory regime would work in practice as soon as it can be placed in the public domain.

Thank you, sir.

The President: Do I have any comments and debate on the statement made by Conseiller Fry? Conseiller Rolfe.

1095

Conseiller Rolfe: One question, really, and that is this: that earlier I introduced an Item which was as a result of a public consultation exercise, and Conseiller Fry has mentioned that there were 22 respondents to the public consultation on this Item, but we have never seen it; in fact, as far as I am aware, no Standing Committee of Chief Pleas has seen the results of this. The PDT is not, for that matter, a Standing Committee of Chief Pleas and I am a little alarmed if we are not to see those results and the PDT is going ahead and changing proposed legislation that has actually already been agreed by this Chamber.

1100

I would just like to ask Conseiller Fry if it is the intention that we will get to see the results of the public consultation before any changes are made?

1105

The President: Can I just make a small correction to your statement: Chief Pleas has not approved anything. It had a draft law consultation only and Chief Pleas has not actually had anything put before it which it could approve; it was purely for consultation purposes and debate in Chief Pleas.

1110

Conseiller Fry.

Conseiller Fry: Thank you.

1115

Yes, as I have said, we are planning early next month to hold a meeting for Conseillers to explain exactly where we are at. This has been such a delicate process that every consultation we have received has gone to our Law Officers. Some of them have been exceedingly lengthy and, as I have said, have raised interesting points. Nothing will be changed without all Conseillers being fully included in discussion.

As our President has pointed out, no law has been brought into force. This is all for consultation and is a draft proposition.

1120

The President: Anybody else wishing to debate the electricity? Conseiller Rolfe again.

Conseiller Rolfe: Yes, I am afraid I still have not got an answer to the question: when will we see the results of the public consultation?

1125

Conseiller Fry: I would say that the results will be available when the Law Officers have finished with them.

The President: Would you expect to put it to the meeting that you propose to have (a) with the public and (b) with the Conseillers?

1130

Conseiller Fry: Yes, with Conseillers primarily.

The President: Thank you.

1135

Anybody else? Conseiller Maitland.

Conseiller Maitland: I would like to ask Conseiller Raymond to bring us up to date on the work of the Land Reform PDT.

1140 **The President:** Thank you.
Conseiller Raymond, please.

Conseiller Raymond: Thank you, sir.

1145 We held a public meeting at the end of November and we committed ourselves to another one in January – we were outmanoeuvred for diary space: it is now 2nd February at half past five in the Hall – when we did receive a number of responses in reply to a request for views from the public who attended the meeting. We will report those to the next meeting and we will take a number of points forward at that stage and ask again if the public will tell us what they want, because this is a very delicate process and we have to make sure, as far as possible, that as many
1150 people as possible are happy with the compromise – and I use the word advisedly.

Thank you.

The President: Any questions to raise with Conseiller Raymond on that report? Yes, Conseiller Sandra Williams.

1155

Conseiller Sandra Williams: I have not got a question. I would just like to say well done to the PDT on Land Reform. I attended the first half of the meeting: it was very well attended, there was a lot of the public there and I just hope that they all take the opportunity to put pen to paper and register what their views are before something comes to Chief Pleas and we vote on it
1160 – and then they say, ‘Actually, that was not what we wanted.’

Thank you.

The President: Conseiller Maitland.

1165 **Conseiller Maitland:** Conseiller Dunks is going to bring us up to date on land use and the Digimap project.

The President: Conseiller Dunks, please.

1170 **Conseiller Dunks:** It is just a quick note to say that the hard-copy maps are now on Island to produce a land use map, which is more to do with the request from the Land Reform PDT than DCC, but it is a work now in progress.

The President: Any questions of Conseiller Dunks?

1175 Before we move on to the Propositions, does anybody have anything to raise on the Report and the appendix appended to it? Conseiller Audrain.

Conseiller Audrain: Sorry, I just wanted to flag up the fact that the Children Law PDT is still at work, because the Law that we looked at this morning only reflects part of the work that the
1180 PDT has to do and we are now working on the Childcare Law. I wanted to make that point just in case people felt that there were things missing from the Law we have looked at this morning. There is a lot more work to do.

Thank you.

1185 **The President:** Thank you very much for that clarification.

We will go to the vote on the Proposition: that Chief Pleas takes note of the contents of this Progress Report.

Those in favour; those against. **Carried.**

**8. Proposed Changes to the Real Property
(Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007
relating to Property Transfer Tax –
Finance and Resources Committee Report considered –
Propositions carried**

To consider a Report from the Finance and Resources Committee entitled 'Proposed Changes to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 relating to Property Transfer Tax'.

Proposition 1

That Chief Pleas approve that the Finance and Resources Committee instruct the Law Officers of St James' Chambers to draft a Projet to update the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 to incorporate the amendments set out in 1, 2 and 3. These relate to length of relevant lease, the removal of adjusted value and the removal of the exclusion of fixed term leases containing periodic rental payments.

Proposition 2

That Chief Pleas approve that the Fairer Taxation Policy Development Team continues in developing the proposal 4 above in consultation with the Law Officers of St James' Chambers and bring the developed proposals to public consultation, before returning to Chief Pleas with any outcome.

1190 **The President:** Agenda Item 8: To consider a Report from the Finance and Resources Committee entitled 'Proposed Changes to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 relating to Property Transfer Tax'.

I would ask the Chairman of the Committee, Conseiller Cottle, to introduce the Report, please.

1195 **Conseiller Cottle:** Thank you, sir.

Firstly, I need to point out for clarity that the Law attached to the Report is the current version without any proposed amendments and it is for reference only in relation to this Report. I am not bringing anything today in a draft version.

1200 The four proposed changes contained in this Report are being made as a result of responses to the Fairer Taxation consultation regarding removal of the potential to avoid paying Property Transfer Tax on property transactions. Proposals 1, 2 and 3 contained within the Report are straightforward and, if approved, can be incorporated to address these areas of concern – that is potential loopholes which may have been exploited to reduce or avoid payment of Transaction Tax.

1205 Going through them, number 1 concerns including all leases of over two-years' length within the scope of the Transfer Tax.

Number 2 includes the first £50,000 of any transaction, which is currently exempt from the 4% tax rate.

1210 Number 3 removes any distinction from leases that are framed as being paid by periodic rental amounts rather than an upfront lump-sum payment. Just as an example, for number three, of what we are thinking there, if a 10-year lease is drawn up, payable by 10 yearly amounts of £10,000 rather than £100,000 payable at the start of the lease, then Property Transfer Tax on the £100,000 total will be due at the commencement of the lease. Currently, no tax is received on this kind of transaction where it is divided into yearly sums or sums at set times. Also, as stated in the Report, none of this would be retrospective on any previous transactions upon amendment of the Law.

1215

1220 The fourth proposal brought is slightly different to the others and it is brought to address the fact that now over 25% of property quarters on the Island are held within corporate ownership structures. That property can have its ownership transferred by sale of a company or similar structure, and currently no Property Tax would be received when that happened. The proposal is to impose an annual equivalence tax on all property owned in this way to compensate for the loss of Property Transfer Tax.

1225 As explained, this needs more work by the Fairer Taxation Policy Development team and also by the Law Officers in drafting any proposed amendments to the Law resulting from defining what a proportionate tax should be. Therefore, we need approval from Chief Pleas to carry on with that work. I have nothing ready at the moment, so I will open it up for questions and discussion.

Thank you.

1230 **The President:** Any questions or debate, please? No.

In that case, we will go to the vote on the Propositions in the Report, and there are two.

1235 Proposition 1: That Chief Pleas approve that the Finance and Resources Committee instruct the Law Officers of St James' Chambers to draft a Projet to update the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 to incorporate the amendments set out in 1, 2 and 3. These relate to length of relevant lease, the removal of adjusted value and the removal of the exclusion of fixed term leases containing periodic rental payments.

Those in favour; those against. **Carried.**

1240 Proposition 2: That Chief Pleas approve that the Fairer Taxation Policy Development Team continues in developing the proposal 4 above in consultation with the Law Officers of St James' Chambers and bring the developed proposals to public consultation, before returning to Chief Pleas with any outcome.

Those in favour; those against. **Carried.**

**9. Securing an eResource for Sark –
Policy and Performance Committee Report considered –
Proposition lost**

To consider a Report from the Policy and Performance Committee entitled 'Securing an eResource for Sark'.

Proposition

That Chief Pleas agrees to enter into the Heads of Agreement with USP Networks Ltd entitled Securing an eResource for Sark, as set out in appendix 1 and instructs the Chairman of Policy and Performance Committee to sign it on behalf of Chief Pleas.

The President: We now move to Agenda Item 9: To consider a Report from the Policy and Performance Committee entitled 'Securing an eResource for Sark'.

1245 I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

Conseiller Maitland: I would like to pass this on to Conseiller Roger Norwich, as it is his Report.

1250 **The President:** Thank you.
Conseiller Norwich.

Conseiller Roger Norwich: Thank you.

1255 This Proposition asks for approval for a heads of agreement to be signed on behalf of Chief
Pleas on an annual renewable basis to allow the Policy Development Team to collaborate with
USP Networks Ltd to attempt to gain for Sark a country code top level domain, which it is hoped
will allow commercial opportunities to develop and could bring financial benefit to the Sark
Government and also attract business development in the Island that could create both income
and jobs. This development falls within the scope of Securing Sark's Future. Sark, I should
1260 mention, is the only Crown Dependency without an International Standards Organisation (ISO)
country code or top level domain (TLD).

The heads of agreement summarises in, section 1, some of the previous efforts to achieve
this goal.

1265 Section 2 outlines what will need to be achieved in terms of an application to ISO and
preparation of an ICANN TLD. ICANN, for clarity, is the Internet Corporation for Assigned Names
and Numbers and is the body responsible for issuing country codes and top level domains
worldwide.

1270 Part 2.2 of the heads of agreement details the many agencies – including ISO; British
Standards Institute; Department of Culture, Sport and Media (DCMS), which has responsibility
for the internet in the UK; the Ministry of Justice; and ICANN – with which we will have to
interact if we are able to achieve a top level domain.

1275 This proposal is one that commits the Island to no financial expenditure other than the
nominal fee which would underline the agreement. It does not commit the Island to future
expenditure or business agreements; but, as stated in 2.3, it paves the way for Chief Pleas to do
so should it wish and, at such time as the country code top level domain has been achieved, to
create a policy board authorised by Chief Pleas to commercialise the financial and business
opportunities that could arise from holding a TLD.

1280 Before this matter goes to a vote and as a result of questions raised by a small number of
constituents, to whom the TDT members are most grateful, I would like you to consider the
background and generality of the development of a TLD for Sark and to consider the agreement
reached with USP and signed off in 2013.

1285 On 15th January 2013, Colin Kniveton, our then Chief Secretary, noted in a letter to USP Ltd
that it was agreed that the services of USP should be retained to progress the matter of the
country code top level domain in order to progress the matter with ICANN. Subsequently, the
Ministry of Justice stated on 24th May 2013:

This work clearly fits with the wider work the Government of Sark is doing in looking at an economic development
strategy for the Island.

In October 2013 an email written on behalf of GP&A to USP Ltd stated:

After clarification you were able to give us at our last meeting, it would suggest there is a mandate to pursue.

Also in October 2013, a response from GP&A concerning the TLD application from Martin
Thornton, one of the Law Officers in Guernsey, stated:

I can see no reason why you should not want to give as much encouragement as you can to the venture, which
should produce useful income for the Island and seems to be suited to the Sark environment.

1290 Subsequently, Kath Jones, our current Senior Administrator, was noted in correspondence on
11th December 2013 to have liked the Law Officers' report.

After December 2013, the communication between GP&A and USP went quiet, presumably
as a result of the significant work being undertaken in other areas of Government involving
changes in the administrative structure and the upcoming elections. Work was only revived in
the second quarter of 2015.

1295 I would like to confirm and clarify that the agreement between the Island and USP referred to
by Colin Kniveton on 15th January 2013 had no termination date and legally is still valid, despite

the passage of time. However, it seems reasonable, given the changes in the administrative arrangements in Sark since then, that we should give comfort to USP that any work that they do is recognised by a new heads of agreement.

1300 In terms of various constituent-derived questions relating to this project – concerning inter alia governance, reputational risks, financial risks, monitoring, policing of domain, scrutiny by a law officer and business plans – I would make the following comments.

There are no constituents' questions which raise any areas or items which have not already been considered by the Policy Development Team or by Policy and Performance.

1305 This heads of agreement is, in practical terms, a renewal of an understanding achieved between USP Ltd and the Island in 2013, although it is indeed a new document.

It is a project encouraged by the past Chief Secretary, the Ministry of Justice and the Law Officers.

1310 If Chief Pleas believes any progress of the desired aims is unsatisfactory, it can at any moment and without penalty, financial or otherwise, cancel this commitment.

The heads of agreement commits to preparing a business plan which would need to be submitted in due course to Chief Pleas, a plan which would be monitored by Policy and Performance on a regular basis. In terms of governance, Chief Pleas remains in control at all times.

1315 Should the project come to a point where it is ready to go ahead commercially, it could not do so without the active participation of the Island as part of an operating company.

A proper policing arrangement would be put in place. This would be Island based and the ultimate rules of engagement agreed by Chief Pleas.

1320 The various constituent-based queries have all been widely discussed during 2015, and other points should be clear from the contents of the heads of agreement if they are read in detail.

In May 2015 a presentation was made both to Conseillers and the public by USP Ltd and their registry partner, CentralNic plc, which is a London stock market based company – incidentally, the second largest world registry of internet names – and this has wide experience in top level domain registry.

1325 Further, the Policy Development Group mandated the PDT to work on this issue and to take it forward, and the PDT has subsequently reported back at regular intervals to the PDG, which is made up of all Conseillers, and to the Policy and Performance Committee. Therefore, it is implicit that Conseillers are in support of Sark attempting to obtain a country code top level domain name.

1330 The PDT is fully aware of the benefits of obtaining a country code top level domain for Sark and is and has since its inception been aware of the other points that have been raised. However, it must be clear that what is needed at the outset is to obtain a country code top level domain status by interaction with ISO and ICANN, plus of course any necessary interaction and the approval of the Ministry of Justice and other relevant agencies.

1335 It is not, however, reasonable to expect the TLD, PTD or USP Ltd to spend months of their time working on the micromanagement of the complexities of the final end product before we have done the work necessary to achieve the country code status, as without this there is no project. Without this status there will be no potential income stream deriving to the Sark Government and no new business deriving from this initiative.

1340 There is significant interest from a number of established businesses in Sark which support the PDT taking this initiative to the next stage. It is equally important to consider that this is not simply about a top level domain; it is about securing Sark's identity, both online and offline. Achieving ISO status also has potential additional commercial benefits for the Sark community – for example, helping to establish protection in terms of added value under geographic origin of goods protection. It could provide better recording of movements for agricultural products, animals and meat, as well as other potential Sark exports such as chocolate, butter and wine. This would give enhanced recognition of products labelled 'Made in Sark'.

1345

CHRISTMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 20th JANUARY 2016

1350 It would be preferable, from the point of view of the PDT, for us to have a new annual agreement ratified by Chief Pleas today, but in the absence of support the natural default position would be to revert to the 2013 agreement.

I commend this Proposition to Chief Pleas.

The President: Thank you.

1355 Any comments or debate, please? Conseillers Maitland and Cottle, Conseiller Dunks – anybody else?

Conseiller Maitland.

1360 **Conseiller Maitland:** From 2010 onwards, as Chair of the then GP&A Committee, I worked closely with William Poel of USP to carry this matter forward. In fact, we thought we had cracked it when the UN gave Sark a country code. However, applications to the Swiss Committee were not subsequently successful in achieving ISO status.

I have looked back to old emails, and in September 2010 Peter Cole, on behalf of GP&A, consulted Martin Thornton, director of the commercial law department of the Law Officers, and this is what he commented:

Both Guernsey and Alderney chose not to exploit their domain names, but

– and I am quoting, and these are Martin’s words –

in Sark’s case there is an opportunity. I think, in return for the support of Sark, Chief Pleas can enter into a marketing agreement in respect of which Sark gets a royalty for each domain name licence.

1365 Anyway, we might have probably moved on from that, but we have not reached this point yet as further work will be needed to secure the domain name, and that is what this agreement is all about.

1370 I would remind Conseillers that William Poel’s relationship with Sark on this matter goes back to 1999, but it is only with the arrival of democracy in 2008 that the project gathered momentum again.

While there is now some prospect of success, I fully support the signing of this agreement. I note that the agreement *may* be renewed on an annual basis, which presumably will only happen if progress is made, but anyway leaves the ball very much with Chief Pleas and it is for Chief Pleas to decide to carry it forward as it sees fit each year.

1375 Thank you, sir.

The President: Thank you.

Conseiller Cottle.

1380 **Conseiller Cottle:** Thank you, sir.

1385 While I think there is possibly great potential in the prospect of Sark obtaining its own domain name and we should not be dismissing any opportunities for developing business which could provide income and create jobs, this is a very important step. Chief Pleas has a duty to take such a step after very careful consideration and diligence. However, we are being asked to jump straight to the step of approving the signing of an agreement drawn up entirely by the proposed business partner, the terms of which appear to go beyond what is described in the accompanying report. The Colin Kniveton letter emailed to William Poel in 2013 talked about going up to the stage of achieving TLD status, whereas this agreement talks about going beyond and commercialising the business.

1390 Perhaps with the best of intentions, it is being rushed, but it is far too important a step to take without having sought legal advice. This agreement has not been shown to the Law Officers for a professional opinion on the commercial aspects of this. The agreement makes no mention

1395 of measures for the protection of Chief Pleas in any commercial arrangement. There is no provision for measures in the event of breakdown or failure of the agreement, so there should be no possibility of this being signed in its present form. It would be negligent to sign the current version and I think that the PDT needs to carry out all the work that will be needed to reassure Chief Pleas before returning with a fully considered and vetted document.

1400 I would urge the Policy Development Team and the Policy and Performance Committee to withdraw this Proposition so that further work can be done to produce a more robustly tested version.

Thank you.

The President: Conseiller Dunks.

1405 **Conseiller Dunks:** Just one question: if this is going to be renewed on an annual basis, will the nominal fee be paid annually as well?

Conseiller Roger Norwich: Yes.

1410 **The President:** Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

1415 This is a legal agreement, not a heads of agreement as stated in the covering paper, and it must be cleared by the Law Officers, who advise Chief Pleas on such documents. The arrangements may have been seen in outline by St James' Chambers in the past, but the detail of the agreement needs to be approved by them before it is signed.

The presentation paper says that it is taking the first step towards a top level domain. The agreement, in contrast, contemplates much more than this. It should stop, in my view, when the TLD has been achieved and then new discussions about the way forward can take place.

1420 Whilst the agreement stipulates that the Chief Pleas financial commitment to USP will be £100, no mention is made of any costs of application or licences which may be required and who will bear those. If there is a financial cost, then Finance and Resources would like to know.

1425 A lot of work will be done in the name of Chief Pleas. In these circumstances, USP or perhaps another should indemnify Sark against any claims or financial loss. If necessary, there might need to be a bank bond in support of that indemnity.

In the agreement, Michael Locke will be undertaking work. Who will pay him? The agreement does not say.

1430 The agreement mentions business plans and a road map. We do not know what those contain, but they are regarded as being an integral part of this agreement. They should, in my view, either form a part of the agreement or a synopsis of what they say should be written in and the references to those documents deleted.

I offer no view on the concept of a TLD, as that is not the Proposition before us. We are asked to approve the agreement for signature. I believe that it must not be signed until it has been approved by the Law Officers, as I think as it stands it is defective.

1435 Thank you.

The President: Any other comments? Conseiller Adams.

1440 **Conseiller Adams:** I still feel unclear about the role of USP networks, the ISO, ICANN, CentralNic, and I would like more information about what each of these parties contributes to the process.

I think that we need to be asking the public what they think about whether we should be achieving this top level domain name.

1445 And I am concerned that the signing of this head of agreement might lock us into dealing with one particular private company, when it might be more appropriate to cast our net wider.

The President: Anybody else? Conseiller Rolfe.

1450 **Conseiller Rolfe:** Yes, I am a little surprised at the way this has turned out, because what we are being asked to do here is to tie ourselves into a kind of development agreement for a year for the price of £100. I see no reason why we should not take that step; it is a step that we should be taking. I am just surprised at the amount of querying that is being done, and I wonder, really, if the PDT has been sent, particularly by Conseiller Raymond, all of his detailed objections, because it would have been helpful, if he has not done so, for them to look at them before we had this meeting.

The President: Conseiller Raymond, followed by ... Anybody else wishing to debate? No. I will ask Conseiller Raymond to reply to that query and then ask Conseiller Norwich to sum up.
Conseiller Raymond.

1460

Conseiller Raymond: I discovered that I was unhappy about a number of points. What I did say to people to who asked me, who were members of the PDT, was that I believed that the matter should go to the Law Officers because I wanted to know that the Law Officers had seen and approved the agreement. I never received a satisfactory response to that.

1465

I am not a lawyer. It is not up to me to vet and approve legal documents. That should be done by St James' Chambers acting on behalf of Chief Pleas. I had my views, I have summarised them today and I have no more to say.

The President: Thank you.

1470

Conseiller Norwich, if you would like to sum up, please.

Conseiller Roger Norwich: Yes. I would reiterate that this head of terms does not commit the Island to any expenditure in the short or the long term in any way, shape or form, other than the commitment fee of £100, which would give us one year to begin to look at this matter in depth and to start to report back, both to Policy and Performance and to Chief Pleas, on a regular basis so that we can explain what the possibilities are and whether the PDT itself continues to believe that this is a good proposition for Chief Pleas.

1475

I believe it has been presented almost that the PDT has an agenda of its own, which it intends to push through despite the opinions of anyone else. However, the reality is that we are simply exploring this matter, but we need the technical assistance of a partner such as USP in order to be able to do that properly because we on the Island do not have the technical means to do so. Therefore, I continue to commend this Proposition to Chief Pleas.

1480

The President: Thank you.

1485

We will go to the vote on the Proposition ... Sorry, Conseiller Cottle.

Conseiller Cottle: If I am allowed to come back on one point that Conseiller Norwich has brought there, I am not anti the idea at all; I am just concerned that we are entering into a legal agreement that ... Under any normal circumstances, when Chief Pleas enters into a legal agreement with anybody we would certainly consult the Law Officers of the Crown at St James', and it is my opinion, and I believe it is fact, that this has not been shown to them for their opinion or otherwise. I would request that if we are going to put this Proposition, we could amend it so that we sign it after approval by the Law Officers of the Crown, if that is what the Chief Pleas wish.

1490

CHRISTMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 20th JANUARY 2016

1495 I really do not think that Chief Pleas should be entering into an agreement on behalf of the Island without getting adequate legal advice that what this agreement is being represented as is actually what it is. We are not in a position to judge that entirely, so I would ask that to be an amendment if that could be the case.

1500 **The President:** Final summing up, Conseiller Norwich.

Conseiller Roger Norwich: Yes, thank you.

1505 Of course, the PDT having been appointed by the Policy Development Group and their work having been monitored by P&P, we are satisfied that this document allows us to go forward in a reasonable manner without any financial or other commitment of the Island and that it can be terminated at any point by the will of Chief Pleas or P&P.

Therefore, I believe that this should be voted on positively today in order to allow this to go forward at a reasonable pace without further and unreasonable delay.

1510 **The President:** Thank you.
We will now go to the vote on the Proposition.

Conseiller Norwich: May I ask for a named vote?

1515 **The President:** You may ask for a named vote.

We will go to the vote on the Proposition: that Chief Pleas agrees to enter into the heads of agreement with USP Networks Ltd entitled 'Securing an eResource for Sark', as set out in appendix 1, and instructs the Chairman of Policy and Performance Committee to sign it on behalf of Chief Pleas.

1520 There has been a request for a named vote. Greffier.

There was a named vote.

Carried – Pour 13, Contre 13, No Vote 0, Absent 1

POUR	CONTRE	NO VOTE	ABSENT
Conseiller Paul Williams	Conseiller Sandra Williams	None	Conseiller Elizabeth Dewe
Conseiller Burgess	Conseiller Fry		
Conseiller Peter Byrne	Conseiller Adams		
Conseiller Courtney	Conseiller Richard Dewe		
Conseiller Golds	Conseiller Dunks		
Conseiller Maitland	Conseiller Rosanne Byrne		
Conseiller Moloney	Conseiller Audrain		
Conseiller Elizabeth Norwich	Conseiller Cottle		
Conseiller Roger Norwich	Conseiller Blythe		
Conseiller Plummer	Conseiller Diane Baker		
Conseiller Rolfe	Conseiller Edric Baker		
Conseiller Taylor	Conseiller Raymond		
Conseiller Ventress	Conseiller Nightingale		

The President: The result of the vote is 13 for and 13 against. Therefore, I declare the proposition **lost**.

1525 Conseiller Fry, you wish to say something?

Conseiller Fry: I would just like to ask the PDT that the proposed law could go to the Law Officers –

1530 **The President:** It is not a law.

Conseiller Fry: That the Proposition could go before the Law Officers for them to check it, because this has been the thing that has made Conseillers fearful. I have learned over the last couple of years about hidden traps in legal documents and I would ask that the PDT would please do that.

1535

Conseiller Norwich: Yes, I am certain the PDT will consider the views of Chief Pleas.

The President: Thank you.

**10. Establishment Review –
Consideration of Policy and Performance Committee First Progress Report –
Debate commenced**

To consider a Report from the Policy and Performance Committee entitled ‘Establishment Review – First Progress Report’.

Proposition

That Chief Pleas adopts the overarching principle of applying contemporary professional standards where it is prudent to do so in all its government functions.

The President: We now move on to Agenda Item 10: To consider a report from the Policy and Performance Committee entitled ‘Establishment Review – First Progress Report’.

1540

I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

Conseiller Maitland: Our Senior Administrator, Kath Jones, does not pull any punches in this, the first part of her Establishment Review. She quite rightly gives her views and observations on the operation of the Government during her first two years in post. I do not expect all Conseillers to agree with everything in this Report, but I would ask the Assembly today to concentrate on her conclusions and the Proposition that we are asked to vote on.

1545

Over the last few years, Sark has had to face the painful reality that it is no longer acceptable to just muddle along. Although small, we are not a parish council but an independent jurisdiction with international responsibilities and obligations. Much has already been accomplished, but it will be a continuing challenge to move from where we are to a more streamlined and professional system of government.

1550

The review comes at a time when many Conseillers are feeling overworked and under pressure, and there is also a general worry that it may be difficult to find the volunteers to do this unpaid work in the future and certainly to fill vacancies at the next election in December.

1555

So why is this review so important and why should we accept the Proposition that we adopt the overarching principle of applying contemporary, professional standards where it is prudent to do so in all our Government functions? It is because these will become the benchmark standards for the Senior Administrator’s further work. She will identify those areas of Government that are high and medium risk, but it will be up to politicians to decide how much risk is acceptable and how much professional help would be needed to cope with this risk, and of course how much we are willing to spend, which must be part of the equation.

1560

One only has to look at Yan Milner’s involvement in our shipping company and his excellent information report that comes later to see that the right professional help can be exceedingly effective, both in cost and outcome.

1565

To vote against this Proposition would be exceedingly risky and would send out a message that this Government does not want to adopt those basic standards that are taken for granted elsewhere, and it might put our Senior Administrator in an untenable position.

1570 We will all have to answer also the very difficult question: if we are not willing to move forward in this way, what is it that we want, because staying as we are is not a sustainable position.

I am looking forward to the further reports at Easter and Midsummer Chief Pleas, because by the end of this process we shall be well on our way, hopefully, to achieving a more professional and more efficient Government that will be able to respond effectively to the challenges that face the Island, and hopefully life will become a lot easier for all of us.

Please support the Proposition.

1580 **The President:** Does anyone have any comments or debate, please? Conseiller Edric Baker. Anybody else? Just looking round ... Conseiller Fry. Anybody else? Conseiller Cottle. That will do for starters.

Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir, thank you.

1585 By Chief Pleas' standards this is a very large Report: 11 pages. There is a huge amount of useful information which has been gleaned from time-consuming research. In the Report there is a small amount of praise, but pages of criticism and direction of the Government, and that I find personally unpalatable.

If I may give you a few examples:

New Committee Arrangements ... glitches and ... still more to do.

1590 I am sorry, it is far worse than that: we are facing a major crisis in recruiting Conseillers to serve on committees.

The next heading:

the splitting of the dual role ... was a significant step ...

No, it was forced on us, forced on Sark by the Barclays' years of litigation.

1595 Heading 4, 'What other governments do' – I have looked at other jurisdictions. The UK, for instance, has still got an unelected House of Lords, Guernsey is still nowhere near getting Islandwide voting, and poor Jersey ...

Sark is unique. The Conseillers have made considerable changes over the last eight years against a backdrop of harassment and intimidation. We own our lifelong shipping service, we have maintained a tourist industry, we have money in the bank – it is not all bad.

1600 To return to the Report, I have attended many meetings with Belinda Crowe, Cathryn Hannah and Colin Kniveton. I have answered their questions honestly and to the best of my ability. The answers I have given depended on the questions asked. For example: 'What do you see as Sark's problems?' When you only get the questions, you then get a very one-sided picture. I believe this is the fundamental problem with the Report.

However, all that said, I think the Proposition is correct, and I will vote for it.

1605

The President: Conseiller Fry.

1610 **Conseiller Fry:** Sark has only been my home for 24 years, and during that time I have seen a great many changes, most especially in the last eight years. I did not like those changes, I really did not, and it seemed very sad that the beautiful Island was being so interfered with.

I was elected in 2011. I went into Government feeling I really did not want things to change any more. I resented Belinda Crowe. I felt there was no need for Colin Kniveton. I voted, the first time, against a senior administrator. Some of you may remember I have been much quoted for saying facetiously that civil servants breed like rabbits, and that when the Agricultural

1615 Committee said we were allowed to shoot rabbits still, I said, 'Oh, great!' (*Laughter*) That obviously was very much tongue in cheek, but the more I have become involved in Government I have really come to see that we needed someone to help us through change.

1620 Much deliberation was put into the choosing of Kath Jones to be our Senior Administrator. We are not professional politicians. Kath Jones is a professional in her field. Her job is to support us in all we do. Part of her job description was to help us move forward. Change is very hard and it takes time. We struggle and we wriggle, not always understanding all the whys – why do we have to do this, why do we have to agree with that? We cannot go backwards, and if we try and stay the same we will flounder and, I fear, soon be dead in the water. I think we can all acknowledge and know that there are people who would just love to see that happening.

1625 Kath Jones has been working on this Establishment Review for months, and in fact she has probably been mentally working on it for the two years she has been here, and it is her heartfelt and professional view of how we can best keep moving forward. But the thing is it is up to us. We are Sark's Government. It is for us to decide our future – and what a privilege that is. Even if we had 50 civil servants telling us things, it would still be the politicians' decision.

1630 As has been said, the Government needs to change so that Sark can stay the same. I think that is something that has really resounded in my mind ever since ... I think it was Belinda Crowe who said it first of all.

I will certainly be voting for the first part of this Establishment Review and looking forward to the second and third parts.

1635 Thank you.

The President: We will now recess for lunch and we will resume with Conseiller Cottle starting us off, and then I will see if anybody else wants to speak after that.

It is now five minutes past one. We will reassemble here at 2.15.

1640 This is the last Report which has Propositions. The remaining Reports are information reports, no less important but this is the last Report with a Proposition.

We will resume at 2.15. Thank you.

*Chief Pleas adjourned at 1.05 p.m.
and resumed its sitting at 2.14 p.m.*

**Establishment Review Progress Report –
Debate concluded –
Proposition carried**

The President: Thank you, ladies and gentlemen.

One minute before quarter past, so we will crack on, as everybody seems to be back.

1645 We are continuing with Item 10 and the next speaker is Conseiller Cottle, please.

Conseiller Cottle: Thank you.

1650 Remembering where we were, the Establishment Review, the first things are fairly minor. There are a couple of corrections I want to make in the document, as it will be a reference document for the future. On the first page, in the introduction, second paragraph, it says on the third line down:

Senior Administrator – Chief Pleas May 2015

It should read 2013, which was when we agreed to appoint a senior administrator. It may be a bit pedantic, but I think it should be corrected.

1655 Then, in section 11, 'Contemporary Professional Standards', if you turn over the page onto the next page there are some references to professionals, and the second one down, the Treasurer, there is a full stop missing, which changes the meaning of the sentence, and I just want to stick it in. It says:

The Treasurer. Sark relies on the work of the Treasurer for its continued financial probity,

There should be a full stop there, so that it then says:

Without a professional in post ... the government would quickly find itself unable to, for example, balance the books.

The President: Say that again.

1660

Conseiller Cottle: Just a full stop after 'probity'.

The President: Yes.

1665

Conseiller Cottle: And then a capital 'W' for 'Without this professional in post'. That puts the correct meaning to that sentence.

The President: Thank you.

1670

Conseiller Cottle: So, moving on, there is a lot to consider in this Report and I do not think we can do justice to that today – it will have to be an ongoing process, questioning what we wish to achieve and whether we have the resources to realistically attempt to get there. The paper asks many questions which do not have straightforward answers or simple solutions.

1675

Sark will have to continue to be resourceful, making best use of the time and skills available. But would we be better served by seeking and making use of particular expertise to do things that we cannot do for ourselves? That option may be far more cost effective than failing to overcome a problem, but it would require a shift from our current mindset. That is not easy, but we have made good progress in attempting to do things differently. It does not always work, but that should not put us off.

1680

The Proposition talks about 'where it is prudent to do so', and that is the question that needs to be asked when considering a new approach: can we afford to do it, or can we afford not to do it? The answer will not always be the same, but asking the question will be a good point to start. Thank you.

1685

The President: Any other comments or debate? Conseiller Adams. Anybody else? Conseiller Sandra Williams, Conseiller William Raymond.
Conseiller Adams, please.

1690

Conseiller Adams: I think what Conseiller Cottle just said was really excellent and it has made me feel a lot more confident about this Report.

I will just start by saying that the Proposition I am entirely happy with, it is not controversial at all and I will be voting for the Proposition.

1695

I am sure the criticism running through this Report is intended to be constructive, but every time I read it I felt like I was being clobbered, because we are all trying the hardest we can to work for the good of Sark and we are trying our best to adopt the highest principles. We have come a long way, as Conseiller Cottle has just said, even since I became a Conseiller and certainly in the few years preceding that, so I think we do sometimes need to stop and celebrate what we have achieved.

1700 There was one thing I did take issue with, so I am going to mention it. It is in section 5, but it is over the page – the pages are not numbered. It is the sentence right in the middle of that page. The top of the page is a continuation. The top of the page is about about multiple hat wearers – it is that page I am on, right in the middle, at section (vi):

the Sark government needs to be able to run to keep up with what the rest of the western world is doing ...

1705 No. I really disagree with that. I think trying to run is where mistakes happen – we will trip up. I think we need to do it at our own pace. I actually think we need to slow down a bit in our policy development. I think with the very best of intentions we have taken on a lot and we are trying to do it all, and we do not have the resources to do it or the people to do it as well as it should be done. So I think we should not be running; I think we should be slowing down a bit.

1710 **Several Members:** Hear, hear.

A Member: Absolutely.

The President: Conseiller Sandra Williams.

1715 **Conseiller Sandra Williams:** I would just like to endorse what Conseiller Adams has just said.

I would just like to ask Conseiller Maitland ... I have two things here which you have said in your opening. Basically, you commented that no punches have been pulled, and I would like to say that, as a Conseiller who does work I consider to be very hard, I felt punched myself when I read that Report. I think that if we are trying to encourage people to stand as Conseillers in the future, which we desperately need to do, reading this Report will most certainly make them think, 'Why would I want to bother?'

1720 The other thing I would like to say is ... I know it probably was not meant in the way in which it came across, but I do not feel in any way that I am bumbling along. I feel that the majority of us are working very hard and we all have the Island's best interests at heart.

1725 Thank you.

The President: Conseiller Raymond.

1730 **Conseiller Raymond:** Sir, I was disappointed when I read the Report, because of the implied criticism of the people in Chief Pleas, and I think that if there are things to be put right then the Committee could easily have addressed those points to the Members before this Report came. It came out of the blue. It is written by somebody who is not a party to this body, and I would have felt happier had it been discussed by Members of this House before it was produced in the papers.

1735 Thank you.

The President: Anybody else?

Do you wish to do any summing up, Conseiller Maitland?

1740 **Conseiller Maitland:** Yes. I am sure that Kath Jones is fully mindful of all the work we do and the Report is not intended to be a criticism of the way we do it. On the other hand, we are sometimes asked to do things which we find very difficult to do because we have not the expertise and the knowledge to be able to do it easily. I think it is this particular point that she is trying to make: that you bring in the expertise when you need it and we must be prepared, eventually, to pay perhaps a bit more for professional advice which will make life easier for ourselves.

1745 I know that at the moment we are halfway between reorganising ourselves, which is a particularly stressful place to be, which has caused a lot of additional meetings for people. I

1750 think certainly she found it a difficult Report to do, but she did not want to, on the other hand, not put it as she saw it. I am sure, having spoken to her about it, it is not meant as a criticism of any of the work that we do.

Anyway, having said that, I hope we will support the Proposition so that we can move forward to the next – which I think will be more constructive – reports at Easter and the summer.

1755

The President: We will go to the vote on the Proposition: that Chief Pleas adopts the overarching principle of applying contemporary professional standards where it is prudent to do so in all its Government functions.

Those in favour; those against. **Carried.**

**The Children (Sark) Law, 2016 –
Rules of Procedure suspended to revisit amendment**

1760 **The President:** Before we move on to Agenda Item 11, I would wish to inform you that it has been noticed that there was a minor error in the amendment that we approved this morning to the Children Law and we need to revisit that Law. Therefore, to enable us to do that, I would ask that you support a vote to suspend the Rules of Procedure for Conseiller Audrain to address you again on the minor changes that are required to the amendment.

1765 So we are going to amend the amendment, if you approve suspension of rules, and then amend the Proposition again ... approve it again.

I propose that the Rules of Procedure be suspended.

Those in favour; those against. **Carried.**

Conseiller Audrain.

**The Children (Sark) Law, 2016 –
Revision of approved amendment –
Proposition carried**

1770 **Conseiller Audrain:** Thank you.

As you will see, this came through on an email from me to the President yesterday and I missed out two important words that the Law Officer had put in. It needs to go in the last line that you have on your paper.

1775 **The President:** That is the email.

Conseiller Audrain: The email:

(ii) if the Chief Pleas see fit, registered in such manner as may be prescribed by Ordinance of the Chief Pleas.

The President: Thank you.

1780 **Conseiller Audrain:** Is that correct?

The President: Yes.

So, in simple terms, we discussed the fact that there would be an Ordinance coming at Easter with a simple registration form, and you are now being asked to approve an amendment to the amendment, where the last line of that amendment adds the words 'by Ordinance of the Chief Pleas'.

1785

Any debate? No.

We will go to the vote on the Proposition: that the words 'Ordinance of' be inserted into the Projet de Loi as given by Conseiller Audrain.

Those in favour; those against. **Carried.**

**The Children (Sark) Law, 2016 –
Further amendment –
Proposition carried**

Proposition

That Chief Pleas approve the Children (Sark) Law, 2016 as further amended.

1790

The President: Right, a further Proposition: that Chief Pleas approve the Children (Sark) Law 2016 as further amended – to differentiate between the two Propositions.

Those in favour; those against. **Carried.**

**11. Reform Law (Good Governance) –
Policy and Performance Committee Information Report noted**

To consider an Information Report from the Policy and Performance Committee entitled 'Reform Law (Good Governance)'.

The President: I now reinstate the Rules of Procedure.

1795

We return to the Order of Business, Agenda Item 11: To consider an Information Report from the Policy and Performance Committee entitled 'Reform Law (Good Governance)'.

I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

Conseiller Maitland: I would like to pass this on to Conseiller Rolfe, whose Report it is.

1800

The President: Conseiller Rolfe.

Conseiller Rolfe: Thank you, Mr President.

1805

I would, first of all, like to thank – and perhaps I should have put it in the Report – the Members of the PDT: Conseillers Fry, Richard Dewe, Tony Ventress and Jane Norwich. This PDT did not really get itself up and running until rather late in the day, but we have had a furious amount of activity with meetings – with ourselves, but also meetings with various officers of Chief Pleas, what I prefer call the people on the mantelpiece up there. I would like to thank all of them, including the Seigneur, who is not here, for their attendance at these meetings and their help in formulating this Report.

1810

I would have preferred to have had a Report with propositions, but time was against us and I am one of those who believe in not bringing reports here unless they have actually been through the proper Policy Committee.

1815 The Report itself combines the views, really, of what we have come up with, and also an open discussion in the Policy Development Group, at which various sorts of preferences were given. But at this stage, all I would like – I am not going to add to the narrative, because the narrative is very fulsome – is to invite any comments from Members of Chief Pleas.

1820 There is one item which I would like to highlight, because views, I think I am right in saying, have changed. It is section 4 on Conseillers. When I opened the discussion in the Policy Development Group about whether the name ‘Conseiller’ was a popular one, I got a very firm view that a majority would have gone for ‘Deputy’, but I have to say that a number of Conseillers have approached me subsequently and said that they really would prefer to keep with the name ‘Conseiller’. It would be helpful to hear views of colleagues here in this House as to what their preferences are.

1825 We will take all of the views that are expressed here back to the PDT. I have to say that time is exceedingly short, because this, combined with the results and the votes that have been taken in this place on the independent electoral review, will need to actually be subject to changes to the Reform Law. Time is actually getting very short for us to get that to the Law Officers through the Privy Council and all done and agreed by Chief Pleas before the next election, but we may – and I regret to have to say this – ask for a special Chief Pleas in order to achieve that timescale.

1830 I have no more to say than that and open it for debate.

The Present: Anybody wishing to start the debate off? Any questions or debate on the Report? Conseiller Audrain followed by Conseiller Richard Dewe.

1835 Conseiller Audrain.

Conseiller Audrain: I am sorry, I think people know what I am going to say about this. I have a very strong view about the word ‘Conseiller’: that ‘Deputy’ is much more suitable. It is an old word used in French, and ‘*Deputé*’ is used in the French parliament.

1840 One of my objections to the word ‘Conseiller’ is the pronunciation, and that has been borne out today. During this sitting we have had various different ways of attempting to say this word, and I think ‘Deputy’ is a much easier word to say.

The President: Conseiller Dewe.

1845 **Conseiller Richard Dewe:** We open this Assembly in French and we close it in French, and if anybody looks in the English-French/French-English dictionary you will see that ‘Deputy’ is a Member of Parliament, and we are a parliament with powers to legislate.

1850 ‘Conseiller’ is just a councillor, and really just a parish Council which does not have the power to legislate. Therefore, I think we are wrong to use that title in Chief Pleas, which, as I said, is a legislature.

Thank you.

The President: Conseiller Maitland, followed by Conseiller Sandra Williams and Conseiller Fry. Conseiller Maitland.

1855 **Conseiller Maitland:** I would take the opposite view, that having launched ourselves as Conseillers we should remain as Conseillers, and I believe that the senior Deputies in the States used to be called Conseillers, which is where it came from. I think it would be a mistake to, at this point, change horses.

1860 **The President:** Conseiller Sandra Williams.

1865 **Conseiller Sandra Williams:** I would like to fully support Christine Audrain – *Conseiller* Christine Audrain – in us becoming ‘Deputy’ again. Thank you – and it is easier to spell! *(Laughter)*

The President: Unless we go the French way. *(Laughter)*

1870 **Conseiller Sandra Williams:** Yes.

The President: Conseiller Fry.

Conseiller Fry: Well, sorry: I like being a Conseiller, and I have learned how to spell it!

1875 **The President:** We have delved into ‘Conseillers’. Is there any other debate? Conseiller Paul Williams.

1880 **Conseiller Paul Williams:** Just one more on that – why not. I happen to like ‘Conseiller’ as well, and I think it is ridiculous that we are discussing something like that when there are much more important matters to discuss. **(Several Members:** Hear, hear.) **(A Member:** Exactly.) Absolutely ridiculous!

The President: Any other debate on other aspects of the Report? No.

12. Review of the Seneschal’s Court – Policy and Performance Committee Information Report noted

To consider an Information Report from the Policy and Performance Committee entitled ‘Review of the Seneschal’s Court’.

1885 **The President:** We move on to Agenda Item 12: To consider an Information Report from the Policy and Performance Committee entitled ‘Review of the Seneschal’s Court’. Once again, I would ask the Committee Chairman to introduce the Report, please.

1890 **Conseiller Maitland:** This Report speaks for itself and we are looking forward to receiving further information regarding the review of the Court in due course. Thank you.

The President: Any comments or debate? No.

13. Renewable Energy – Policy and Performance Committee Information Report noted

To consider an Information Report from the Policy and Performance Committee entitled ‘Renewable Energy’.

1895 **The President:** We will move on to Agenda Item 13: To consider an Information Report from the Policy and Performance Committee entitled ‘Renewable Energy.’ Conseiller Maitland again, please.

1900 **Conseiller Maitland:** I would like to thank Roger Olsen for his work in representing Sark on the Renewable Energy Team (RET), which is our platform for working with Guernsey. It requires both time and commitment to attend meetings in Guernsey and sometimes further afield. Thanks to Roger for this Information Report.

The main point is that we should proceed with the commencement Ordinance and bring it to Easter Chief Pleas, so that then we are working in tandem with Guernsey and have the basic regulation in place when the time eventually comes for its implementation – and Lord knows when that will be.

1905

The President: Any comment or debate, please? No.

14. The Fire Services (Sark) Law, 2015 – Emergency Services Committee Information Report noted

To consider an Information Report from the Emergency Services Committee entitled ‘The Fire Services (Sark) Law, 2015’.

1910 **The President:** We move on to Agenda Item 14: To consider an Information Report from the Emergency Services Committee entitled ‘The Fire Services (Sark) Law, 2015’.

For once, I will not ask Conseiller Maitland to stand and speak but ask Conseiller Plummer to do so.

Conseiller Plummer: Thank you.

1915 I hope this is all self-explanatory. The draft Fire Services Law we were hoping to bring to Chief Pleas at Easter after we have held a public consultation, because it will involve people living on the Island. The fire precaution has been brought forward to the PDT and now we just need to go for public consultation, and then hopefully, after that, we will bring it to Chief Pleas for approval. Thank you.

1920

The President: Thank you.
Any comment or debate, please? No.

15. Probation Period of the Deputy Treasurer – Policy and Performance Committee Information Report noted

To consider an Information Report from the Policy and Performance Committee entitled ‘Probation Period of the Deputy Treasurer’.

The President: We move on to Agenda Item 15: To consider an Information Report from the Policy and Performance Committee entitled ‘Probation Period of the Deputy Treasurer.’

I would ask Conseiller Maitland to introduce the Report, please.

1925

Conseiller Maitland: There is nothing much to add, except to congratulate Mrs Lynda Higgins on completing her probationary period as Deputy Treasurer.

The President: Any comment or debate? No.

**16. Annual Report on Development Control –
Development Control Committee Information Report noted**

To consider an Information Report from the Development Control Committee entitled ‘Annual Report on Development Control’.

1930 **The President:** We move to Agenda Item 16: To consider an Information Report from the Development Control Committee entitled ‘Annual Report on Development Control’.
I would ask the Committee Chairman, Conseiller Edric Baker, to introduce the Report, please.

1935 **Conseiller Edric Baker:** This is our Annual Report, as the Chief Pleas Members will know.
I will make an apology at the very start of it. There was one item that had been missed from the Report and that was an application that should sit in ‘Major alterations to buildings and change of use’. That is at Le Grand Fort, where a building was constructed as a café. So that should be added to the Report.

The rest of the Report is self-explanatory: it is what we have to do by law each year.

1940 **The President:** Was that Le Grand Fort application approved?

Conseiller Edric Baker: Yes, sir, it was.

1945 **The President:** Thank you, so approved in the final column.

Conseiller Edric Baker: Unfortunately, it slipped through the cracks, sir.

1950 **The President:** Thank you.
Any comment or debate on the Report or the appendix? No.

**17. Isle of Sark Shipping Company Limited Report for 2014-15 –
Shipping Company Information Report noted**

To consider an Information Report from the Shipping Committee entitled ‘Isle of Sark Shipping Company Limited – Report for 2014-15’.

1955 **The President:** In that case, we will move on to Agenda Item 17: To consider an Information Report from the Shipping Committee entitled ‘Isle of Sark Shipping Company Limited – Report for 2014-15’.
I would ask the Committee Chairman, Conseiller Adams, to introduce the Report, please.

Conseiller Adams: Thank you.
I would like to start by thanking Yan Milner for producing this informative summary Report.
If you would like further updated information about how the company is doing, can I please draw your attention to the Isle of Sark Shipping public meeting to be held on Wednesday, 27th January at 6.30 p.m. at the Island Hall. The new directors will be present and, along with the company management, they will be happy to answer questions and listen to any issues or suggestions. The Isle of Sark Shipping audited accounts for the financial year ending September 2015 will be discussed at that public meeting and they will be available prior to it by contacting the company.

1965 I would also like to thank the company, in particular the skippers – John Bougourd, Craig Masterman, Gary Watson and Alex Williams – and the crew and office team for their willingness and determination to provide boat passenger services during the wild weather we have experienced over New Year and early January. The responsibility they carry in taking us backwards and forwards to Guernsey cannot be underestimated, and I hope they know how much we appreciate them.

1970 Since Michaelmas Chief Pleas, the Shipping Committee are adjusting to a redefined role as approved in the report brought by the Policy Development Team for the Isle of Sark Shipping Review. Currently, we are engaged in strengthening the service level agreement with the company and there will, hopefully, be more information about that at Easter Chief Pleas.

1975 As to this Report, the one in front of you now, I will do my best to answer any questions if you have them, and if I cannot answer them I will happily take any queries to the company and get an answer to you as speedily as possible, or of course you can raise them yourself at the public meeting.

1980 **The President:** Any comment or debate, please? Any questions? No.

18. Sea Fisheries Annual Report – Sea Fisheries Committee Information Report noted

To consider an Information Report from the Sea Fisheries Committee entitled 'Sea Fisheries Annual Report'.

The President: In that case, we will move on to the final Agenda Item, Agenda Item 18: To consider an Information Report from the Sea Fisheries Committee entitled 'Sea Fisheries Annual Report'.

I would ask the Committee Chairman, Conseiller Plummer, to introduce the Report, please.

1985 **Conseiller Plummer:** Thank you.

The Information Report before you hopefully is self-explanatory. If you have any questions on the Report I will do my best to answer them where possible, or I shall get back to you with the data at a later date.

1990 As of today, we are still waiting for the statistics from the commercial fishermen's logbooks. These will be posted later.

For clarity, on the chart showing fish caught by rod from land, April 2015-16, will you please ignore the total column, as this has been printed out from the 2014 to 2015 charts.

1995 Thanks go to Conseiller Elizabeth Dewe for producing the angling competition figures. It shows the diversity of fish stocks around our shores. The club does very well. The chart only shows a small part of the fishing effort in our area. It does not take into account the fish caught by anglers not in the club or recreational-boat-caught fish.

2000 The Sark Sea Fisheries Committee has been collecting data on the condition of our Island's marine environment for future reference so that it can be managed in a sustainable way for the benefit of the whole Island.

On the subject of data, permission has been given to the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) to carry out a survey with the ship *The Endeavour* in the western approaches, which also includes a spot on the south of Sark, surveying mainly for flat fish, especially sole and plaice. Information will be fed back to Sark for their reference.

2005 Discussions with the British government on the subject of quotas and registration of boats is still ongoing.

If there are any questions on this Report I will try and answer them.

The President: Any questions, comment or debate? Conseiller Adams.

2010 **Conseiller Adams:** I would like to thank Conseiller Plummer for writing such a fascinating and informative Report, particularly the comparative data in the appendices.

I was just intrigued to know why was 2012 such a bumper year for scallops.

2015 **Conseiller Plummer:** The answer, we think, is that 10 licences to dive for that year were given, giving more dive time, more outlets to sell their produce, and the winter storms ... We had terrible winter storms of 2013 and they played havoc with the seabeds. As you know, in the Report, one of our local divers is going to inspect the beds to see if they are recovering, because we feel that with the large-beam scallopers trawling off the west coast of Guernsey ... They have been restricted now, but they reduced the spat that are spread with the tide to fertilise our beds. We are hoping that with the diver going down, he or she can see if those beds are recovering.

The President: Anybody else? No.

That, then, concludes the Business of the Day.

**Ordinance Laid Before Chief Pleas –
The Burundi (Restrictive Measures) (Sark) Ordinance, 2015**

2025 **The President:** We have one Item left and that is an Ordinance laid before Chief Pleas: The Burundi (Restrictive Measures) (Sark) Ordinance, 2015.

This Ordinance was made by the Policy and Performance Committee. It has been considered by the Royal Court and is vires of Chief Pleas. There have been no motions to annul; therefore the Ordinance remains extant. This Ordinance will be numbered (i)/2016.

Procedural

2030 **The President:** The next statutory meeting will be the Easter Meeting, but you have heard a whisper that there might be an extraordinary meeting between now and then. That Easter meeting will be held on Wednesday, 6th April. The closing date for agenda items and reports for that meeting is Wednesday, 9th March, with papers going out not later than Wednesday, 16th March. As you can see, there is quite a short time frame between now and the closing of the agenda, so I urge committees, PDTs, to get their reports completed as soon as possible.

2035 I will say that it was particularly difficult at the Christmas closing of the agenda to get all the paperwork in. I know you have been working up against the buffers and there is limited Law Officer time given to us to enable legislation to be drafted, but I will urge you again to get them in as soon as you can, because with our limited administrative support the more we are pressurised at the closing point the more chance there is of the odd mistake slipping through.

2040 Fortunately, of course, we have not made a mistake on this occasion.

Greffier.

PRAYER
The Greffier

Chief Pleas closed at 2.49 p.m.