

ISLAND OF SARK

EXTRAORDINARY (SPECIAL) MEETING of the Chief Pleas to be held on Friday 13th January 2017 at 10.00am in the ASSEMBLY ROOM.

AGENDA

1. To CONSIDER a Report from the POLICY and PERFORMANCE COMMITTEE entitled “**New Operational Committee Arrangement Amendment**” (copy enclosed).
2. To CONSIDER a Report from the POLICY and PERFORMANCE COMMITTEE and to Elect Conseillers to Committees of Chief Pleas (see Notes 1, 2, 3, 4 & 5).

STANDING CHIEF PLEAS COMMITTEES

Policy Committees

- a. Policy & Performance – 5 members (2 x vacancies).
- b. Finance & Resources – 4 members (2 x vacancies).

Operational Committees

- c. Agriculture, Environment, Sea Fisheries & Pilotage – 5 members (3 x vacancies).
- d. Development Control – 4 members (2 x vacancies).
- e. Douzaine – 7 members (2 x vacancies). (Membership of the Old Island Hall and Public Works Sub-Committees to be decided at the first meeting of the Douzaine).
- f. Education – 4 members (1 x vacancies).
- g. Harbours & Shipping – 5 members (2 x vacancies).
- h. Medical & Emergency Services – 4 members (0 x vacancies).
- i. Road Traffic – 4 members (3 x vacancies).
- j. Tourism – 5 members (3 x vacancies).

- k. Sark Influenza (Human) Pandemic – 5 members made up from Chairmen of Medical & Emergency Services, Agriculture Environment Sea Fisheries & Pilotage, Policy & Performance, plus one member of the Douzaine. Membership to be confirmed when Committees have met and elected/confirmed their Chairmen. The Committee Chairman is deemed to be the Chairman of Medical & Emergency Services and the Deputy Chairman is the Chairman of Agriculture Environment, Sea Fisheries & Pilotage.

Arthur Rolfe
President of Chief Pleas

13 December 2016

Notes:

1. The Constitution and Operation of Chief Pleas Committees contains the provision at Paragraph 4 that all Committees of Chief Pleas may have up to three non-Chief Pleas members, as follows: *At the request of a Chief Pleas Committee, Chief Pleas may elect up to three non-Chief Pleas members onto a Committee without voting rights.* Whilst not all the Committee Mandates contain a provision in regard to non-Chief Pleas members all Committees are able to nominate up to three non-Chief Pleas members, if required.
2. Non-Chief Pleas Members appointed to Committees by the previous Assembly will need to be reappointed by the new Assembly and these appointments, if required by the new Committee membership, should be made at the Christmas Meeting to be held on the 18th January 2017 or a subsequent Meeting.
3. Ex-Officio membership of Chief Pleas Committees are unaffected by the change of Assembly.
4. Chief Pleas Tribunal Panels of Development Control, Road Traffic and Taxation are unaffected by the change of Assembly and remain extant including the current membership; unless such members being elected as Conseiller will be deemed to have resigned with effect from the time that they take the Oath of Office. Any vacancies caused by such an occurrence will need to be filled and proposals should be put to Chief Pleas at the said Christmas Meeting or a subsequent Meeting.
5. Vacancies on Operational Committees may vary to the published vacancies, as listed above for each Committee, dependent upon which Conseillers are elected to the Policy & Performance and Finance & Resources Committees. Any additional vacancies will be announced as each serial is dealt with.
6. Any Conseiller currently on an Operational Committee who is elected to either the Policy & Performance or Finance & Resources Committees will be deemed to have resigned their seat on those Operational Committees.

POLICY AND PERFORMANCE COMMITTEE

Report with propositions to the Extraordinary Chief Pleas, 13th January 2017

NEW OPERATIONAL COMMITTEE ARRANGEMENT

Introduction

At the Michaelmas Chief Pleas on 5th October 2016 the proposed 'New Committee Arrangement' was discussed and approved, with the changes it was to bring about taking effect as of January 2017. The new arrangement was further amended at the Extraordinary Meeting of Chief Pleas on 10th November 2016.

Transfers of Functions

As part of the new arrangement the responsibility of various items of legislation are to be reassigned to other Committees and is achieved by use of **The Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991**. The list of all the legislation to be transferred, and to which Committee, is contained within Schedule 1 & 2 of **The Sark Machinery of Government (Transfer of Functions) Ordinance, 2017**. This Ordinance is to be found attached to his report.

As a precaution to ensure that all relevant pieces of legislation are captured, and to avoid the risk of anything falling through the cracks, Schedule 1 contains a default destination for the functions of the two Committees being split up, so that any functions not expressly listed go somewhere. The default destination for Public Health Committee functions is Medical & Emergency Services Committee, and the default destination for Harbours & Pilotage Committee functions is Harbours & Shipping Committee.

The Harbours & Pilotage Committee has functions under the Alderney & Sark (Licensing of Vessels) Law, 1951 however, the power to amend this Law for this New Operational Committee Arrangement (under the Public Functions Law 1991) lies with the Guernsey States and not Chief Pleas, because it is not a Sark-only Law. A Guernsey Ordinance will need to be made to deal with relevant Committee functions under Bailiwick-wide legislation.

Committee Mandates

As part of the new arrangement a number of Committees have had their responsibilities and/or functions transferred to one or another Committee. The new mandates that are to be affected by the new arrangement are to be found in **Appendix A**.

Where any Committee mandate is found not to conform to the New Operational Committee Arrangement Councillors at a Policy Development Group meeting will consider how these mandates are to be modified and where appropriate revised mandates will be brought to Chief Pleas for approval, by the Policy Development Team or its sponsoring Committee.

The Douzaine

One of the proposed changes within the new arrangement is the reduction in the Douzaine from twelve, to seven Conseillers. The constitution of the Douzaine is governed by Section 43 of **The Reform (Sark) Law, 2008** with Section 43 (1) (a) specifying that any change in number shall be by resolution of Chief Pleas. Proposition 1 of this report fulfils this requirement.

The Constitution and Operation of Chief Pleas Committees

The Constitution and Operation of Chief Pleas are not affected by any of the changes within the new arrangement.

Chief Pleas Rules of Procedure

The Chief Pleas of Sark Rules of Procedure are not affected by any of the changes within the new arrangement.

Proposition 1 –

That in accordance to Section 43 (1) (a) of the Reform (Sark) Law, 2008 Chief Pleas approve that the number of Conseillers who shall constitute the Douzaine shall be seven.

Proposition 2 –

That Chief Pleas approve that the number of Conseillers who shall constitute the Policy & Performance Committee shall be four.

Proposition 3 –

That Chief Pleas approve The Sark Machinery of Government (Transfer of Functions) Ordinance, 2017.

Proposition 4 –

That Chief Pleas approve the Committee mandates as listed in Appendix A to this report.

**Conseiller Antony Dunks
Policy and Performance Committee
(Leader, New Committee Arrangement Policy Development Team)**

The Sark Machinery of Government (Transfer of Functions) Ordinance, 2017

THE CHIEF PLEAS, in pursuance of their Resolution of 13th January 2017, and in exercise of the powers conferred upon them by section 1 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^a and all other powers enabling them in that behalf, hereby order:-

Transfer of functions under relevant enactments.

1. (1) The functions, rights and liabilities of a committee named in column 2 of Schedule 1 and of its Chairman arising under or by virtue of any relevant enactment are transferred to and vested in, respectively, the committee named in relation to that committee in column 3 of Schedule 1 and its Chairman.

(2) For the purposes of subsection (1), the provisions of Schedule 2 have effect in relation to the relevant enactments specified therein.

Amendment of statutory references.

2. (1) For any reference in any relevant enactment to a committee named in column 2 of Schedule 1 or its Chairman, however expressed, there is substituted a reference to the committee named in relation to that committee in column 3 of Schedule 1 or (as the case may be) its Chairman.

(2) For the purposes of subsection (1), the provisions of Schedule 2 have effect in relation to the relevant enactments specified therein.

^a Ordres en Conseil Vol. XXXIII, p. 478; as amended by Ordinance No. XXXIII of 2003 and No. IX of 2016.

Savings and transitional provisions.

3. Anything done before the date of the commencement of this Ordinance or in the process of being done on that date by or in relation to a committee named in column 2 of Schedule 1 or its Chairman, under or by virtue of any relevant enactment, shall have effect as if done or (as the case may be) may be continued by or in relation to the committee named in relation to that committee in column 3 of Schedule 1 or (as the case may be) its Chairman.

Subordinate legislation.

4. The provisions of sections 1, 2 and 3 also apply in relation to any subordinate legislation made or having effect as if made under a relevant enactment as they apply to a relevant enactment; and the provisions of the relevant enactment under which the subordinate legislation was made are varied insofar as is necessary to give effect to this section.

Interpretation.

5. (1) In this Ordinance the expression "**relevant enactment**" means-
- (a) any Law, and any Act of Parliament extended to the Bailiwick, which is applicable only in Sark,
 - (b) any Ordinance of the Chief Pleas of Sark, and
 - (c) any subordinate legislation made by any committee of the Chief Pleas of Sark,

and "**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument (including any provision or portion

of any such regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument) made under any relevant enactment and having legislative effect.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Ordinance.

Citation.

6. This Ordinance may be cited as the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017.

Commencement.

7. This Ordinance shall come into force on 14th January, 2017.

^b Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1

Section 1.

TRANSFER OF FUNCTIONS UNDER RELEVANT ENACTMENTS

	COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED	COMMITTEE TO WHICH FUNCTIONS ARE TRANSFERRED
1.	Sark Agriculture & Environment Committee	Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee
2.	Sark Sea Fisheries Committee	Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee
3.	Sark Medical Committee	Sark Medical & Emergency Services Committee
4.	Sark Emergency Services Committee	Sark Medical & Emergency Services Committee
5.	Sark Shipping Committee	Sark Harbours & Shipping Committee
6.	Sark Firearms Committee	Sark Douzaine
7.	Sark Public Health Committee	(a) Sark Medical & Emergency Services Committee (in relation to any function not specified in Part 1 of Schedule 2) (b) Sark Development Control Committee (in relation to any function specified in paragraph 1 of Part 1 of Schedule 2) (c) Sark Tourism Committee (in relation to any function specified in paragraph 2 of Part 1 of Schedule 2) (d) Sark Douzaine (in relation to any function specified in paragraph 3 of Part 1 of Schedule 2)
8.	Sark Harbours & Pilotage Committee	(a) Sark Harbours & Shipping Committee (in relation to any function not specified in Part 2 of Schedule 2) (b) Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee (in relation to any function specified in Part 2 of Schedule 2)

SCHEDULE 2

TRANSFER OF FUNCTIONS UNDER SPECIFIC RELEVANT ENACTMENTS & SUBORDINATE LEGISLATION

PART 1

Paragraph 7 of Schedule 1.

1. Functions of Sark Public Health Committee transferred to Sark Development Control Committee

- Sewerage (Sark) Law, 1978^c

2. Functions of Sark Public Health Committee transferred to Sark Tourism Committee

- Catering (Sark) Law, 1988^d
- Tourism (Sark) Law, 1982^e

^c Ordres en Conseil Vol. XXVI, p.445

^d Ordres en Conseil Vol. XXXI, p.68; as amended by Ordres en Conseil Vol. XXXI, p. 320 and the Catering (Transfer of Functions) (Sark) Ordinance, 1992.

^e Ordres en Conseil Vol. XXVII, p. 576; as amended by Ordres en Conseil Vol. XXIX, p. 488; Vol. XXXI, p. 320; Order in Council No. XII of 2012; No. III of 2015 and the Tourism (Accommodation Permits) (Sark) Ordinance, 2011.

3. Functions of Sark Public Health Committee transferred to Sark Douzaine

- Refuse and Litter (Sark) Ordinance, 1983
- Transfrontier Shipment of Waste (Sark) Ordinance, 2001^f

PART 2

Paragraph 8 of Schedule 1.

Functions of Sark Harbours & Pilotage Committee transferred to Sark Agriculture,
Environment, Sea Fisheries & Pilotage Committee

- Pilotage (Sark) Law, 1991^g
- Sark Pilotage Ordinance, 1992^h

^f As amended by Order in Council No. XIII of 2010; No. XXXIII of 2003 and No. IX of 2016.

^g Ordres en Conseil Vol. XXXIII, p. 172.

^h As amended by the Sark Pilotage (Amendment) Ordinance 1993 and the Sark Pilotage (Amendment) Ordinance, 2001.

AGRICULTURE ENVIRONMENT SEA FISHERIES & PILOTAGE COMMITTEE

MANDATE

CONSTITUTION:

- Five members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Assistant Constables Sea Fisheries who shall be *ex officio* members.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

1. To advise Chief Pleas on matters relating to agriculture and livestock and on the support and improvement of agriculture in Sark.
2. To advise Chief Pleas on safeguarding the living marine resources within Sark waters and managing, where appropriate, their exploitation in a sustainable manner to benefit the Sark population and within its responsibilities to the wider environment.
3. To make recommendations to the Policy Development Group, from time to time, as to any legislation which may be necessary for the fulfilment of the duties set out in this section.
4. To oversee and manage any Chief Pleas approved agricultural subsidy scheme.
5. To exercise the powers and duties conferred on it by extant legislation, Chief Pleas resolutions and any emergency orders relating to the movement, slaughter of livestock, and the prevention of access and other matters relating to agriculture and livestock in Sark.
6. To consult and liaise with any other Committee or administrative body on matters concerning agriculture or livestock in Sark.
7. To develop and oversee initiatives on matters concerning agriculture, horticulture, aquaculture, conservation, and the environment.
8. To oversee all aspects of The Pilotage (Sark) Law, 1991 and the Sark Pilotage (Amendment) Ordinance 2001 and to bring to the attention of Chief Pleas any matters concerning pilotage of vessels in Sark waters.
9. To appoint an Examination Committee when necessary and to maintain and update the pilotage syllabus.
10. To keep a register of Sark Pilots and to issue and renew annually Sark Pilotage certificates.

LEGISLATION

See Appendix 1

Appendix 1

Laws

- The Pilotage (Sark) Law, 1991

Ordinances

- The Foot and Mouth Disease (Sark) Ordinance, 1952
- The Control of Dogs (Sark) Ordinance, 1970
- The Brucellosis (Sark) Ordinance, 1971
- The Swine Diseases (Sark) Ordinance, 1978
- The Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978
(Note: This amends the Brucellosis Ordinance of 1971 and are read together as the Bovine Animal Diseases (Sark) Ordinances 1971 and 1978)
- The Foot and Mouth and Other Animal Diseases (Amendment)(Sark) Ordinance 1978
(Note: This amends the Foot and Mouth Ordinance of 1952 and this Ordinance and the Foot and Mouth Disease Ordinances, 1952 and 1971, may be cited together as the Animal Diseases (Sark) Ordinance 1952 to 1978)
- The Swine Diseases (Amendment)(Sark) Ordinance, 1983
- The Bovine Animal Diseases (Amendment)(Sark) Ordinance, 1983
- The Noxious Weeds and Invasive Plants (Sark) Ordinance, 2001
- The Control of Dogs (Amendment)(Sark) Ordinance, 2008
- The Protection of Animals (Sark) Ordinance, 2008

- The Traps (Sark) Ordinance, 2013

- The Fishing (Parlour Pots)(Sark) Ordinance, 1992
- The Fishing (Sark) Ordinance, 1996
- The Scallops (Sark) Ordinance, 1998
- The Fishing (Sark)(Amendment) Ordinance, 2000
- The Fishing (Conservation of Small Cetaceans)(Sark) Ordinance, 2000
- The Sea Fish Licensing (Sark) Ordinance, 2003
- The Fishing (Sark)(Amendment) Ordinance, 2008
- The Fishing (Sark)(Amendment) Ordinance, 2009
- The Fishing (Sark)(Amendment) Ordinance, 2010
- The Fishing (Sark)(Amendment) Ordinance, 2013 (No. VII/2014)

- The Pilotage (Sark)(Commencement) Ordinance, 1992
- The Sark Pilotage (Amendment) Ordinance, 1993
- The Sark Pilotage (Amendment) Ordinance, 2001

Conventions

- International Treaty on Plant Genetic Resources for Food and Agriculture (**Not extended**)
- UK – Animal Welfare Bill
- UK – The Wildlife and Countryside Act

- BONN Convention – European Bats (EURBATS)
- Convention on International Trade in Endangered Species (CITES)
- Convention on Migratory Species
- International Convention on Plant Protection – Instrument of Acceptance
- RAMSAR Convention
- Stockholm Convention on Persistent Organic Pollutants (POPS)
- Protocol on Persistent Organic Pollutants (P&P lead)
- UN Convention on Biological Diversity – Cartagena Protocol
- Agreement on the Conservation of Albatross and Petrels (P&P lead)

Agreements

- MoU with States of Guernsey Veterinary Officer?
- The States of Guernsey Sea Fisheries Committee and the Sark Sea Fisheries Committee – Fisheries Management Agreement – 17th July 2003
- The UK Hydrographic Office (*approved Chief Pleas 6th July 2011*)

18th November 2016

DEVELOPMENT CONTROL COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- One of the members should have farming or other horticultural experience. (In the event of no member having farming or horticultural experience, the Committee may have such a person elected for advice as required).
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

1. The Committee shall administer the following Laws and Ordinances.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

- The Caravans (Sark) Law, 1957
- The Development Control (Sark) Law, 1991
- The Development Control (Sark) (Amendment) Law, 2008
- The Sewerage (Sark) Law, 1978

Ordinances

- The Development Control (Sark) Ordinance, 1992
- The Development Control (Sark) (Amendment) Ordinance, 2000, 2009 & 2011
- The Development Control (Signs) (Sark) Ordinance, 2014 (No. III/2014)

Conventions

Agreements

18th November 2016

DOUZAINE

MANDATE

The Douzaine was constituted by Resolution of Chief Pleas in October 1770

CONSTITUTION:

- Membership of **seven** Conseillers in accordance with Section 43 of The Reform (Sark) Law, 2008, as amended.
- **Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.**
- A Quorum shall consist of no less than five voting members.

MANDATE:

1. To nominate and propose to Chief Pleas the appointment of the Constable and Vingtenier after discussions with the then holders of those offices.
2. To nominate and propose to Chief Pleas the appointment of the Procureur and Deputy Procureur after discussions with the then holders of those offices.
3. To review the need and financial status of persons applying for financial assistance or residential care brought to the attention of the Douzaine by the Procureur des Pauvres. To allocate assistance as and when required from funds provided to the Procureur des Pauvres by the Island Treasurer. The Douzaine reserves the right to recover assistance given from the estate of any person receiving assistance.
4. To cause accurate accounts to be kept by the Procureur des Pauvres of all monies received and all expenditure incurred. The Douzaine shall scrutinise the accounts before they are submitted to the Treasurer for inclusion in the Financial Statements of the Island.
5. To maintain a register (the Cadastre) of property ownership and possession for the purpose of supplying the Island Tax Assessor with accurate records in accordance with the requirements of The Direct Taxes Law, 2002 and The Direct Taxes (General Provisions) (Sark) Ordinance 2003.
6. To appoint, manage and generally oversee the responsibilities of the Sark Old Island Hall Sub-Committee of the Douzaine.
7. To appoint, manage and generally oversee the responsibilities of the Sark Public Works Sub-Committee of the Douzaine ("Public Works").
8. To be responsible, via Public Works, for the maintenance and cleaning of public roads, gutters, water-courses, paths, public toilets, public seats, and steps leading to the Island's bays and landing places, and to request funds from the Island Treasurer for those purposes.
9. To ensure that Public Works correctly appoints, supervises and manages the Island's manual work force and to request funds from the Island Treasurer for their payment.
10. To ensure that Public Works correctly collects, manages and disposes of the Island's waste material and sewage and to request funds from the Island Treasurer for those purposes net of monies collected in respect of those services.
11. To be responsible, via Public Works, for the maintenance and repair of all Island machinery and equipment used for Public Works and Douzaine purposes.
12. To be responsible, via Public Works, for the erection and maintenance of warning signs, direction signs and signposts, and to request funds from the Island Treasurer for those purposes.

13. To be responsible, via the Constables for ensuring that landowners correctly cut and maintain all hedgerows and banks bordering all Island roads.
14. To be responsible for advertising for tenders and placing contracts for the maintenance of Island property other than that under the control of the Island Trustees.
15. To be responsible for letting, appointing tenants, fixing rents and terms on property surplus to the requirements of the Douzaine. Income arising from and expenditure on Island Property to be recorded in the Island's Financial Statements.
16. To be responsible for the purchase and maintenance of Island trees, and to request funds from the Island Treasurer for those purposes.
17. To be responsible for everything concerning the Island cemeteries and adjacent land and to prepare for the future need for burial sites.
18. Together with the Seigneur to propose or approve all alienation of land for the benefit of the community.
19. To be responsible for the management, repairs and maintenance of properties delegated to the Douzaine by the Island Trustees.
20. To maintain the Register of Restricted Dwellings as required by The Housing (Control of Occupation) legislation.
21. To administer and issue licences for firearms, shotguns and ammunition under the Firearms (Sark) Law, 2001 and related Ordinances.
22. To liaise with the Chief Officer of the Guernsey Police on firearms matters.
23. To keep accurate records of all firearms held by licensees.
24. To keep accurate records of all licence fees received.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

- Order in Council Alienation de terres dans l'île de Sark 1927
- The Housing (Temporary Provisions)(Sark) Law, 1976
- The Housing (Temporary Provisions)(Amendment)(Sark) Law, 1986
- The Reform (Sark) Law, 2008
- The Direct Taxes Law, 2002
- The Housing (Control of Occupation) (Sark) Law, 2011
- The Housing (Control of Occupation) (Sark) (Amendment) Law, 2013
- The Housing (Control of Occupation) (Sark) (amendment) Law, 2014
- The Firearms (Sark) Law, 2001

Ordinances

- The Direct Taxes (General Provisions) (Sark) Ordinance 2003
- The Cutting of Hedges (Sark) Ordinance, 2009
- The Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance 2014 (No. 1/2014)
- The Shotguns (Sark) Ordinance, 1994
- The Firearms (Sark) Law, 2001 (Commencement and Fees) Ordinance, 2002
- The Refuse and Litter (Sark) Ordinance, 1983
- The Transfrontier Shipment of Waste (Sark) Ordinance, 2001

Conventions

- Rotterdam Convention – Prior Informed Consent (P&P lead)
- Basel Convention – Transboundary Shipment of Hazardous Waste
- London Convention and Protocol on Marine Pollution

Agreements

- MoU between the Sark Firearms Committee, The Sark Constable & The Guernsey Police.

EDUCATION COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Headteacher of Sark School shall be a member *ex-officio*.
- From time to time, as required, other teachers may be invited to attend meetings, as deemed relevant and necessary by the Committee.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas, **one such non-voting member to be the Parent Representative.**
- A quorum shall consist of three voting members.

MANDATE:

1. The establishment of a statutory system of public education for the children in Sark.
2. The provision and maintenance of a school, its equipment, and the facilities for physical education and recreation.
3. The appointment, definition of conditions of service, disciplining and the dismissal of staff.
4. The funding of education (on Sark and elsewhere) within the constraints of Island finances.
5. Within those financial constraints, the provision of education for children with special needs.
6. Prescribing compulsory school ages and regulating the attendance of children at school.
7. Approving disciplinary measures when necessary, including the temporary exclusion from school of unruly children.
8. Arranging for independent inspection of the school at suitable intervals.
9. **To present to Chief Pleas the names of person(s) nominated to the Sark Children's Panel.**
10. To work with the Sark Children's Panel and other agencies to ensure the protection and safeguarding of all children in our community and to liaise with the Finance and Resources Committee over funding for any work undertaken by **HSC** in Guernsey.
11. Reporting on education matters to Chief Pleas.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

- The Education (Sark) Law, 2001
- The Education (Amendment)(Sark) Law, 2003
- The Children (Sark) Law, 2016

Ordinances

- The Education (Sark) Ordinance, 2003
- The Education (Repeals)(Sark) Ordinance 2004
- The Education (Sark)(Amendment) Ordinance, 2005

Conventions

Agreements

18th November 2016

HARBOURS & SHIPPING COMMITTEE

MANDATE

CONSTITUTION:

- Five members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Harbourmasters who shall be members *ex officio*.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

1. To advise Chief Pleas in relation to commercial shipping services operating to and from Sark.
2. The administration of Creux and Maseline Harbours, Grève de la Ville and Havre Gosselin and to administer all moorings within Sark waters.
3. To appoint the Harbourmaster(s) (whose duties include the control of vehicle movements on the Harbours and the area between the Harbours and up to the Quarry gates).
4. To recommend to Chief Pleas, in consultation with the Finance & Resources Committee, the appointment of Directors for the Isle of Sark Shipping Company.
5. To implement, oversee and review the Service Level Agreement with the Isle of Sark Shipping Company Ltd.
6. To appoint the Crane Operator(s) and Quay Hands.
7. To appoint the Receiver of Wreck for Sark.

LEGISLATION

See Appendix 1

Appendix 1

Laws

- The Alderney and Sark (Licensing of Vessels) Law, 1951
- The Alderney and Sark (Licensing of Vessels)(Amendment)(Sark) Law, 2010
- The Wreck and Salvage (Vessels and Aircraft)(Bailiwick of Guernsey) Law, 1986

Ordinances

- The Alderney and Sark (Licensing of Vessels)(Amendment)(Sark)(Commencement) Ordinance, 2012
- The Alderney and Sark (Licensing of Vessels)(Exemptions)(Sark) Ordinance, 2012
- The Safety in Sark Waters Ordinance, 2008
- The Harbours (Sark) Ordinance, 2011
- The Harbours (Sark)(Amendment) Ordinance, 2012

Conventions

- Salvage Convention (plus P&P)
- Convention for the Safety of Life at Sea (SOLAS)
- International Convention – Anti-Ship Fouling (Not extended)
- International Convention on Load Lines (Not extended)
- International Convention – Suppression of Unlawful Acts Against the Safety of Maritime Navigation
- UN Convention on Customs Treatment of Pool Containers
- Convention on Limitation of Liability on Maritime Claims 1976 (Added 11 Nov 2009)

Regulations

- Harbours (Sark) Regulations, 2013 (*laid before Chief Pleas 10th April 2013*)

Agreements

- The Service Level Agreement with the Isle of Sark Shipping Company Ltd.

MEDICAL & EMERGENCY SERVICES COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Sark Medical Officer, the Chief Fire Officer, the Chief Ambulance Officer, the Officer in Charge Special Constables, the Sark Constables and the Senior Harbourmaster, shall be members *ex-officio*.
- Up to 2 non-voting persons who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

11. To advise Chief Pleas on the appointment of the Island Doctor/M.O.H. and matters relating to his/her appointment.
12. To advise Chief Pleas and the people of Sark on Health Insurance and appoint a Broker to obtain the best terms for an Island Health Insurance Scheme.
13. To appoint annually a registered medical practitioner or registered pharmacist of its choice to undertake an annual audit of the use and record keeping of dangerous drugs.
14. To advise the Policy Development Group on matters raised by or on behalf of the states of Guernsey Health Department and on other health related matters.
15. To organise and ensure the efficient running of the Sark Fire & Rescue Service and to present its annual accounts to Chief Pleas.
16. To apply to Chief Pleas for the annual budget for the Fire and Rescue Service.
17. To plan for, and react to, any civil emergency and to co-operate with, and maintain contacts with, other Islands' emergency services.

LEGISLATION

See Appendix 1

Appendix 1

Laws

- The Medicines (Human and Veterinary)(Bailiwick of Guernsey) Law, 2008
- The Mental Health (Bailiwick of Guernsey) Law, 2010
- The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

Ordinances

- The Medicines (Human and Veterinary)(Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009
- The Sale and Supply of Tobacco Products (Sark) Ordinance, 2011
- The Smoking in Regulated Premises (Sark) Ordinance, 2011
- The Mental Health (Miscellaneous Provisions)(Sark) Ordinance, 2013
- The Sale and Supply of Tobacco Products (Sark) Ordinance, 2015 (No. **II/2015**)

- The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Sark) Ordinance, 2014 (No. **IV/2014**)
- The European Communities (Implementation of Food Supplements Directive)(Sark) Ordinance, 2014 (No. **V/2014**)

Conventions

Agreements

- Adoption – UN/UK/EU (P&P lead)
- International Convention Affecting Children, Young Persons and their families (P&P lead), Education)
- Council of Europe Convention on Contact Concerning Children (P&P lead)
- World Health Organisation Convention on Tobacco (Not extended to Sark)

18th November 2016

POLICY AND PERFORMANCE COMMITTEE

MANDATE

CONSTITUTION:

- **Four** members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- A quorum shall consist of three members.
- Permanent Members of Policy and Performance cannot be a Member of any other Committee other than Policy Development Group.
- Members of this Committee may work on Policy Development Teams.
- Policy Development Team Leaders attend this committee for the duration they are a Policy Development Team Leader.
- The Senior Administrator shall be a member *ex-officio*.

MANDATE:

1. To lead on all Chief Pleas matters relating to:
 - i. External communications.
 - ii. Economic Development.
 - iii. The Island's constitutional position, international relations and matters relating to the other Islands of the Bailiwick.
 - iv. To monitor progress of priorities set by the Policy Development Group and report to Chief Pleas
2. To nominate the Senior Administrator as directed by Chief Pleas and to recommend their salary and terms of employment.

LEGISLATION

See **Appendix 1**

SARK INFLUENZA (HUMAN) PANDEMIC COMMITTEE MANDATE

CONSTITUTION:

- The Chairman of the following Committees –
Medical & Emergency Services, Agriculture, Environment, Sea Fisheries & Pilotage and Policy & Performance or their Deputies, plus one member of the Douzaine.
- The Chairman of the **Medical & Emergency Services Committee** acts as Chairman of this Committee.
- The Chairman of **Agriculture, Environment, Sea Fisheries & Pilotage Committee** is the Deputy Chairman of this Committee.
- A quorum shall consist of **three** members.
- The **Sark Medical Officer** and the Constable shall be members *ex officio*.
- The Committee has the power to co-opt any person without recourse to Chief Pleas.

MANDATE:

18. To prepare and co-ordinate any and all measures necessary to deal with a possible pandemic outbreak of human influenza on Sark.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

Ordinances

- The Avian Influenza and Control of Birds (Sark) Ordinance, 2006
- The Avian Influenza and Control of Birds (Sark)(Amendment) Ordinance, 2010

Conventions

Agreements

18th November 2016

TOURISM COMMITTEE

MANDATE

CONSTITUTION:

- Five members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- The Senior Visitors' Officer shall be a member *ex officio*.
- A quorum shall consist of three voting members.

MANDATE:

19. To advertise the amenities and the attractions of the Island both with the object of encouraging visitors to the Island and in the interests of such visitors and the inhabitants of the Island as a whole.
20. To inspect and issue the necessary permits for tourist accommodation including campsites.
21. To make recommendations to the **Policy Development Group**, from time to time, as to any legislation which may be necessary for the fulfilment of the duties set out in this section.
22. To oversee the Tourism (Sark) Law, 1982 and The Tourism (Amendment)(Sark) Law, 1986
23. To attempt to resolve and settle formal complaints
24. To appoint and dismiss Visitors' Officers and any other personnel.
25. To oversee a panel of Inspectors for the inspection of tourist related accommodation, catering premises and outside events.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

- The Tourism (Sark) Law, 1982
- The Tourism (Amendment)(Sark) Law, 1986
- The Tourism (Sark)(Amendment) Law, 2012
- The Tourism (Sark)(Amendment) Law, 2014

- The Catering (Sark) Law, 1988

Ordinances

- The Tourism (Sark) Law, 1982 (Commencement) Ordinance, 1983
- The Tourism (Fees)(Sark) Ordinance, 1988
- The Tourism (Accommodation Permits)(Fees)(Sark) Ordinance, 2008
- The Tourism (Accommodation Permits)(Fees)(Sark)(No.2) Ordinance, 2008
- The Tourism (Sark)(Amendment) Law, 2012 (Commencement) Ordinance, 2012

- The Catering (Sark) Law, 1988 (Commencement) Ordinance, 1988
- The Catering (Transfer of Functions) (Sark) Ordinance, 1992

Conventions

Agreements

18th November 2016