



**OFFICIAL REPORT**

**OF THE**

**EXTRAORDINARY MEETING**

**OF CHIEF PLEAS**

**OF THE**

**ISLAND OF SARK**

**HANSARD**

**Assembly Room, Sark, Thursday, 22nd June 2017**

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official Island of Sark Chief Pleas website [www.gov.sark.gg](http://www.gov.sark.gg)*

**Volume 3, No. 8**

**Present:**

**Seigneur**

Maj. C M Beaumont Esq.

**Deputy Speaker of Chief Pleas**

Mr P M Armorgie Esq.

**Deputy Prévôt**

Mrs J Godwin

**Greffier**

Mr T J Hamon

**Treasurer**

Mrs W Kiernan FCA

**Conseillers:**

Diane Baker  
Edric Baker  
Peter Byrne  
Charles Maitland  
Helen Plummer  
Alan Blythe  
Robert Cottle

Antony Dunks  
Hazel Fry  
Sebastien Moerman  
Christopher Nightingale  
Cormac Scott  
Anthony Ventress  
Pauline Mallinson

## Business transacted

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# Extraordinary Meeting of Chief Pleas

*Chief Pleas met at 7.00 p.m.*

[THE DEPUTY SPEAKER *in the Chair*]

## **PRAYER**

*The Greffier*

## **ROLL CALL**

*The Greffier*

**The Greffier:** There are 14 Conseillers, the Seigneur and the Deputy Speaker of Chief Pleas present.

5

**The Deputy Speaker:** Thank you, Greffier.

## **Apologies for absence**

**The Deputy Speaker:** I have received apologies for absence from Mr Arthur Rolfe, Speaker of Chief Pleas; Conseillers Reg Guille, Jane Norwich, Stephen Taylor, Sandra Williams, Paul Williams and Peter La Trobe-Bateman.

## **Eulogies for Colin Guille and Ann Atkinson, former Members of Chief Pleas; Eulogy for Air Commodore R C Robb, OBE, CStJ, MB, ChB, MFCM, DPhys Med, DPH, DIH, RAF (Ret)**

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**The Deputy Speaker:** Before we move on to the business of the evening, it is with sadness that we have to report the untimely death of Colin Guille on 17th May and Ann Atkinson on 28th May. I would just like to say a few words about Colin and Ann.

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Colin Guille gave distinguished service to the Island in a number of ways. He served as elected Deputy of the People from October 1985 until August 1986 and then as a Tenant from October 1986 until August 2007.

20

During Colin's time in Chief Pleas, he was a member in various committees, including the Douzaine, the General Purposes and Advisory Committee, Education, Emergency Services, Road Traffic, the Hall Management, the Cemetery and the Tourism Committee, which indeed, he effectively chaired in a highly successful period, organising in particular the old Harbour Festivals, which I am sure we all remember.

25

Prior to his membership of Chief Pleas, Colin also served in various roles, including the Vingtenier in June 1979, to complete the term of J M Robson, who had resigned. He then served the following year as Constable. Between 1979 and 1981, Colin held various positions as Junior Procureur, Procureur and Deputy Prévôt.

Ann Atkinson served as a Conseiller of Chief Pleas between January 2009 and November 2010, during which time she brought her skills as the former bank manager serving on the Finance and Commerce Committee, and was for a brief term indeed chairman of that committee.

30 I would to call, if I may, on Conseiller Diane Baker to say a few words about Dr Robb, who passed away in the UK, after leaving Sark at the end of March.

**Conseiller Diane Baker:** Air Commodore Robert Cleghorn Robb: reading out all the letters he could use after his names means little, so to make it easier I will mention them in full.

35 Dr Robb had an OBE, an Officer of the Order of the British Empire, awarded in June 1967. He had a Bachelor of Medicine, a Bachelor of Surgery, a Member of the Faculty of Community Medicine, a Diploma in Physical Medicine, a Diploma in Public Health, a Diploma in Industrial Health. He was also a Commander of the Most Venerable Order of the Hospital of St John of Jerusalem, having been appointed in April 1977 by Her Majesty the Queen.

40 Those are his credentials, but as many of us know, Dr Robb was more than any number of letters could tell you.

Dr Robb studied medicine and graduated from Glasgow University in 1946. He was called up for national service and joined the RAF, where he stayed for 30 years, rising to the rank of Air Commodore and ending his service career as a deputy Director General of Medicine Services in 45 1976. He then spent four years as a community medicine specialist for the Borders Health Board.

Sark was then lucky enough to have Dr Robb as our Medical Officer of Health. Along with his wife Helen, he came here to live in 1980. Helen's nursing experience and support were invaluable for the next nine years before Dr Robb retired in 1989. Many of us who have lived here long enough will remember him at Le Vieux Clos as our family doctor. He was a lovely man, 50 knowledgeable but also kind and considerate. After one medical visit to our home, my children insisted on taking the Robbs some fresh strawberries from the garden as a thank you. He was such a nice person, a kind person, and he did not appear to ever say something unpleasant, it was not in his character.

Dr Robb and Helen were involved with fund raising for the Professor Saint Fund. He was 55 Chairman of the Water Carnival Committee for two years. He was President of the Sark Garden and Produce Show and a regular supporter of the Music Society concerts. Not having attended any Burns Night celebrations myself, I am assured his contributions to these suppers became legendary, giving recitations off by heart. I can well imagine they went down well, with his broad, familiar Scottish accent. Dr and Mrs Robb were very much a part of the community.

60 In recent months, Dr Robb became immobile and housebound. Although he was well cared for on Sark, his family wanted to spend more time with their father and grandfather so they all agreed, Dr Robb included, it was a good idea for him to make the move to Watford, nearer to his family, where he was visited every day by them.

Dr Robb, known as Robbie by so many of his friends here on Sark, was a staunch member of 65 the Sark Branch of the Royal British Legion and transferred to the Sark Branch soon after he came to live on Sark. He always paraded with the Branch for Royal Visits, Remembrance and other times when the Branch paraded. He supported and attended many activities of the Branch and was a generous donor to Branch funds.

70 Whilst having left Sark earlier this year, he remained a Member until his death on 12th May, 18 days short of his 95th birthday.

**The Deputy Speaker:** Thank you, Conseiller Diane Baker.  
Could we all please rise for a moment's silence.

*Members stood in silence.*

**The Deputy Speaker:** Thank you very much.

**Procedural –  
Electronic devices**

75 **The Deputy Speaker:** In accordance with the Rules of Procedure, I would remind all present that any mobile phones, cameras, recording devices and other electronic equipment should be switched off now, less for those allowed for Chief Pleas Members in accordance with Rule 16.

## Business of the Day

### 1. Easter Meeting, 26th April 2017 – Matters arising

*Matters arising from the Easter Meeting of Chief Pleas held on Wednesday, 26th April 2017.*

**The Deputy Speaker:** Moving on to Agenda Item 1, matters arising from the Easter Meeting of Chief Pleas held on Wednesday, 26th April 2017.

80 There were two Ordinances laid before the Easter Meeting, and for the record, these have been numbered as follows: there was The Al-Qaida (Restrictive Measures) (Sark) (Amendment) Ordinance, 2017 numbered VIII of 2017; and the second one was The Cote d'Ivoire (Restrictive Measures) (Sark) (Repeal) Ordinance, 2017, numbered IX of 2017.

Are there any other matters arising?

85 Conseiller Dunks.

**Conseiller Dunks:** Could you please turn to page 28 of the *Hansard* copy, Item 19 Review into Education Sark. The title reads, 'Review into Education in Sark – Finance & Resources Committee Report'. That should read, 'Education Committee'.

90

**The Deputy Speaker:** Could you just repeat the page number, please?

**Conseiller Dunks:** Page 28.

95 **The Deputy Speaker:** Page 28, thank you. And it was numbered again?

**Conseiller Dunks:** Number 19, Review into Education in Sark. It reads, 'Finance & Resources Committee' and it should say 'Education Committee'.

100 Then two lines below that, the title is repeated: 'To Consider a Report with Proposition from the Finance & Resources Committee', which should read, 'Education Committee'.

Further, then moving to the Proposition: 'That Chief Pleas directs the Policy Development Team to define' has been truncated. It should read: 'That Chief Pleas directs the Policy Development Group to establish a Policy Development Team to define the scope of a review into the provision of education in Sark.'

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**Deputy Speaker:** Very good. If you could let me have those words after the meeting, we will amend the record accordingly, if we may.

**Conseiller Dunks:** Thank you.

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**Deputy Speaker:** Does anyone else have any other matters arising? Thank you.

**2. The Transfer of Funds (Sark) Ordinance, 2017 –  
Policy & Performance Committee Report considered –  
Proposition carried**

*To Consider a Report with Proposition from the Policy & Performance Committee entitled 'The Transfer of Funds (Sark) Ordinance, 2017' and to Approve the Ordinance entitled 'The Transfer of Funds (Sark) Ordinance, 2017'.*

*Proposition:*

*That Chief Pleas approves The Transfer of Funds (Sark) Ordinance, 2017, which will also repeal The Transfer of Funds (Sark) Ordinance, 2007.*

**The Deputy Speaker:** We move on to Agenda Item 2, which is to consider a Report with a Proposition from the Policy & Performance Committee entitled 'The Transfer of Funds (Sark) Ordinance 2017' and to approve the Ordinance entitled 'The Transfer of Funds (Sark) Ordinance 2017.'  
115

You have the papers before you. I would like to ask Conseiller Charles Maitland to introduce the Report.

**Conseiller Maitland:** Thank you, sir.

120 This is a technical Ordinance that Chief Pleas is required to pass with some urgency, after the EU issued a new regulation requiring more information than previously when funds are transferred between banks. The Ordinance is needed because the BACS system does not have the capacity to provide the detailed customary information required under the EU regulation for transfers from third countries – and Sark is classified as one – to EU member states.

125 Unfortunately this Ordinance cannot wait until Midsummer Chief Pleas, as the deadline is 26th June, in just a few days' time. Chief Pleas is therefore asked to approve The Transfer of Funds (Sark) Ordinance, 2017.

Thank you.

130 **The Deputy Speaker:** Thank you, Conseiller Maitland.  
Are there any questions from the floor regarding this Report?  
Conseiller Ventress.

135 **Conseiller Ventress:** Two very quick ones relating to the text of the regulations and so on, which anyway does not hold ... It is not in law. It needs clarification.

Paragraph 11, on the second page of that bit, which is in fact the fourth line:

In particular, further processing of personal data for commercial purposes should be strictly prohibited. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. Therefore, in applying this Regulation, the transfer of personal data to a third country which does not ensure an adequate level of protection in accordance with Article 25 of Directive 95/46/EC *should be permitted* in accordance with Article 26 thereof.

Surely it should read, 'should *not* be permitted'.

Then my second little bit, paragraph 29 on the text, the seventh line says:

should be limited to five years, after which all personal data should be deleted ...

140 I feel that five years, knowing how it takes to investigate these items and the time that the Law Officers take to interview these things, surely five years is far too short. It should surely be ten, with an extra five years later on, as it says here.

**The Deputy Speaker:** Thank you, Conseiller Ventress, for raising those points.



Conseiller Maitland, would you like to come back on those?

145

**Conseiller Maitland:** I am just wondering, Conseiller Ventress, was that in the text supplied? It is not in the Ordinance itself, is it?

150

**Conseiller Ventress:** No, but I have a feeling that it might influence or be somewhere in the Ordinance.

**Conseiller Maitland:** So your first question, sorry, I was not following it at the time because I had not found it – your first question, which part of it, under article 11 ... ?

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**Conseiller Ventress:** The article, paragraph 11, it says here, 'Article 25 of Directive 95/46/EC', and this is the explanatory text.

**Conseiller Maitland:** I think the important text is in the Ordinance.

160

**Conseiller Ventress:** Yes, I tried to find out where in the Ordinance.

**Conseiller Maitland:** It is a rather technical subject and I am afraid I am not qualified to actually ...

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**Conseiller Ventress:** No, but I just had a feeling that it needed to be brought up in case it is somewhere in the ...

**Conseiller Maitland:** This is only an explanatory document.

170

**Conseiller Ventress:** Yes, I agree and it does hold no part in law, but it is supposed to explain the text we are dealing with and somewhere or other, I think there might be something in the laws further back.

175

**Conseiller Maitland:** You can point me to them after the meeting. I will just check with the Law Officers.

**Conseiller Ventress:** I have tried to find them myself!

180

**Conseiller Maitland:** Okay.

**Deputy Speaker:** Thank you.

Conseiller Baker.

185

**Conseiller Edric Baker:** The Directive is probably in the law under Article 15, Data Protection, as it mentions the Directive 95/46/EC, which is the same one that Conseiller Ventress was referring to.

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**The Deputy Speaker:** Are we happy that that gives clarity to the point that Conseiller Ventress made?

Would anyone else like to make any mention of this? Conseiller Dunks.

**Conseiller Dunks:** It is a separate matter. Could we please turn to page 31 of the Ordinance, the definition of 'police officer':

(a) the Constable, the Assistant Constable, the Vingtenier, a member of the salaried police force of the Island of Guernsey.'

Can we confirm that should be of Sark?

195

**Conseiller Maitland:** Yes.

**Conseiller Dunks:** Thank you.

200

**The Deputy Speaker:** So we will make that amendment.

Does anyone else have any points they would like to raise with regard to this document?

Very good, in that case I would like to go to the vote. The Proposition is that Chief Pleas approves the Transfer of Funds (Sark) Ordinance, 2017, which will also repeal the Transfer of Funds (Sark) Ordinance, 2007. Those in favour; those against? **Carried.**

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Thank you very much indeed. This Ordinance, for the record, will be numbered X of 2017.

I would like to thank everyone for their attendance this evening and I would like at this point, at 19 minutes past seven, to call the meeting closed and hand over to the Greffier.

**PRAYER**

*The Greffier*

*Chief Pleas closed at 7.19 p.m.*