



OFFICIAL REPORT

OF THE

EXTRAORDINARY (SPECIAL)

MEETING OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Friday, 11th January 2019

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

Volume 5, No. 1

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

A J Rolfe Esq.

Deputy Prévôt

Mrs J Godwin

Greffier

Mr T J Hamon

Deputy Treasurer

Mrs L Higgins

Constable

Mr M Fawson

His Excellency the Lieutenant-Governor:

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

Alan Blythe
Reginald Guille MBE
Peter La Trobe-Bateman
Christopher Nightingale
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson

Helen Plummer
Philip Long
John Guille
Christopher Drillot
William Raymond
Ellen Lalor
Rodney Lalor
Simon Couldridge

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Extraordinary (Special) Meeting of Chief Pleas

Chief Pleas met at 10.00 a.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 16 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Apologies for absence

The Speaker: I have apologies from Conseillers Amanda de Carteret and Sebastien Moerman.

Welcome to the Lieutenant Governor

5 **The Speaker:** May I welcome His Excellency the Lieutenant Governor, who has indicated to me that he wishes to address Members of the House informally after the close of the meeting.

Eulogy for Conseiller Stephen Taylor

The Speaker: My first task is to deliver a eulogy for the late Conseiller Steve Taylor. This is the first opportunity that we have had.

10 Steve Taylor died suddenly on 6th November and I think most, if not all of us, attended his funeral. Steve first took his seat as a Conseiller in November 2011, serving to November 2012, and again from January 2015 until his death. He served on the Sea Fisheries Committee, a particular interest of his, and from January 2015 on Policy and Performance, latterly as Chairman and subsequently as Chairman of the newly formed Policy and Finance Committee. He also served on the Policy Development Teams dealing with fairer taxation and the Top Level Domain.

15 Steve gave considerable thought to everything, particularly with his problem-solving attitude, to overcome the many issues that Sark has faced over the past few years. He was noted for his readiness to engage with people of all shades of opinion in his pursuit of trying to find common ground wherever he perceived differing shades of opinion.

I would ask you all to rise for a silence, in memory of Steve Taylor.

Members stood in silence.

The Speaker: Thank you.

Welcome to new and returning Conseillers

20 **The Speaker:** I would like to say a few words about the six Members who served during or up until the last parliament, who are no longer in the Chamber.

Before I do that, may I welcome Conseillers Simon Couldridge, Amanda de Carteret, Chris Drillot, John Guille, Ellen Lalor, Rod Lalor and Phil Long to this, their first meeting as Conseillers in the new parliament, and to thank them for putting their names forward for election. I would
25 also welcome the returning Conseillers, Helen Plummer and William Raymond who stood for election again. I wish you all well in this next term of parliament.

**Valedictories for Conseillers E Norwich, A Dunks, N Moloney,
Dr R Norwich, D Baker and E Baker**

The Speaker: Jane Norwich first took her seat as a Conseiller on 16th January 2015, serving until her resignation on 23rd October 2018. During her term Jane Norwich served on the Policy and Performance Committee and latterly the Finance and Resources Committee. She also served
30 on the Policy Development Teams dealing with definition of a resident, Development Control Law and good governance, contributing tirelessly to the latter with a dedicated research, particularly with regard to bringing forward amendments to Sark's Reform Law.

Antony Dunks first took his seat as a Deputy of the People in July 2007 and then served as a
35 Conseiller in January 2009 until his resignation on 31st October 2018. During his term of office Antony Dunks served on a wide variety of Committees, including Finance and Commerce, Finance and Resources, Education, Emergency Services, Road Traffic and Development Control. He also served on the Policy Development Teams dealing with definition of a resident, Development Control Law and Land Reform. Despite his extremely heavy workload he gave considerable time to each aspect of Committee and PDT work.

40 Nick Moloney was elected in December 2014 and served from January 2015 until his resignation on 15th November 2018. He served on the Finance and Resources Committee and latterly Policy and Finance. His other Committees included the Douzaine, Tourism, Harbours and Shipping and Road Traffic. Nick Moloney also served on the Policy Development Teams dealing with Top Level Domain and liquor licensing, for which he did considerable work on reforming the
45 liquor licensing, culminating in bringing the report and ordinance to Chief Pleas for approval.

Roger Norwich was also part of the January 2015 intake and served a complete term of office, deciding not to stand for re-election in the December 2018 General Election. During his term of office he was a member of the Douzaine, Emergency Services, Medical, Public Health
50 Committees and latterly the Finance and Resources Committee. Roger Norwich also served on the Policy and Development Teams dealing with fairer taxation, Top Level Domain and register of medical practitioners, to which he brought a considerable insight as a doctor and found it to be more of a political hot potato than one might have expected.

Diane Baker first took her seat as a Tenant in April 1998, then elected as a Conseiller at the first General Election by universal suffrage in December 2008, comprising a period of continuous
55 service for over 20 years, until she was not re-elected in the December 2018 General Election. During her time in Chief Pleas Diane Baker served on the Constitutional Review and Constitution 2007 Committees and various other Committees, many of which she was Chairman. These included Education, Medical, Emergency Services, Tourism, Shipping, Road Traffic and the Douzaine. Diane Baker also served on the Policy and Development Teams dealing with the
60 Children's Law, register of medical practitioners and the review of the Isle of Sark Shipping Company. Her service as Chairman of the Medical Committee incorporated her stewardship and co-ordination of the health insurance scheme held by many Islanders.

65 And last, but not least, Edric Baker. He first took his seat as a tenant on 15th April 1972, 26 years to the day before his wife Diane then was elected as a Conseiller at the first General Election in December 2008, comprising a period of continuous service for over 46 years, until he was not re-elected in the December 2018 General Election. He also gave service as Vingtenier and Constable, junior and senior Procureur of the Poor and Assistant Tax Assessor. During his time in Chief Pleas, Edric Baker served on a wide variety of Committees including Fire Services, Sanitary, Hall, Road Traffic, Education, Agriculture, Oil Pollution, Emergency Services, Tree
70 Planting, Cemetery, General Purposes and Advisory, Natural Amenities, Public Health, Development Control, Fire Arms, Harbours and Pilotage and last but not least, the Douzaine, of which he was Chairman for a large number of years, up until yesterday.

Edric Baker also served on the Policy Development Teams dealing with Development Control Law, Horse and Carriage Safety and Sustainable reasonably priced electricity, including
75 broadband. He brought to Chief Pleas a vast knowledge from his widely diverse Committee and PDT work.

On behalf of Chief Pleas I would like to thank all six former Members for their service to this Island.

**Declarations of interest –
Update and return**

The Speaker: I now wish to mention declaration of interest forms. The Greffier reminds
80 Conseillers each December to update their declarations of interest forms and this the Greffier has done. All Conseillers have now returned their declarations.

I would also point out to you that declarations of interest are not just an annual issue, but it is something that can change at any time and Conseillers should notify changes to the Greffier as they occur, and not await a reminder each December.

**Top Level Domain Policy Development Team –
Statement by Conseiller Reg Guille MBE**

85 **The Speaker:** I am now going to call Conseiller Reg Guille to make a statement regarding the Top Level Domain Policy Development Team.

Conseiller Reg Guille MBE: Thank you, sir.

90 Later in the meeting there will be proposals to form and elect Members to Special Chief Pleas Committees. One of them is the Top Level Domain Committee and this update on the work of the PDT has been provided to me by Dr Roger Norwich, who was the team leader of the PDT, until midnight last night. These are his words now:

95 'I am sorry to report that with the sad loss of our colleague, Stephen Taylor, and the resignation of Conseiller Nick Moloney, only a single member of the TLD PDT remained in post until today. Nonetheless there has been a lot of work going on in London in terms of securing support from the various national and international bodies necessary to achieve TLD status for the Island of Sark. Meetings have been held with representatives of the States of Guernsey, which have been helpful in giving insight to the process and informative in terms of advice on
100 avoiding pitfalls experienced in their own original application.

During 2018, the International Standards Organisation (ISO) failed to recognise the strength of the application from Sark and this appeared to have been due to a fundamental

105 misunderstanding of Sark's status by certain members of the ISO Committee, who had
apparently neither properly read the brief prepared for them about Sark, nor done necessary
background work on the issue.

110 Despite all this effort, the ISO Committee, or those few that troubled to engage, have in the
last few days again refused the application for the very same reasons. Therefore a further formal
appeal against ISO will be launched on the auspices and continuing robust support of the British
Standards Institute (BSI). We and BSI believe that the ISO position is unsustainable as they
appear to be in breach of their own statutes. The PDT is continuing to work with our partners,
with BSI, as well as with academics who are experts in the field of small island communities, who
are very informed regarding similar applications and outcomes in other parts of the world.

115 Gaining TLD status is fundamental to the recognition of Sark as an independent entity in the
field of e-commerce and communication and the gaining of TLD status will enhance commercial
recognition and communication for the exchange of products and services as well as providing
many potential business opportunities for the Island and with that, job opportunities, although
this process is taking a lot longer than had been hoped at the outset. The financial structure
which was set up has ensured that much has been done at virtually no cost to Chief Pleas, and
there have been no ongoing expense claims for the various meetings that have taken place in
120 London and elsewhere and which have been undertaken on a *pro bono* basis by the sole
remaining member of the PDT.'

My words now: I hope to be able to report some significant progress at Easter Chief Pleas on
this issue.

Thank you, sir.

125

The Speaker: Thank you, Conseiller Guille.

**Procedural –
Electronic devices**

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

**Procedural –
Item 4 to be taken with Item 6;
Item 5 to be taken with Item 7**

130 **The Speaker:** I propose that Item 6 from the Addendum is taken together with Item 4 of the
main agenda and that Item 7 from the Addendum is taken together with Item 5. Items 6 and 7
are Guernsey States Policy Letters that support Items 4 and 5 respectively.

Can I just have a show of hands? Those in favour; any against? That is **Carried**.

Business of the Day

1. Transfer of Functions (Amendment) Ordinance – Policy and Finance Committee Report considered – Proposition carried

To consider a Report from the Policy and Finance Committee entitled ‘Transfer of Functions (Amendment) Ordinance’ and to approve the Ordinance entitled ‘The Machinery of Government (Transfer of Functions) (Amendment) Ordinance, 2019’.

Proposition:

That Chief Pleas approves the Ordinance entitled ‘The Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Amendment) Ordinance, 2019.’

135 **The Speaker:** We go to Agenda Item 1, to consider a Report from the Policy and Finance Committee entitled ‘Transfer of Functions (Amendment) Ordinance’ and to approve the Ordinance entitled ‘The Machinery of Government (Transfer of Functions) (Amendment) Ordinance, 2019’.

Conseiller Reg Guille to introduce the Report.

140 **Conseiller Reg Guille MBE:** Thank you, sir.

I have nothing to add to the Report but I am happy to take questions ahead of the elections, as detailed in the Report ... sorry, wrong one! *(Laughter)*

I have nothing to add to the Report and ask that the Ordinance be approved. However, I am happy to take questions – strike out that first bit!

145

The Speaker: I have never heard it before. *(Laughter)* Thank you.

Are there any questions from the floor or any discussion anybody wishes to contribute? In that case, we will go straight to the Proposition:

That Chief Pleas approves the Ordinance entitled ‘The Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Amendment) Ordinance, 2019.’

Those in favour; are there any against? That is **Carried**.

150

This Ordinance will be numbered I/2019.

2. Committee Elections etc. – Policy and Finance Committee Report considered – Elections of Conseillers to Committees of Chief Pleas

To consider a Report from the Policy and Finance Committee entitled ‘Committee Elections etc.’ and to Elect Conseillers to Committees of Chief Pleas.

The Speaker: Agenda Item 2, to consider a Report from the Policy and Finance Committee entitled ‘Committee Elections etc.’ and to Elect Conseillers to Committees of Chief Pleas.

Conseiller Reg Guille, and I hope you can find your place this time, I really do.

155

Conseiller Reg Guille MBE: Here we go, sir.

I have nothing to add to the Report but I am happy to take questions ahead of the elections, as detailed in the Report after which, you, sir, the Speaker, will conduct the various elections.

When we come to the Special Committees I have some other statements I would like to read out before we actually vote on those Committees.

160 Thank you, sir.

The Speaker: Does anybody wish to speak in the generality of what they have just heard? In that case, we will go to the Committees themselves.

**Policy and Finance Committee –
Conseiller Reg Guille MBE elected as Chairman;
Conseiller W Raymond elected as Deputy Chairman;
Conseillers S Couldridge and J Guille elected as members**

165 **The Speaker:** The Policy and Finance Committee first. Rule 5 of the Constitution and Operation of Chief Pleas Committees provides for a secret ballot to elect a Chairman and Deputy Chairman with the Greffier acting as the returning officer. Nominations were proposed and seconded and given to the Greffier a minimum of five working days before this meeting. At the close of nominations there was one candidate nominated as Chairman, Conseiller Reg Guille, and one candidate nominated as Deputy Chairman, Conseiller William Raymond. Therefore the
170 secret ballot is not needed.

I now put it to a vote that under Rule 5(1) of the Constitution and Operation of Chief Pleas Committees Conseiller Reginald Guille be elected Chairman of the Policy and Finance Committee. Those in favour; are there any against? That is **Carried**.

175 I now put it to a vote that under Rule 5(2) of the Constitution and Operation of Chief Pleas Committees Conseiller William Raymond be elected Deputy Chairman of the Policy and Finance Committee. Those in favour; are there any against? That is **Carried**.

May I thank Conseillers Reg Guille and William Raymond for putting themselves forward for the very heavy workload that is entailed, and also to thank them for the very workload they have been carrying up to now.

180 We need to elect six members, at the moment Conseiller Reginald Guille and Conseiller William Raymond are members of the Committee by virtue of their being elected by this House as Chairman and Deputy Chairman and Conseiller Sam La Trobe-Bateman is a continuing member, so we need to find three nominations. I have received an expression of interest from Conseiller Simon Couldridge, making one. Are there any other Members? Conseiller John Guille.
185 Is there anybody else? There is still one vacancy if anybody wishes to stand for it.

Okay, in that case I will declare Conseiller Simon Couldridge and Conseiller John Guille as members of the Policy and Finance Committee and there is one vacancy.

Immediately after this meeting indecently, I will be instructing our IT department – if you can call John Hunt a department! – to update the Government website.

**Agriculture, Environment and Sea Fisheries Committee –
Conseillers H Plummer and R Lalor elected**

190 **The Speaker:** Operational Committees; the first one is Agriculture, Environment and Sea Fisheries, of which there are to be four members. There are two vacancies, as Conseillers Christopher Nightingale and Anthony Ventress are continuing members of that Committee. I have received expressions of interest from Conseillers Simon Couldridge, Rod Lalor, Phil Long

195 Sebastien Moerman and Helen Plummer. Are the two members prepared to continue on the
Committee? I presume ... well, I hope you are, you are the only farmer here, Conseiller Ventress!
Does anybody else wish to stand for this? Okay, we will go to a vote. Please remember only to
vote for two of the candidates. First of all, those in favour of Conseiller Simon Couldridge.

200 **A Member:** Could you repeat the names again please, sir?

The Speaker: Conseillers Simon Couldridge, Rod Lalor, Phil Long, Sebastien Moerman and
Helen Plummer and I have preferences from Simon Couldridge being his third preference, Rod
Lalor being his second and Sebastien Moerman being the only Committee he has opted to go on
to. So I will put that to a vote.

A vote was taken.

205 **The Speaker:** Right, as a result of that, the two Members that you have voted for are
Conseillers Helen Plummer and Rod Lalor and I declare them elected to Agriculture,
Environment and Sea Fisheries. There are no vacancies.

**Development Control Committee –
Conseillers S Couldridge and E Lalor elected**

210 **The Speaker:** We now go to Development Control. Again, a Committee comprising four
members of which there are two vacancies. There are Conseillers Alan Blythe – *(Interjection)*
Sorry?

A Member: It says one vacancy here.

215 **The Speaker:** I do not care what it says, sir, I am in charge here. *(Laughter)*
Well, as Conseillers Alan Blythe and Paul Williams are continuing members that is two already
in, therefore four minus two, as far as I am concerned is two vacancies regardless of what your
maths comes up with. I have received expressions of interest from Conseillers Simon Couldridge,
Ellen Lalor, Sebastien Moerman did say that he was considering that as well. So would you vote
for two out of Simon Couldridge, Ellie Lalor and Sebastien Moerman.

A vote was taken.

220 **The Speaker:** As a result of that, I can declare Conseillers Simon Couldridge and Ellen Lalor as
members of Development Control.

**Douzaine –
Conseillers P Long, C Drillot and R Lalor elected**

225 **The Speaker:** We now come to the Douzaine, comprising of seven members of which there
are three vacancies. The continuing members are Conseiller Alan Blythe, Sam la Trobe-Bateman,
Christopher Nightingale and Paul Williams. I have received expressions of interest from
Conseillers Amanda de Carteret, Chris Drillot, Rod Lalor and Phil Long. Chris Drillot and Rod Lalor
having it as their first choices. Can I just take it that the four who are continuing members wish

to continue? Yes, okay then. So I am going to ask you to vote for three out of Conseillers Mandy de Carteret, Chris Drillot, Rod Lalor and Phil Long.

A vote was taken.

230 **The Speaker:** Conseiller Phil Long is elected. We need three, don't we? So if I announce that the three who have been elected are Conseillers Phil Long, Chris Drillot and Rod Lalor and there are no vacancies.

**Education Committee –
Conseiller A de Carteret elected**

235 **The Speaker:** Education comprising four members, of whom Conseillers Pauline Mallinson, Christopher Nightingale and Anthony Ventress are continuing members and I have had an expression of interest from Conseiller Amanda de Carteret. Can I take it that the three members wish to continue?

Okay, I have had one expression of interest, is there anybody else who wishes to put themselves forward? In that case, I will declare Conseiller Amanda de Carteret a member of the Education Committee.

**Harbours and Shipping Committee (includes Pilotage) –
Conseillers P Long and J Guille elected**

240 **The Speaker:** Harbours and Shipping (includes Pilotage), four members, there are two vacancies, the continuing members are Conseillers Sam La Trobe-Bateman and Sandra Williams. I have received expressions of interest from Conseillers Simon Couldridge, Chris Drillot, Ellen Lalor, Rod Lalor and Phil Long. Can I take it that the two continuing members wish to continue? Yes, okay. Does anybody else wish to put themselves forward?

245 So please vote for two of the following: Conseillers Simon Couldridge, Chris Drillot, Ellen Lalor, Rod Lalor, Phil Long and John Guille.

A vote was taken.

The Speaker: The two members elected are Conseillers Phil Long and John Guille. There are no vacancies.

**Medical and Emergency Services Committee –
Conseillers A de Carteret, P Mallinson and H Plummer elected**

250 **The Speaker:** Next is Medical and Emergency Services, comprising four members, of which there are two vacancies. The continuing Conseillers are Conseillers Alan Blythe and Helen Plummer. I take it that you are prepared to continue?

Conseiller Plummer: Excuse me, sir, I am a new member, I have got to be re-voted in.

255 **The Speaker:** Yes, you are absolutely right. I was working on this until 25 to two this morning, so there are bound to be mistakes creeping in. I have received expressions of interest from Conseillers Amanda de Carteret, Ellen Lalor, Phil Long, Pauline Mallinson and Helen Plummer. Will you vote for three of those, please.

260 **A Member:** Sorry, can we have the names again please?

The Speaker: Yes, Conseillers Amanda de Carteret, Ellen Lalor, Phil Long, Pauline Mallinson and Helen Plummer.

A vote was taken.

The Speaker: Okay, as a result of that I can declare Conseillers Amanda de Carteret, Pauline Mallinson and Helen Plummer members of Medical and Emergency, and there are no vacancies.

**Tourism Committee (includes Public Health) –
Conseiller E Lalor elected**

265 **The Speaker:** Tourism (including Public Health), comprising four members, there are three members continuing: Conseillers Paul Williams, Sandra Williams and Anthony Ventress. Can I take it that you wish to continue? Okay. I have received expressions of interest from Conseillers Simon Couldridge, Amanda de Carteret, Chris Drillot, Ellen Lalor and Helen Plummer.

270 **Conseiller Plummer:** Sorry, sir, no.

The Speaker: I see where the confusion is because you were on it, weren't you?

275 **Conseiller Plummer:** I was, yes.

The Speaker: Well, thank you for your service to that Committee, Conseiller Helen Plummer.

Conseiller Plummer: I am being a problem again, aren't I?

280 **The Speaker:** I will see you later. *(Laughter)*
Right, so we are voting for one member from Conseillers Simon Couldridge, Amanda de Carteret, Chris Drillot and Ellen Lalor.

A vote was taken.

285 **The Speaker:** Okay, just to congratulate you all on not exceeding the number of votes available on that one! We have had it in the past. I declare Conseiller Ellen Lalor as a member of the Tourism (including Public Health) Committee, and there are no vacancies.

**Land Reform Special Committee –
Conseillers C Drillot, R Guille MBE, W Raymond and J Guille elected**

The Speaker: We now come to the Special Committees.

Land Reform: four vacancies to be filled. I have received expressions of interest from Conseillers Chris Drillot, Reg Guille and William Raymond, that is three who have declared an interest. Is there anybody else who would like to be considered? John Guille.

290 Right, I have expressions of interest from Conseillers Chris Drillot, Reg Guille, William Raymond, John Guille and Chris Nightingale. Anybody else? In that case, I would ask you to vote for four out of Chris Drillot, Reg Guille, William Raymond, John Guille and Christopher Nightingale.

A vote was taken.

295 **The Speaker:** Right, of the four, I declare Conseillers Chris Drillot, Reg Guille, William Raymond and John Guille to be members of the Land Reform Special Committee.

**Child Protection Special Committee –
Conseillers A de Carteret, E Lalor, R Guille MBE and S Williams elected**

The Speaker: The next one is Child Protection, of which there are four vacancies sorry? Conseiller Reg Guille, do you wish to say something?

300 **Conseiller Reg Guille MBE:** Thank you, sir.

Could I just say something about the work on this Committee before you do the elections please, sir?

305 **The Speaker:** Well, so long as you are not trying to influence the vote.

Conseiller Reg Guille MBE: No, certainly not, sir. (**The Speaker:** Jolly good.)

310 The PDT was formed to bring the Children's Law into the Statue Book of Sark and this it did when Chief Pleas approved the Children's (Sark) Law 2016. Follow-up work on this subject has continued and the next part of the legislation is on its second draft and is called the Child Protection (Sark) Law 2019. It is planned that this draft will be commenced upon by Easter, with a view to bringing it to Chief Pleas for approval at the Midsummer or Michaelmas Meeting of Chief Pleas later this year, so this is quite an urgent Committee.

Thank you, sir.

315 **The Speaker:** Thank you.

There are four vacancies to be filled on the Child Protection Special Committee, and I have had expressions of interest from Conseillers Amanda de Carteret, Ellen Lalor and Reg Guille. Is there anybody else who wishes to be considered? Sandra Williams. Is there anybody else?

320 In that case there are four people expressing an interest: I declare Conseillers Amanda de Carteret, Ellen Lalor, Reg Guille and Sandra Williams to be members of the Child Protection Special Committee.

**Top Level Domain Special Committee –
Conseillers Reg Guille MBE and Blythe elected**

The Speaker: Top Level Domain: again four members. I have received an expression of interest from Conseiller Reg Guille. Is there any other Conseiller who wishes to apply? I have got
325 Conseillers Reg Guille and Alan Blythe, is there anybody else?

Okay, in that case that leaves two vacancies; I declare Conseillers Reg Guille and Alan Blythe to be members of the Top Level Domain Special Committee.

I believe that former Conseillers Roger Norwich and Nick Moloney have also offered to continue the work on this Committee and I will declare them as Non Chief Pleas members.
330

Conseiller Reg Guille MBE: I was going to bring that up next Meeting, sir, for the Non Chief Pleas members.

The Speaker: So can I take it from that that you do not wish them to be put in place now?
335

Conseiller Reg Guille MBE: The Non Chief Pleas members – you have a slot on the next Meeting for Non Chief Pleas members and I was proposing to bring those names forward then.

The Speaker: So that will be next Wednesday, so it is not a massive delay. (**Conseiller Reg Guille MBE:** Yes, sir.) Okay that is fine.
340

Again, Conseillers Reg Guille and Alan Blythe are members of the Top Level Domain Special Committee.

**Future Energy Special Committee –
Conseillers P Mallinson, R Lalor, J Guille and P Long elected**

The Speaker: The last one is Future Energy on which there are four vacancies to be filled. I have received expressions of interest from Conseillers Alan Blythe, Chris Drillot, who put it as his
345 first preference, and Pauline Mallinson. That is three, are there any others? Okay, I have now got offers from Conseillers Alan Blythe, Chris Drillot, Pauline Mallinson, Rod Lalor, John Guille and Phil Long. I will put them to the ... Conseiller Helen Plummer, did you put your hand up?

Conseiller Plummer: I did, but do not worry about it. (*Laughter and Interjection*)
350 There will be more experience there than me, I can assure you.

The Speaker: I have to put it to you because I do not want my breakfast cereal being doubled in price! Are you putting yourself ... ? No, okay.

Right, I will go through those names again, please vote for four of the following: Conseillers
355 Alan Blythe, Chris Drillot, Pauline Mallinson, Rod Lalor, John Guille and Phil Long.

A vote was taken.

The Speaker: Right, the four successful candidates for the Future Energy Special Committee are Conseillers Pauline Mallinson, Rod Lalor, John Guille and Phil Long and there are no vacancies.

**Committees –
Procedural and support**

The Speaker: Conseiller Reg Guille.

360

Conseiller Reg Guille MBE: Before we move off the Election of Committees, sir, the Top Level Domain Committee is not quorate, with only two people being elected, we have to have a minimum of three. I wonder if those who have been unsuccessful in getting on Committees would like to put themselves forward next Wednesday for election to that Committee.

365

The Speaker: Well, thank you for that. I am sure we can rely upon you to do a bit of arm twisting.

370

Can I ask that when Committee Chairman and Deputy Chairman have been elected, apart from Policy and Finance because that has already occurred, when Committee Chairman and Deputy Chairman have been elected by their Committees, those appointments should be communicated to me and the Committee Secretary so that the Committee list, if possible, can be published ahead of the meeting on 16th January.

375

I just want to say a word, just for completeness, because we are sometimes told that we do not have any sort of Civil Service support, in that the Committee Support Officers (CSOs) for the various Committees are as follows: Policy and Finance is supported by Zannette Bougourd and also the Treasurer is *ex-officio* and Wendy Kiernan is a Non Chief Pleas Member, I presume that is continuing.

380

The Agriculture, Environment and Sea Fisheries Committee is supported by CSO Emma Fawson.

The Development Control Committee is supported by CSO Antony Dunks.

The Douzaine is supported by the Douzaine Secretary, who also happens to be Antony Dunks.

The Education Committee is supported by CSO Emma Fawson.

Harbours and Shipping is supported by CSO Jo Taylor and the Harbourmaster is also an *ex-officio* member of that Committee.

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Medical and Emergency Services is supported by CSO Jo Taylor and the Medical Officer is also an *ex-officio* member of that Committee.

And then Tourism is supported by CSO Anthony Dunks.

So if you are on those Committees, if you have any problems, those are the people to go to.

**3. The European Union – Amendment of Legislation –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘The European Union - Amendment of Legislation’ and approves the Projet de Loi entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’.

Proposition:

That Chief Pleas approves the Projet de Loi entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’.

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The Speaker: We now move to Agenda Item 3, to consider a Report with Proposition from the Policy and Finance Committee entitled, ‘The European Union – Amendment of Legislation’ and approve the Projet de Loi entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’.

Conseiller Reg Guille to introduce the Report.

395

Conseiller Reg Guille MBE: Thank you, sir.

400

Those of you who have read the supporting papers to this, it probably sent you to sleep quite quickly but, of course, Brexit is extremely important to the Channel Islands and what happens with Brexit. We are, today, approving legislation that has already been approved by the States of Guernsey and the States of Alderney, but as it is a Bailiwick Projet all three legislatures have to approve it and so we are the last to approve this particular piece of legislation.

I have nothing to add to the Report and request that the Projet be approved, and I am happy to take any questions.

Thank you, sir.

405

The Speaker: Thank you.

Are there any questions or contributions from the floor? Conseiller Simon Couldridge.

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Conseiller Couldridge: Yes, I have read this and obviously being quite new to it I am not entirely sure what I have read. I appreciate that it is something that has been put before Sark from Guernsey and I appreciate that our predecessors have looked at this and I have read it the best I can. I do not know if any other new Conseillers have concerns.

415

There is one thing that slightly concerns me: there is a section towards the back of the Law that allows Guernsey to make legislation relating to this on behalf of Sark, without necessarily referring back to Sark, and Sark I think then has the opportunity to apply for this to be annulled at some stage later. But I wonder what mechanism there would be for Sark to recognise any changes made to this Law affecting Sark. That is just a point that occurred to me, if anybody has any interest or could give an explanation how the mechanics of it work.

Thank you.

420

The Speaker: I think probably the answer to your question – although I will call Conseiller Reg Guille to answer it – is that anything that occurs in the Bailiwick that comes down to us as a laid before can be annulled, and you will find on page 2 of the Agenda a description of how you can go about that.

425

Conseiller Reg Guille.

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Conseiller Reg Guille MBE: Yes, sir. It is a mechanism which has been in place for, I would say 10 years. It used to be that Bailiwick legislation, once the main Projet Bill had been approved that Guernsey retained all power to make subordinate legislation to that law, without getting the consent of either Alderney or Sark and about 10 years ago we decided, at the time of change of parliament to a fully democratic parliament, that this should not happen and that we should have the right to strike down legislation which does not fulfil our requirements, and therefore since then all Bailiwick Projets de Loi that come in have this clause in it whereby it is made by Guernsey but if there is something in there which is repugnant to Sark or Alderney then either of those parliaments can strike that legislation down for them. So it is a safety-net mechanism and certainly on this occasion there has been a huge amount of discussion between Guernsey, Alderney and Sark with regard to the Projet de Loi and all three legislatures, or the representatives of those legislatures which have been dealing with it, are content that the legislation should be approved.

440

The Speaker: Thank you.

Conseiller Simon Couldridge, are you happy with that explanation?

445

Conseiller Couldridge: Yes, thank you.

The Speaker: Good.

Does anybody else wish to say anything on this? In which case we will move to the proposition that Chief Pleas approves Projet de Loi entitled 'The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018'. Those in favour; are there any against? That is **Carried**.

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**4. & 6. Implementation of International Sanctions Measures –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Implementation of International Sanctions Measures' and approves the Projet de Loi entitled 'The Sanctions (Bailiwick of Guernsey) Law, 2018'.

Proposition:

That Chief Pleas approves the Projet de Loi entitled 'The Sanctions (Bailiwick of Guernsey) Law, 2018'.

Guernsey States of Deliberation Policy Letters P.2017/38 and P.2018/117 both entitled 'Implementation of International Sanctions Measures' in support of Item 4 of the Agenda.

The Speaker: We now move to Agenda Item 4, to be taken with the Agenda Item 6 from the Addendum, to consider a Report with Proposition from the Policy and Finance Committee entitled 'Implementation of International Sanctions Measures' and approve the Projet de Loi entitled 'The Sanctions (Bailiwick of Guernsey) Law, 2018'. 'And Item 6 from the Addendum gives you Guernsey States of Deliberation Policy Letters P.2017/38 and P.2018/117 both entitled 'Implementation of International Sanctions Measures'.

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Conseiller Reg Guille to introduce the Report.

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Conseiller Reg Guille MBE: I have nothing to add to this Report, sir, and ask that the Projet de Loi be approved.

The Speaker: Thank you.

Does anybody wish to make a contribution or question? In that case we will go to the Proposition that:

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Chief Pleas approves the Projet de Loi entitled 'The Sanctions (Bailiwick of Guernsey) Law, 2018'.

Those in favour; are there any against? That is **Carried**.

**5. & 7. Customs Duties and Associated Powers Required in Respect of Brexit –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Customs Duties and Associated Powers Required in Respect of Brexit' and approves the Projet de Loi entitled 'The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018'.

Proposition:

That Chief Pleas approves the Projet de Loi entitled 'The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018'.

Guernsey States of Deliberation Policy Letter P.2018/57 entitled 'Customs Duties and Associated Powers Required in Respect of Brexit'.

470 **The Speaker:** Agenda Item 5, to be taken with Agenda Item 7 from the Addendum, To consider a Report with Proposition from the Policy and Finance Committee entitled 'Customs Duties and Associated Powers Required in Respect of Brexit' and approves the Projet de Loi
entitled 'The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018'. And Agenda Item 7 from the Addendum gives you Guernsey States of Deliberation Policy Letter P.2018/57 entitled 'Customs Duties and Associated Powers Required in Respect of Brexit'.

475 Conseiller Reg Guille to introduce the Report.

Conseiller Reg Guille MBE: Once again, sir, I have nothing to add to this Report, but ask that the Projet de Loi be approved.

480 **The Speaker:** Okay, are there any questions or comments from the floor? In that case we will go to the Proposition that Chief Pleas approves the Projet de Loi entitled 'The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018'

Those in favour; are there any against? That is **Carried**.

**8. Sark Electricity Holdings Ltd and Sark Electricity Ltd Possible Purchase –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Sark Electricity Holdings Ltd and Sark Electricity Ltd Possible Purchase'.

Proposition 1:

That Chief Pleas authorises the Policy and Finance Committee to communicate in writing with Sark Electricity Ltd and Sark Electricity Holdings Ltd to indicate that it is considering a purchase of shares in each of them, or the businesses conducted by them.

Proposition 2:

That Chief Pleas authorises the Policy and Finance Committee to engage professional valuers to assess the value of the tangible assets of Sark Electricity Holdings Ltd and Sark Electricity Ltd using the normal industry valuation practices. Such a valuation will be incorporated into a valuation of the business of the above companies to be prepared by Reporting Accountants. The same Reporting Accountants are to advise Chief Pleas on the value of the Companies so that the possible acquisition can be considered.

Proposition 3:

That Chief Pleas instructs the Policy and Finance Committee to investigate the financing of any possible purchase.

The Speaker: We go to Agenda Item 8, to consider a Report with Proposition from the Policy and Finance Committee entitled 'Sark Electricity Holdings Ltd and Sark Electricity Ltd Possible Purchase'.

485 Conseiller Reg Guille, are you introducing this or is Conseiller Raymond?

Conseiller Reg Guille MBE: I am going to immediately hand it over to Conseiller Raymond, sir.

490 **The Speaker:** I thought you might. Conseiller William Raymond.

Conseiller Raymond: Thank you, sir, and thank you for admitting this late paper.

The paper prepared refers to the agreement reached to settle the appeal by Sark Electricity Ltd against the Price Control Order made by the Price Control Commissioner. The agreement also provides that Chief Pleas can indicate in writing that it wishes to consider the possible purchase of the electricity companies. The purpose therefore of the first Proposition is to authorise the Policy and Finance Committee to write to the companies indicating an interest. The purpose of the second Proposition is to authorise the Policy and Finance Committee to take professional advice as to the value of the companies in order that Chief Pleas can consider if it wishes to pursue the possible purchase. This will take two specialists, the first to value the assets and then the second to value the companies which own those assets.

The third Proposition is then to enable the Policy and Finance Committee to investigate how any potential purchase should be financed. There have been opportunities in the past for Chief Pleas to acquire the businesses which supply electricity to the Island. Those opportunities were not pursued. There is a further opportunity now and the Committee believes that this should be pursued and the matter referred back to Chief Pleas once the possible cost has been assessed after valuation.

I now have to go on to update you following the production of the paper, the matter has changed in the last 48 hours as we have received a draft heads of agreement from the lawyers acting for Sark Electricity. This has yet to be considered in detail by the Committee, but it is clear from the heads of agreement that professional advice will be needed. Against this background, I ask today therefore that the Propositions are passed as drafted, that a letter is written and then proper advice is sought. This does not in any way commit Chief Pleas to any specific course of action, but it does enable a proper, considered report to be brought to a subsequent meeting. We all know that we have to secure the future electricity supply for the Island; without proper expert advice we should not try to make any decision.

515 These resolutions will enable the necessary research to be performed. We need to know all the facts before any decision is made. I therefore ask for support for these Propositions.

520 **The Speaker:** Thank you.

Are there any questions or comments from the floor? Conseiller John Guille.

Conseiller John Guille: Whilst I thoroughly agree we need to seek specialist advice do we, at the moment, have a quote for how much this will cost?

525 **Conseiller Raymond:** I did have a quote, which I have not accepted because I want to see whether in fact we can get it reduced and I actually want to proceed, having received the heads of agreement, on an hour-by-hour basis, rather than on a blanket quote. I think that would give us better value because if, in fact, there is something in the heads of agreement which is patently unacceptable then I would rather come back to Chief Pleas and report that.

Conseiller John Guille: Do we have the hourly rate?

535 **Conseiller Raymond:** I have not asked for that, no. I have only received a blanket quote so far but it would come back to the Policy and Finance Committee and would be shared generally with Chief Pleas Members at an appropriate time. I assure you I am not running this alone.

540 **The Speaker:** Thank you.
Conseiller Simon Couldridge.

545 **Conseiller Couldridge:** Yes, just to follow on from that. Obviously it is great news that we are going to pursue this, that needs pursuing. I would be worried, like most people, that we do not waste any more money on it. I do not know if we are still paying the Price Control Commissioner. Obviously that transpired to be a big waste of money, so that is I suppose my question. But as I am now, I think, on this Committee, I will find out more about it fairly soon, won't I, William?
Thank you

550 **The Speaker:** You will certainly find out quite a lot!
Conseiller William Raymond.

555 **Conseiller Raymond:** Can I just say there were certain points at which the fee payable for the Electricity Price Control Commissioner was due. The first was when he issued his Price Control Order. That has been paid. That sum was £10,000. He was then on a daily rate if he had to go to court. He did not have to go to court and we have not received any further costs from him. We do, however, have to pay for the cost that he incurs in the performance of his office. That is how the legal expense which we have been funding arose.

The Speaker: Thank you.

Is there anybody else? In that case we will go to the three Propositions. Proposition 1:

That Chief Pleas That Chief Pleas authorises the Policy and Finance Committee to communicate in writing with Sark Electricity Ltd and Sark Electricity Holdings Ltd to indicate that it is considering a purchase of shares in each of them, or the businesses conducted by them.

560 Those in favour; are there any against? That is **Carried**.

Proposition 2:

That Chief Pleas authorises the Policy and Finance Committee to engage professional valuers to assess the value of the tangible assets of Sark Electricity Holdings Ltd and Sark Electricity Ltd using the normal industry valuation practices. Such a valuation will be incorporated into a valuation of the business of the above companies to be prepared by Reporting Accountants. The same Reporting Accountants are to advise Chief Pleas on the value of the Companies so that the possible acquisition can be considered.

Those in favour; are there any against? That is **Carried**.

Then Proposition 3:

That Chief Pleas instructs the Policy and Finance Committee to investigate the financing of any possible purchase.

565 Those in favour; are there any against? That is **Carried**.

**Ordinances laid before Chief Pleas –
The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2018;
The Disclosure (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2018**

The Speaker: We now move to two Ordinances laid before Chief Pleas. The first one is the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance 2018 and the second is the Disclosure (Bailiwick of Guernsey) (Amendment) (No2) Ordinance 2018, and I have not received any request to annul those.

**Procedural –
Congratulations to Conseiller Paul Williams as new Father of the House**

570 **The Speaker:** Before I close the meeting, the IT manager has provided access codes and passwords for the nine new and returning Conseillers. I was expecting them to be delivered here but maybe he is communicating with you directly.
Conseiller Reg Guille.

575 **Conseiller Reg Guille MBE:** Just an aside before you close the meeting, Conseiller Edric Baker, as he was, was the Father of this House, having served the longest period of time. I believe that mantel of longevity now resides with Conseiller Paul Williams, who becomes the Father of the House.

580 **The Speaker:** Well, congratulations. *(Laughter)*

Conseiller Paul Williams: Thank you very much.

585 **The Speaker:** As I announced at the beginning of the meeting, His Excellency wishes to address Members of the House informally after the close of this meeting. May I request members of the Public Gallery leave as soon as possible after the Greffier has said grace.

I am now closing the meeting, at 11.10 a.m.
Greffier, the grace, please.

PRAYER
The Greffier

Chief Pleas closed at 11.10 a.m.