



OFFICIAL REPORT

OF THE

EXTRAORDINARY

MEETING OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 6th February 2019

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

Volume 5, No. 3

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

Vingtenier

Miss A Diaper

Conseillers:

Alan Blythe
Christopher Nightingale
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson
Helen Plummer

Philip Long
John Guille
William Raymond
Amanda de Carteret
Ellen Lalor
Rodney Lalor
Simon Couldridge

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Extraordinary Meeting of Chief Pleas

Chief Pleas met at 7.00 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

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

Apologies for absence

The Speaker: I have had apologies for absence from Conseiller Sam La Trobe-Bateman. I have not received anything from Conseiller Christopher Drillot. I do not know if anybody ...?
5 *(Interjection)* Thank you for that.

Procedural

The Speaker: Firstly, may I apologise for the extremely short notice at which this meeting was called. I think you will find that the content of it is extremely important.

The Lieutenant-Governor is unable to attend our meeting due to other commitments.

Valedictories to Conseillers R Guille MBE and S Moerman

10 **The Speaker:** At the conclusion of the Christmas Meeting of Chief Pleas I received the resignations from Chief Pleas from Conseillers Reginald Guille MBE and Sebastien Moerman and I would just like to say a few words about them both.

15 Mr Reg Guille was elected as a Deputy of the People on 20th September 1998 and served in that capacity until he became Deputy Seneschal in January 1999. He was sworn in as Seneschal of the Royal Court in Guernsey during 2000. When the roles of Seneschal and President of Chief Pleas were separated, Reg Guille continued as President of Chief Pleas, chairing his first meeting of Chief Pleas as President on 26th April 2000 until his last meeting as President on 5th October 2016. Reg Guille then became an elected Member of this House on 13th January 2017 until his resignation in January of this year.

20 During his time as a Conseiller he served on the Firearms, Millennium, General Purposes and Advisory and Policy and Performance Committees and ultimately became Chairman of the Policy and Finance Committee. Reg Guille also served on the Policy Development teams and Special Committees dealing with Land Reform, Child Protection and Top Level Domain. He was one of

25 the most frequent contributors to debates in this House, and on occasions he would very helpfully seek to ensure that his successor in this chair managed to get all matters of procedure correct.

Sebastien Moerman was elected as a Conseiller at the December 2016 General Election and took his seat on 13th January 2017, serving until his resignation at the Christmas Meeting of Chief Pleas on 16th January this year.

30 He brought an experience of business and international finance to this House and served as Chairman of the Finance and Resources Committee, with the aim of bringing balance to both the income and expenditure accounts.

I would like to thank Reg Guille and Sebastien Moerman for their service to this Island.

Notice of by-election to elect two Conseillers

The Speaker: I now give notice that a by-election to elect two Conseillers shall be held on 35 Wednesday, 12th June.

I understand there is some feeling that it ought to be earlier and I have actually explained to the Policy and Finance Committee, who wrote to me – I have not had a response, but I said that I would prefer not to bring the date of the by-election forward for two reasons. Firstly, I have 40 been discussing with the Greffier the need for electors to update and correct their information on the Electoral Register. This would entail time to do a house-to-house letter explaining how they should respond.

There is a commonly misunderstood myth in Sark that paying tax automatically gives the right to vote. In fact, the Tax Office, as we all know, and the Greffe are not linked in any way whatsoever.

45 The second reason is that a by-election ordinance will need to be requested by the Policy and Finance Committee from the Law Officers and brought to Chief Pleas and this would need to be done at the latest before the Agenda for Easter Chief Pleas closes on 3rd April. So, there are time constraints.

50 In order to comply with election law, the Electoral Register will close on Friday, 3rd May 2019. Nominations will open at 1 p.m. on Friday, 10th May and close at 4 p.m. on Friday, 24th May. The successful candidates at the by-election will be sworn into office on Wednesday, 3rd July with their term of office ending on Thursday, 14th January 2021.

The dates that I have given to you will be confirmed in the by-election ordinance to be approved at the Easter Meeting to be held on 1st May this year.

Procedural – Electronic devices

55 **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 those allowed to Chief Pleas Members in accordance with Rule 18.

Business of the Day

1. Extraordinary (Emergency) Meeting, 28th November 2018 – No matters arising

Matters arising from the Extraordinary (Emergency) Meeting of the Chief Pleas held on Wednesday, 28th November 2019.

The Speaker: We go to Agenda Item 1, matters arising from the Extraordinary (Emergency) Meeting of the Chief Pleas held on Wednesday, 28th November 2018.

60 Are there any matters arising?

2. Policy and Finance Committee – Conseiller P La Trobe-Bateman elected Chairman

To elect a Chairman of the Policy and Finance Committee.

The Speaker: In that case, we go to Agenda Item 2, to elect a Chairman of the Policy and Finance Committee.

65 Rule 5 of the Constitution and Operation of Chief Pleas Committees provides for a secret ballot to elect a Chairman of the Policy and Finance Committee, with the Greffier acting as Returning Officer.

Nominations proposed and seconded were 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 Sam La Trobe-Bateman.

70 Therefore, a secret ballot is not needed and I now put it to a vote that, under Rule 5(1) of the Constitution and Operation of Chief Pleas Committees, Conseiller Sam La Trobe-Bateman be elected Chairman of the Policy and Finance Committee. All those for; are there any against? In that case, I declare that Conseiller Sam La Trobe-Bateman is Chairman of the Policy and Finance Committee.

3. Sark's Territorial Seas Extension – Policy and Finance Committee report considered – Propositions carried

To consider a Report with nine Propositions from the Policy and Finance Committee entitled 'Sark's Territorial Seas Extension'.

Proposition 1:

To agree that Sark's territorial sea should extend, in accordance with international law, up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant).

Proposition 2:

To direct the Policy and Finance Committee to request Guernsey's Policy & Resources Committee (acting on behalf of all three Bailiwick authorities) to send a formal request to the

UK government that an Order in Council be made under the Territorial Sea Act 1987 to extend the territorial seas of the Bailiwick of Guernsey up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant) in accordance with international law

Proposition 3:

To note that the territorial seas may be extended whether or not the maritime boundaries between Guernsey, Alderney and Sark or between the Bailiwick of Guernsey and France or between the Bailiwick of Guernsey and the Bailiwick of Jersey have already been agreed.

Proposition 4:

To delegate authority to the Policy and Finance Committee to negotiate and agree, with the States of Guernsey and the States of Alderney, the co-ordinates to define the maritime boundaries (median lines) between Sark and Guernsey and Alderney.

Proposition 5:

To direct the Policy and Finance Committee to request Guernsey's Policy & Resources Committee (acting on behalf of all three Bailiwick authorities) to work with the UK Government to negotiate and agree the co-ordinates where necessary to define the maritime boundary between the Bailiwick of Guernsey and France and between the Bailiwick of Guernsey and the Bailiwick of Jersey.

Proposition 6:

To agree that, following extension of the territorial seas of the Bailiwick, legislative and administrative measures are implemented and adopted in order to ensure that the Bailiwick fisheries management regime remains the same as it was before extension until any new regime is subsequently agreed between the Bailiwick authorities.

Proposition 7:

To agree that, following or upon extension of the territorial seas of the Bailiwick, any necessary legislation to give full effect in domestic law to the extension and any consequential amendments to extant Bailiwick legislation, such as the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012, that may be necessary is enacted.

Proposition 8:

To direct the Policy and Finance Committee to establish whether a transfer of Sark's seabed from the Crown (so far as the same is vested in the Crown) to the Chief Pleas of Sark or another suitable person or entity can be agreed in principle, and –

(a) if agreed in principle –

(i) to identify a suitable person or entity in which title to and rights in the seabed surrounding Sark might most appropriately be vested,

(ii) to negotiate the terms and conditions of transfer, and

(iii) to report back to Chief Pleas with proposals enabling Chief Pleas to approve any such transfer and the identity of the transferee, or

(b) if not agreed in principle –

(i) to report any failure to agree to Chief Pleas, and

(ii) to make recommendations as to any further actions or measures that might need to be taken to enable an agreement to be reached.

Proposition 9:

Chief Pleas directs the Committee to request the Law Officers of the Crown to prepare such legislation as may be necessary to give effect to the above propositions.

75 **The Speaker:** We go to Agenda Item 3, to consider a Report with nine Propositions from the Policy and Finance Committee entitled 'Sark's Territorial Seas Extension'.

Conseiller William Raymond, in the absence of Conseiller Sam La Trobe-Bateman, will you be introducing this?

80 **Conseiller Raymond:** Yes, sir.

The Speaker: Then I call Conseiller William Raymond.

Conseiller William Raymond: Thank you, sir.

85 The aim of these Propositions is to bring the Bailiwick of Guernsey in line with Jersey and the Isle of Man, who have all enjoyed a territorial seas limit of 12 miles for some years. The UK Government have said that they want this to be brought forward as Bailiwick propositions and these have already been through the legislatures in the other two islands and it is incumbent on us therefore to pass it tonight.

90 The Propositions are based on a Policy Letter which is lengthy but very clear, which in essence is common to all three Bailiwick jurisdictions. There are individual jurisdictional variations but these are all noted in the course of the letter. For instance, the Seigneur's rights to the foreshore are specifically mentioned.

95 Therefore, just in summary: in Proposition 1 we are agreeing that our limit should be extended to 12 miles; in Proposition 2 we request Guernsey, on our behalf, as well as for Guernsey and Alderney to enact the extension; Propositions 3 and 4 deal with the median lines between the islands, where the sea between the two islands is less than 12 miles; Proposition 5 asks Guernsey to work with the UK to establish the median lines with France and Jersey; Propositions 6 and 7 deal with Bailiwick fishing laws; Proposition 8 deals with the possible future ownership of the seabed, this is really not for debate today. There are issues here which will require careful consideration beyond the ownership. The Proposition asks Policy and Finance to look at the matter and to report back, which the Committee will do; and Proposition 9 directs Policy and Finance to request the Law Officers to perform the drafting. That is a short introduction.

100 Thank you.

105 **The Speaker:** Thank you, Conseiller Raymond.

Can I just ask a quick question on this, because the Policy Letter went before Guernsey States, I think on 30th January, were there any changes to it? Are you aware of any?

110 **Conseiller William Raymond:** I have not been notified of any.

The Speaker: No, okay, nor have I.

Are there any questions from the floor or anybody who wishes to speak to the Propositions? In that case we will go to Proposition 1:

To agree that Sark's territorial sea should extend, in accordance with international law, up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant).

115 Those in favour; are there any against? That is **Carried**.
Proposition 2:

To direct the Policy and Finance Committee to request Guernsey's Policy & Resources Committee (acting on behalf of all three Bailiwick authorities) to send a formal request to the UK Government that an Order in Council be made under the Territorial Sea Act 1987 to extend the territorial seas of the Bailiwick of Guernsey up to 12 nautical miles from the relevant baselines (but not beyond any appropriate median lines, where relevant) in accordance with international law.

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

Proposition 3:

To note that the territorial seas may be extended whether or not the maritime boundaries between Guernsey, Alderney and Sark or between the Bailiwick of Guernsey and France or between the Bailiwick of Guernsey and the Bailiwick of Jersey have already been agreed.

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

Proposition 4:

To delegate authority to the Policy and Finance Committee to negotiate and agree, with the States of Guernsey and the States of Alderney, the co-ordinates to define the maritime boundaries (median lines) between Sark and Guernsey and Alderney.

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

Proposition 5:

To direct the Policy and Finance Committee to request Guernsey's Policy & Resources Committee (acting on behalf of all three Bailiwick authorities) to work with the UK Government to negotiate and agree the co-ordinates where necessary to define the maritime boundary between the Bailiwick of Guernsey and France and between the Bailiwick of Guernsey and the Bailiwick of Jersey.

125 All those in favour; are there any against? That is **Carried**.

Proposition 6:

To agree that, following extension of the territorial seas of the Bailiwick, legislative and administrative measures are implemented and adopted in order to ensure that the Bailiwick fisheries management regime remains the same as it was before extension until any new regime is subsequently agreed between the Bailiwick authorities.

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

Proposition 7:

To agree that, following or upon extension of the territorial seas of the Bailiwick, any necessary legislation to give full effect in domestic law to the extension and any consequential amendments to extant Bailiwick legislation, such as the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012, that may be necessary is enacted.

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

Proposition 8, which has two parts to it, I will read the whole thing:

130

To direct the Policy and Finance Committee to establish whether a transfer of Sark's seabed from the Crown (so far as the same is vested in the Crown) to the Chief Pleas of Sark or another suitable person or entity can be agreed in principle, and –

(a) if agreed in principle –

(i) to identify a suitable person or entity in which title to and rights in the seabed surrounding Sark might most appropriately be vested,

(ii) to negotiate the terms and conditions of transfer, and

(iii) to report back to Chief Pleas with proposals enabling Chief Pleas to approve any such transfer and the identity of the transferee, or

(b) if not agreed in principle –

(i) to report any failure to agree to Chief Pleas, and

(ii) to make recommendations as to any further actions or measures that might need to be taken to enable an agreement to be reached.

I will take part (a) first, if agreed in principle to ... well, I will not read the whole of the Proposition which is common to both, but:

if agreed in principle –

(i) to identify a suitable person or entity in which title to and rights in the seabed surrounding Sark might most appropriately be vested,

(ii) to negotiate the terms and conditions of transfer, and

(iii) to report back to Chief Pleas with proposals enabling Chief Pleas to approve any such transfer and the identity of the transferee.

All those in favour; are there any against? In that case, part (b) falls, since you have all voted for part (a).

135

Proposition 9:

Chief Pleas directs the Committee to request the Law Officers of the Crown to prepare such legislation as may be necessary to give effect to the above propositions.

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

**4. Committee Elections –
Policy and Finance Committee, no nominations –
The Douzaine, Conseiller A de Carteret elected as a member**

To elect Conseillers to Committees, as required.

The Speaker: We go to Agenda Item 4, Committee Elections to elect Conseillers to Committees, as required.

140 There is one vacancy on the Policy and Finance Committee. Are there any nominations for that? No.

145 Okay, then we will go on to the Douzaine. There is one vacancy on the Douzaine, I believe Conseiller Amanda de Carteret has been nominated as a member of the Douzaine, is that correct? Are there any other nominations? In that case, I will proceed to a vote, Conseiller Amanda de Carteret to be a member of the Douzaine. Those in favour; are there any against? That is **Carried** and I declare Conseiller Amanda de Carteret to be a member of the Douzaine.

**Special Committees –
Land Reform, Conseiller C Nightingale elected as a member –
Child Protection, no nominations –
Top Level Doman, no nominations –
Future Energy, Conseillers H Plummer and
C Nightingale elected as members**

150 **The Speaker:** There are vacancies on the following Special Committees: One vacancy on the Land Reform Special Committee, one vacancy on the vacancy on the Child Protection Special Committee, three vacancies on the Top Level Domain Special Committee and two vacancies on the Future Energy Special Committee.

155 Are there any nominations for the Land Reform Special Committee? I believe Conseiller Christopher Nightingale has put his name forward for that. Are there any other nominations? In that case I will put that to the vote that Conseiller Christopher Nightingale become a member of the Land Reform Special Committee. All those in favour; are there any against? That is **Carried**. I declare Conseiller Christopher Nightingale a member of the Land Reform Special Committee.

The one vacancy on the Child Protection Special Committee, are there any nominations for that?

160 **Conseiller de Carteret:** Yes I would like to propose Mr Reg Guille to join the Child Protection Special Committee, please.

The Speaker: That comes actually in the next –

165 **Conseiller de Carteret:** As a non-Chief Pleas Member.

The Speaker: Yes, that comes in the next Item. Not unless he has been elected again without me knowing! Are there any nominations for Conseillers to the Child Protection Special Committee?

170 In that case we will move on to the three vacancies for the Top Level Domain Special Committee, are there any Conseillers who wish to be nominated for that? No.

There are two vacancies on the Future Energy Special Committee, are there any nominations from Conseillers to go on that?

Conseiller Helen Plummer, you are nominating yourself are you?

175 **Conseiller Plummer:** Yes, is that alright?

The Speaker: Yes, that is perfect. You could have been nominating somebody else, you know.

Conseiller Plummer: Well I will give it a shot but I do not want to be struck down.

180

Conseiller Nightingale: You said two?

The Speaker: There are two vacancies, yes.

185 **Conseiller Nightingale:** Well I will nominate myself for that as well.

The Speaker: Right, so I will put that to the vote that Conseiller Helen Plummer and Conseiller Christopher Nightingale become members of the Future Energy Special Committee. All those in favour; are there any against? That is **Carried**. I declare Conseiller Helen Plummer and Conseiller Christopher Nightingale members of the Future Energy Special Committee.

190

**5. Committee and Panel Elections –
Medical and Emergency, Dr R Norwich and D Baker elected –
Agriculture, Environment and Sea Fisheries, J Birch, D Cocksedge
and R Dewe elected –
Child Protection, R Guille MBE elected –
Policy and Finance Committee, R Guille MBE elected**

To elect Non-Chief Pleas Members to Committees and Panels, as required.

The Speaker: We now come to Agenda Item 13, Committee and Panel Elections to elect non-Chief Pleas Members to Committees and Panels as required.

Several Members: Item 5!

195

The Speaker: Oh dear, sorry, that is the perils of copy and pasting, it was Item 13 the last time we did this.

Agenda Item 5, Committee and Panel Elections to elect non-Chief Pleas Members to Committees and Panels as required. Are there any nominations to elect non-Chief Pleas Members to Committees and Panels?
200 Conseiller Helen Plummer.

Conseiller Plummer: To the Medical and Emergency Committee I would like to nominate Dr Roger Norwich and Mrs Diane Baker, please.
205

The Speaker: Okay then.

Conseiller Plummer: To the Agriculture, Environment and Sea Fisheries, I would like to nominate Ms Jo Birch, Mr David Cocksedge and Mr Richard Dewe.
210 Thank you.

The Speaker: Okay, are there any others?
Conseiller Amanda de Carteret.

Conseiller de Carteret: I would like to propose Mr Reg Guille as a non-Chief Pleas Member on to the Child Protection Committee, please.
215

The Speaker: Okay, are there any others?
Conseiller William Raymond.
220

Conseiller Raymond: Sir, he came here this evening footloose and fancy free, I would like to propose Mr Reg Guille to be a non-Chief Pleas member of Policy and Finance.

The Speaker: Right. I will just read those back: Medical and Emergency Committee, Conseiller Dr Roger Norwich, there was just one, wasn't there?
225

Conseiller Plummer: No two, Mrs Diane Baker.

The Speaker: Of course, yes. I thought Diane Baker was already on it.
230 Agriculture, Sea Fisheries and Environment, Ms Jo Birch, Mr David Cocksedge and Mr Richard Dewe. Child Protection, Mr Reg Guille and Policy and Finance, Mr Reg Guille.

Is that all the nominations that you wish to put forward? In that case I do not think we need to vote on that, unless you want to vote on it. We will vote en bloc shall we? Medical and Emergency, Dr Roger Norwich and Mrs Diane Baker, Agriculture, Ms Jo Birch, Mr David Cocksedge and Mr Richard Dewe, Child Protection, Mr Reg Guille, Policy and Finance, Mr Reg Guille. All those in favour? *(Interjection by Conseiller J Guille)*
235

Conseiller Long: Can I ask we do not vote en bloc, can we vote by Committee? Otherwise I am just voting for everybody straight away, please.
240

The Speaker: Okay, in that case I will do them Committee by Committee.
Medical and Emergency, Dr Roger Norwich and Mrs Diane Baker. All those in favour; are there any against? That is **carried**.

Agriculture, Environment and Sea Fisheries, Ms Jo Birch, Mr David Cocksedge and Mr Richard Dewe –
245

Conseiller Long: Sorry, sir, could you tell me how I vote for three people, surely if we are voting I vote for one as they go, you cannot ask me to vote yes or no for three names? I apologise, this is a new one on me.

250 **The Speaker:** It is normally up to the Committees themselves to decide who they want to nominate onto the Committees and then it is approved by Chief Pleas, but I will do them one by one if you wish.

Agriculture, Environment Sea Fisheries and, Ms Jo Birch, all those in favour; are there any against? That is **Carried**. Mr David Cocksedge, all those in favour; are there any against? And Mr Richard Dewe, all those in favour; are there any against?

255 Child Protection, Mr Reg Guille, all those in favour; are there any against? That is **Carried** by a substantial majority.

Policy and Finance, Mr Reg Guille, all those in favour; are there any against? That is **Carried** by a substantial majority.

260 That concludes the business of the meeting. I am going to close the meeting at –

**Procedural –
Sark’s Territorial Seas Extension –
Item 8(b) approved**

Conseiller Raymond: It has just been drawn to my attention that perhaps we should have voted on part (b) of Item 8 in the Territorial Seas. Can you just reconsider that? You passed over it. Because it does direct us how we behave if it is not agreed in principle. I do not think a lot turns on it but ...

265

The Speaker: No, but surely.

A Member: It is not agreed in principle by us.

270

The Speaker: No, the proposition was:

To direct the Policy and Finance Committee to establish whether a transfer of Sark’s seabed from the Crown (so far as the same is vested in the Crown) to the Chief Pleas of Sark or another suitable person or entity can be agreed in principle,

And then 8(a) goes:

if agreed in principle –

And 8(b) is:

if not agreed in principle –

But it was agreed in principle.

275

Conseiller Raymond: It is agreed, but what we are doing is saying if it is agreed in principle then we identify a suitable person. If we do not agree then we have to come back and report a failure so I think possibly we ought to just pass that through.

280

The Speaker: In that case I will put 8(b) if not agreed in principle:

(i) to report any failure to agree to Chief Pleas, and

(ii) to make recommendations as to any further actions or measures that might need to be taken to enable an agreement to be reached.

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

The meeting is now closed –

**Procedural –
Brexit papers**

285 **Conseiller Raymond:** Hang on. I have another point about the Brexit papers that everybody has. There will be more announcements in due course, but it is fairly important that everybody knows that if there are any EU nationals that they will have to register at some point, under the backstop proposals and there will be further movement on border controls post-Brexit.

290 This was drawn to our attention under a week ago when we have had a visitation from officers from Guernsey, and I just thought we ought to draw it to people's attention tonight.

They *must* read that document from Gavin St Pier, it is very good.

The Speaker: Okay. And I think what was qualified at the meeting you are referring to was that for people like me, who hold an Irish passport, that as we are part of the Common Travel Area that we do not have to register, but it is worthwhile checking whether you have to or not.

295 Now can I close the meeting? *(Laughter)*

I am now closing the meeting for the third time at 7.30 p.m. Greffier, the grace, please.

PRAYER
The Greffier

Chief Pleas closed at 7.30 p.m.