



OFFICIAL REPORT
OF THE
EASTER MEETING
OF CHIEF PLEAS
OF THE
ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 1st May 2019

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

Volume 5, No. 5

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

A J Rolfe Esq.

Deputy Prévôt

Mr 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
Peter La Trobe-Bateman
Christopher Nightingale
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson
Helen Plummer

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

Business transacted

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Easter Meeting of Chief Pleas

Chief Pleas met at 10 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.

The Speaker: There are obviously no apologies, everybody is here. Well done!

Welcome to His Excellency the Lieutenant-Governor; and Elaine Cobb, Head of Crown Dependencies Team, Ministry of Justice

5 **The Speaker:** First of all, may I welcome the Lieutenant-Governor to our Meeting.
May I also welcome Elaine Cobb of the Ministry of Justice, who is in the Public Gallery. She is paying us another visit.

Resignation of Wendy Kiernan from Policy & Finance Committee

10 **The Speaker:** I have received the resignation of Wendy Kiernan from the Policy & Finance Committee, as a non-voting member, with effect from midnight on 30th April. I would like to thank Wendy for her long years of service to the Island.

Conseiller William Raymond, I know you wish to add to this.

Conseiller Raymond: Thank you, sir.

15 Today represents a second retirement for Wendy Kiernan, who regrettably stands down as a non-Chief Pleas member of the Policy & Finance Committee. Following the resignations of the entire finance team after the Michaelmas Chief Pleas in 2018, there was a need to reconstruct the 2019 Budget and replace the lost capacity in the Treasury, and that role had to be fulfilled immediately.

20 Step forward Wendy Kiernan, as a volunteer, totally unpaid, to perform that role. Similar to that which she had performed as Treasurer, but yet different. Sark community and Chief Pleas is once again in her debt and we all owe her a tremendous debt of thanks for her assistance at this crucial time.

25 Those of us who have worked with her will miss her input, for which we have been duly grateful. Her garden and a holiday await. Thank you Wendy. *(Applause)*

**Code of Conduct procedure –
Statement by Conseiller La Trobe-Bateman**

The Speaker: A statement by Conseiller Sam La Trobe-Bateman regarding the Code of Conduct procedure.

Conseiller La Trobe-Bateman: Thank you.

30 As many of you are aware, on 18th December there was a Code of Conduct complaint made against the then Conseiller Reg Guille. P&F have no comment to make with regard to the complaint itself, but we do have some serious issues about the way in which the Code of Conduct Panel was set up and how it operated.

35 When a complaint is received, the first step is for an Appointments Committee to be appointed for the purpose of section 5A of the Reform (Sark) Law, 2008. This Committee is chaired by the Seigneur, who then picks two others to join him. In the case of Conseiller Guille, the Committee was comprised of the Seigneur, Christopher Beaumont; Mr David Brunning; and the Deputy Seigneur Andrew Bache.

40 It is then the job of the Appointments Committee to choose candidates to be on the Conduct Panel. The Panel consists of a chairman and up to five members. It is at this stage that P&F feel that things went astray.

45 Firstly, the Seigneur appointed himself on the Panel. We believe that the Seigneur cannot in fact sit on the Panel, as he is on the Appointments Committee and is also a Member of Chief Pleas. The Panel should only consist of ordinary residents. Mr Brunning, the Chairman of the Panel, was also chosen from within the Appointments Committee. His ability to be on the Panel is questionable as, at the time, he was not on the Electoral Roll and would not have been classed as an ordinary resident because of the amount of time spent on Sark.

50 Miss Bellfield and Dr Axton were appointed to the Panel between 24th December and 4th January. The fifth member to be appointed was Miss Hazel Fry, on 10th January. The very next day a letter dated 11th January was sent to Conseiller Guille informing him that a complaint had been made against him and that, after an initial assessment, it was found that he had brought Chief Pleas into disrepute.

55 Not only does it seem unconvincing that in less than 24 hours the Panel members were able to make an initial assessment and come to the conclusion, but we would also question why the Panel would wait until 10th January to appoint Mrs Fry when there are around 300 other residents that could fill that position earlier.

60 Up until 31st December, Mrs Fry would not have been eligible to sit on the Panel as she would not have been out of public office for more than one year. Mr Guille received his letter on 15th January, the day before Chief Pleas. On 16th January, Conseiller Guille resigned from being Conseiller.

65 Mr Guille believed that, by resigning from office, he would put a stop to the investigation, as we all assumed the same. We believe that had we not elected Mr Guille onto our Committee as a non-Chief Pleas member following his resignation, this would indeed have been an end of the conduct issue.

70 However due to the complex issues that the Committee was dealing with, we needed Mr Guille's expertise for a few months. When the Code of Conduct mandate came to Chief Pleas it was asked whether or not the Code of Conduct extended to non-Chief Pleas members. The answer was no, it only applies to Conseillers. The other categories of Government would soon follow. Nothing, as of yet, has been developed.

70 Despite this, the Code of Conduct Panel took it upon themselves to pursue Mr Doyle's case against Mr Guille. Mr Guille was unaware that the case was still being investigated and at no point was he informed of this. Mr Guille was never asked to meet with the Panel or write to them to give his account of the incident in question. Mr Guille was never given the opportunity to defend himself.

75 If the case had been handled in accordance with the Code of Conduct, Mr Guille would have been written to again, asking him to nominate a member of his choosing to be on the Panel. This procedure is stated in the Code of Conduct Panel mandate, page 16, 4b. This part is to ensure that the Panel is made up of a mixture of people. This never happened.

80 Mr Guille was only made aware the case was ongoing when he had been contacted by the *Guernsey Press* on 17th February. The *Press* said that the investigation had been finalised and sent off to the Law Officers for review. The *Press* had been given this information by the Seigneur. We believe that this is a severe breach of conduct as well as confidentiality.

85 Policy & Finance have concerns regarding who was on the panel and the way in which they conducted the case. We believe that certain members of the Panel wished to remove Mr Guille from Chief Pleas. As Chairman of P&F, I will not present the Panel's report of this case as it has too many flaws in its procedure. A new investigation would need to be conducted, following proper process, in order for this Committee to submit its findings.

**Island medical cover –
Statement by Conseiller Plummer**

The Speaker: A statement by Conseiller Helen Plummer regarding the medical cover on the Island.

90

Conseiller Plummer: Thank you. The Island has had 24/7 medical cover from the time Dr Stevenson left the Island, from the doctors at the Princess Elizabeth Hospital, St John and locums from the UK, which we have here at present. Past Sark doctors have been extremely helpful in contacting locums for us and we are grateful to all the help that has been forthcoming.

95

We are in progress of employing a locum from the UK for the foreseeable future. When we have more information from Dr Stevenson, who is recovering with his family, we will as usual put the information on our Government website and in public places. We all wish him well for a speedy recovery.

100 I would also like to thank all those people that helped us on that day when we had two casualties. I would like to say a huge thank you.

May I add that at no time has Sark been without medical cover.

Thank you.

The Speaker: Thank you.

**Update on new slaughterhouse –
Statement by Conseiller Helen Plummer**

105 **The Speaker:** A second statement by Conseiller Helen Plummer regarding the slaughterhouse.

Conseiller Plummer: Thank you. The Agriculture, Environmental and Sea Fisheries Committee update on the new slaughterhouse.

110

Mr John Robinson has been delayed in putting the final cost together. It is work in progress. When the figures have been completed, the Committee will return to Chief Pleas with the amount, once we have got the full and final picture. Thank you.

The Speaker: Thank you.

**Procedural –
Electronic devices**

115 **The Speaker:** In accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment is switched off now, less those allowed to Chief Pleas Members in accordance with Rule 18.

Business of the Day

1. Questions not related to the Business of the Day – None

The Speaker: Agenda Item 1, questions not related to the business of the day. There are none.

2. Land Reform – Report from Policy & Finance Committee on behalf of the Special Land Reform Committee considered – Propositions carried

To consider a Report with three Propositions from the Policy & Finance Committee on behalf of the Special Land Reform Committee entitled 'Land Reform' and Approve a Projet de Loi entitled The Land Reform (Sark) Law, 2019 and to Approve a Projet de Loi entitled 'The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2019'.

Proposition 1:

That Chief Pleas approves the Projet de Loi entitled The Land Reform (Sark) Law, 2019.

Proposition 2:

To approve the proposals with respect to amendment of section 11 of the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 so as to strengthen the enabling powers relating to the charging of leaseholds, as set out in the draft Projet de Loi referred to in proposition 3.

Proposition 3:

That Chief Pleas approves the Projet de Loi entitled The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2019

120 **The Speaker:** We then go to Agenda Item 2, to consider a Report with three Propositions from the Policy & Finance Committee, on behalf of the Special Land Reform Committee, entitled 'Land Reform' and approve a Projet de Loi entitled the Land Reform (Sark) Law, 2019 and to approve a second Projet de Loi entitled The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2019.

125 Before I actually call Conseiller William Raymond I would just like to make a short statement of my own regarding the queries that have been raised by electors. I am aware of suggestions by electors that Members of the House should make declarations of interest regarding this Item. I

130 have given considerable thought to this and take the view that, as this is a Report that affects all
Conseillers, whether they be tenement owners, leaseholders or those who their rent their
properties, all of whom will be affected by the changes of Land Reform and also those wish to
buy land, therefore I do not intend to ask for declarations of interest that would result in the
exclusion of any Member from contributing or voting on this Item.

135 However, in order to avoid any doubt and to ensure transparency, I would expect Members
to preface their remarks declaring if they have a personal perspective regarding their comments
on this Land Reform item with its attached Projets de Loi.

Conseiller William Raymond.

Conseiller Raymond: Thank you, sir.

140 I start this introduction by confirming that I hold a part interest in a tenement on Sark, having
previously held a leasehold interest –

The Speaker: Conseiller William Raymond, can I just ... Conseiller Simon Couldridge, are you
raising a point of order?

145 **Conseiller Couldridge:** Sorry?

The Speaker: Are you raising a point of order?

150 **Conseiller Couldridge:** No, it was to speak after he had.

The Speaker: Yes, but I mean, I call people to speak after the introduction. Okay?

Conseiller Couldridge: Okay.

155 **The Speaker:** Conseiller William Raymond.

Conseiller Raymond: I will start again, sir.

160 I start this introduction by confirming that I hold a part interest in a tenement on Sark, having
previously held a leasehold interest in another property. I am the only Tenant sitting on the
Committee.

165 These proposals are a part of the legislation produced following the unanimous decision,
reached at the Easter Meeting last year. Whilst viewed in some quarters as being solely about
land-holding interests, the effect extends far beyond that. There are currently too few
freeholders on Sark and we need more if we are to be attractive to future residents who we
need to invest and start or support commerce on the Island for the economic benefit of all.

170 At present the Law prohibits this. I am anxious that everybody, including Chief Pleas, sees this
as an enabling step towards a more prosperous future for the Island and not just in terms of
land ownership or the value of property. This is the second part of the legislative process which
was started by the Propositions which were passed at Easter last year. The unwelcome delay to
this part has been caused by the Law Officers' overload consequent upon the Brexit indecision in
Westminster.

175 For those of you who were not with us a year ago, the explanatory Report setting out much
of the reasoning is included as an appendix. This Report was written in its entirety by the
independent adviser to the Committee, who had no pecuniary or other interest in any Sark
property.

The abolition of Retrait has already found its way into Law. The Projets presented today are
the next stage of converting those decisions into Law. Of themselves, they will not – I repeat,
not – become operational until they are triggered by Ordinances, which will be drafted to
introduce them at the same time as the leasehold protection provisions.

180 Just a moment, I need to change glasses.

It is important that we stress that the remainder of the decisions passed last Easter need to be enacted as a part of the package of measures. I will just remind you that those are the provisions that deal with improving the rights of a leaseholder. The Committee are very conscious that there are some invidious decisions which have to be made today and that is why it is important that they are regarded as a part of the package, to be effective legally at one and the same time.

I cannot emphasise this enough. Do not view these two Projets in isolation; they will not be effective yet.

190 These Laws do need to be passed but, until brought into effect by the Ordinances that I have spoken about, they remain effectively dormant. The remainder of the 2018 provisions are being worked on and legislation will be prepared. There is an indication that some of the parts may be available for Midsummer 2019 and that is advice from St James' Chambers. I hope that they will be able to meet that deadline.

195 It is also relevant to remind people that Sark operates still under legislation which dates back to 1611, the reasons for which are long outdated. Reform is definitely due. The Propositions today involve legislation which removes outdated restrictions on property ownership. The Propositions do not involve the imposition of any requirements on any person. They should offer a new freedom on the Island.

200 The Committee acknowledges that there are concerns surrounding lease valuations and they take the view that this is not a reason to delay and not pass this legislation today. If any progress is to be made on any change to land tenure, then these provisions in the Letters Patent of 1611 will have to be repealed at some point. The decision is when that repeal takes place. We recommend that this legislation is passed today, subject of course to the subsequent introduction by Ordinance.

205 The first piece of legislation which is laid before you today is the Land Reform (Sark) Law, 2019 and this Law is in three parts. In the first part it abolishes the principle of indivisibility of tenements and freeholds, requires the identification of the divided portion, as well as specifying the agreement to provide services, rights of way and any easements over land that has been retained, in order to preserve the value of the part which has been carved out. This is especially important on Sark, where there is so little publicly owned land. Further definitive Ordinances will be required.

215 The second part is to enable the charging or mortgaging of any real property – that is, tenements or freeholds which are treated as real property. This will be subject to a stipulated form of obligation, which will then be registered at the Greffe. The prohibition on the creation of rentes, which are archaic in nature and believed not to be appropriate in a modern age, shall remain. Again there will be subordinate definitive Ordinances.

220 The third part relates to the enforcement procedure in the event of a default on the terms of a charge or mortgage registered on a property. This is known as 'saisie'. There already exists a Bailiwick-wide practice of saisie, by which a lender can take possession of real property if the borrower defaults. At the moment the lender takes the property as his own, subject to certain other formalities, but to the entire exclusion of the owner who borrowed the money from him.

225 The proposals that the Committee intend to introduce by Ordinance will amend this process for Sark. The amendment will stipulate that, following a judgment, the property will be taken over by the Prévôt as a trustee for sale and, following the sale, the Prévôt will account to the lender for the debt plus interests and costs, and then will pay over any balance to the borrower or to other creditors. By this means, any equity in the property will not be lost to the borrower and that is an important departure from the existing Bailiwick legislation.

There are at the end of the Projets certain amendments to the 1999 Inheritance Law and these repeals are necessary because this Law confirmed the principle of indivisibility.

230 This Project presented today is an enabling Law, which will have effect when subordinate Ordinances are passed, including those to date its introduction. I repeat that the Law will not

become effective until introduced by Ordinances, which will need to be passed by Chief Pleas. So Chief Pleas still retains control over the totality of this process and the package of measures that it passed last Easter.

235 It should not be forgotten that it will be advisable for a revised Development Control Law to be in place prior to introduction. But this element is not within the control of the Land Reform Special Committee. We have ensured that it is being investigated by the Committee responsible.

240 The second Projet makes definitive amendments to the Property Transfer Tax legislation of 2007, which also introduced the ability to mortgage or charge property. The 2007 enabling legislation was aimed not just at real property, in other words tenements and freeholds, but also envisaged that certain leasehold properties could, for the purposes of charging, be regarded as real property.

245 This Projet amplifies that outline piece of legislation and mirrors the legislation enacted in Guernsey in 2004, which contained a similar aim. In short, the legislation for charging property is all framed around tenements and freeholds as real property. This Projet confirms the same abilities on long leaseholds so that most of Sark property interests will be treated in the same way.

250 Whilst the Projet confers the ability to charge, it must not be construed as conferring any requirement for a lender to lend, which will continue to be subject to the usual criteria and will depend upon the freedom to charge a lease not being prohibited by the terms of that lease.

As the Report states, work will continue towards the drafting of legislation relating to lease forfeiture, a better regime in connection with the rights of leaseholders to assign and sub-let and staying eviction proceedings. It may well be important to lenders that these greater freedoms exist so that they are encouraged to lend on the security of the leasehold property.

255 It is very important that the two pieces of legislation today are not viewed in isolation from the rest of the Propositions passed at last year's Meeting, as I have said. The legislation for those items will follow as soon as drafting time permits and the aim is that once all of the legislation is in place then, subject to Chief Pleas' approval, and it will be under Chief Pleas' control, it can all be introduced at one and the same time.

260 The possibility of legislation was withdrawn in 2012. Since then existing leases have become shorter by six years and thereby potentially of less value. Leases devalue naturally with time. The aim has been to enlarge the freehold ownership on Sark, so that more people have a perpetual right to their property and thus a true long-term interest in the Island.

265 This depends upon the removal of the restrictions of 1611 and the willingness of landlords to sell to their leaseholders. We can enable the first today and I strongly recommend that we do.

The Speaker: Thank you.

270 Can I ask for anybody who wishes to contribute? I have already got Conseiller Simon Couldridge. I have Conseillers Simon Couldridge and Tony Ventress. Is there anybody else? Conseiller Pauline Mallinson.

Conseiller Simon Couldridge, now you may go.

275 **Conseiller Couldridge:** Okay. The topic of land reform has been much debated in and outside of Chief Pleas over a number of years. Being new to Chief Pleas, much of this was before my time but personally I was originally against the land reform, primarily for fear of loss of the natural beauty and landscape of the Island, which is, because of the 450-year-old land tender system, including non-divisibility, primogeniture inheritance – I know that has now gone – non-corporate ownership, which I think probably has also gone, and the lack of ability to charge properties for mortgage-raising purposes.

280 I concede, however, that many different groups of residents, for different reasons, are keen to see some form of land reform enacted. Conseillers have received a number of letters and emails on this subject, a number suggesting self-interest on the part Chief Pleas Members. This I do not contest, as this subject is bound to affect virtually everybody who owns either a head-

285 lease or a sub-lease, or freehold as sometimes referred to; although actually all Sark properties
leasehold in some form, albeit head leases are on similar terms to the ultimate lease of the
Seigneur, being held in perpetuity.

For myself personally I would like to declare that I do not have a pecuniary interest, be it I do
not have a leasehold to sell or buy. There has been some suggestion that the lack of land reform
enactment has been responsible for the current decline and stagnation of the Sark property
290 market. I disagree with the sentiment.

The slow-down commenced around the time of the change to democracy in Sark; a national
property slow-down, national/local economic austerity, political uncertainty in Sark and
constant negative media reporting are big factors. Also a large chunk of Sark tenements were
purchased in one hit, unnaturally swaying the natural balances.

295 Many young local people are concerned, rightly so, as to the long-term security they are
afforded by holding relatively short-term leases, typically of 60 years or less, therefore having
little to pass on to their children and no ability to raise mortgages and limited opportunity to sell
their holding; especially as unscrupulous landlords may refuse to assign, as has happened
recently.

300 There are of course many relatively recent residents who have purchased leaseholds who
may see land reform as an opportunity to convert their holdings to freeholds or similar for little
money; thereby making a potentially large financial gain at landlord expenses.

Finally there are a few landlords who have multiple tenants on their land, who perhaps see
land reform as a money-making opportunity by selling freeholds to the tenants that otherwise
305 would have little value until expiration of the leases and then limited due to being classed local
market.

Given the above, we as Chief Pleas must be very careful to do the right thing and I believe,
especially in view of the public interest, should defer this for further consideration. I believe it is
not our role to play God or be Robin Hood and enact legislation that could favour or
310 disadvantage one section of the community over the other.

I would like to suggest that before we proceed to land reform, as suggested, a form of
Landlord and Tenants Act should be considered in ordered to offer comfort and security,
perhaps containing clauses compelling landlords to renew on similar terms and conditions at
expiration and deter the landlords from unreasonableness, especially when it came to assigning
315 leases etc.

Finally I have a very big concern that if land reform comes in, as suggested, giving landowners
the right to sub-divide land, what will happen? Landholder one has a one-acre field, for example,
and divides it in half to give each to their two children; then in turn they have two children and
so on. Then, despite vigorous planning laws, our beautiful landscape could be lost and we end
320 up with houses every hundred yards, from east to west, just like Guernsey.

Thank you.

The Speaker: Thank you.

Conseiller Tony Ventress.

325 **Conseiller Ventress:** I declare an interest as a lessee. I have at various times said that land
reform, while absolutely essential, is one of the most difficult problems facing Chief Pleas. There
are four disparate groups of people affected, each with their own views, desires and fears:

(1) the Tenants, some of whom their only asset is their land, are fearful – although totally
330 unnecessarily – of losing this value through being made to sell parcels of their land.

(2) Leaseholders – long, 25 years and more, and short – who often feel and worry that having
in many cases spent a lot of money building a house on the parcel of land that at the end of their
lease will revert to the lessor with no compensation for the enhanced value of the property.

(3) Those who rent and have no security of tenure and could be out, with little recourse, if
335 any, at the whim of the landlord.

(4) The group who are virtually overlooked and most vulnerable: the youngsters hoping to set up their own homes but have no capital even to put down a deposit on rental property because, very often, two to three months' rent is required in advance.

340 As a Conseiller, on initially reading this Report, I felt this did not seem to address various concerns, which have been reinforced by the numerous emails and conversations that I have had together with these people. Also, Advocate Gordon Dawes' article in the so-called newspaper, which was very interesting.

345 The most contentious point, raised by many correspondents, is the lack of consideration and protection for leaseholders. This is especially true with agricultural leases, or rental, which are often just on a year-to-year basis. Agriculture is a long-term business, which for the best care and utilisation of the land requires a minimum of seven to ten years to keep the land in prime condition.

350 There have been cases of leasehold home-owners being subjected to claims by landowners to recover the property on grounds, often minor or spurious, of non-compliance with terms in the contract. There are cases where lessees who have or wish to move are finding it difficult, if not impossible, to sell the remainder of their lease, as Tenants can and have refused their consent for no apparent good reason.

355 These are problems, which need to be addressed at the same time and in conjunction with the proposed legislation. Rented accommodation and rights of both owners and renters need to be addressed. At the moment, in the majority of cases in dispute, the owners have very much the upper hand.

360 In view of these concerns, I will vote against Proposition 1 and ask the Committee to address these concerns and return to Chief Pleas in the near future with appropriate safeguards and tribunals for leaseholders and renters to solve any problems without expensive recourse to Law, as is at present.

I am at the moment undecided which way to vote on the other two Propositions.

Thank you.

365 **The Speaker:** Thank you.
Conseiller Pauline Mallinson.

Conseiller Mallinson: Thank you.

Can I declare that I am a leaseholder.

370 Before I came into Chief Pleas, I was involved quite strongly with leaseholders on looking at this issue and have expressed concerns that this issue seems to be taking a very long time to move forward at all. That means that I feel uncomfortable doing something that may potentially delay it more, by voting against these Propositions, but I do feel at the moment that that is what I need to do, because I understand from Conseiller Raymond that he is saying that to vote for these will not mean that they will be brought into Law, but I am uncomfortable that we only
375 have half the picture.

We have the firm Propositions to do with divisibility but we do not have the parts that are going to address mortgage-ability of leases and other aspects of leasehold.

380 I also am yet unconvinced by the comments that the Committee has made on several occasions that it is 'too complex' or 'not possible' to look at some form of either compulsory enfranchisement, such as has been in force in other jurisdictions for a very long time, or if Tenants, for historic reasons, feel they are not willing to part with their land in perpetuity, some form of automatic right to renew a long lease for another period, at an appropriate and fair price.

385 I would like Conseiller Raymond to explain why it is necessary to bring these Propositions to Chief Pleas today if, as he says, they are not going to be brought into legal force until an Ordinance or Ordinances are passed in the future; and why the whole package of divisibility and also the leasehold aspects cannot be brought to Chief Pleas together? Thank you.

A Member: Hear, hear.

390 **The Speaker:** Thank you.
I now have Conseiller Christopher Nightingale.

Conseiller Nightingale: Thank you, sir.

395 I have got two declarations to make. I am a leaseholder and I am also on the Special Land Reform Committee.

Obviously most of us here have a vested interest in land reform. It is a large and complex subject and whenever we found what we thought was a road ahead, it ended in a dead end.

400 However we have managed to make, bit by bit, progress with these Propositions, which you have before you today. We can start progress today or we can do it in 10 years or 20 years. The only thing about it is if we leave it for 20 years, it will mean your leases are worth 20 years less than they could be today and I would urge you to pass these Propositions.

Thank you.

The Speaker: Thank you.

405 Does anybody else wish to speak? Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: As a leaseholder myself – that is my interest, as I think most people here are – I will vote for these Propositions. A lot of the emails that have been coming to us are mainly about compulsory purchase. I feel that leasehold on Sark is a necessity, it is a part of it.

410 The reason why people can afford to build houses or buy is because of the lease. You get what you pay for and a lease to buy land for 60/70/80 years is around £25,000 to £30,000. If it then becomes a freehold, compulsorily, landowners will not give up land for leases because potentially it could be taken away from them. Part of it is you sign an agreement on a lease; that is an agreement that you have made knowing full well that in 80 years it is all going away, possibly.

415 So I will be voting for these and definitely not compulsory.

The Speaker: Thank you. (*Interjection*) Please if that is the Public Gallery, please do not do that.

420 Anybody else? In that case I will call Conseiller William Raymond to answer those points.

Conseiller Raymond: Thank you, sir.

425 Conseiller Couldridge raised the question of proliferation of development. That will remain under the control of the Development Control Committee and, as you know, we are asking them to examine the legislation to make sure that it is robust enough.

430 He raised the question of the matter of value. I think this is more a question of security, because leases are not being renewed at the moment and, as they shorten, that destabilises the community as people tend to become less comfortable with the length of their lease. A lot of them are going to be worried that they might outlive the balance of the term.

Landlord and tenant legislation developed over a number of years in the UK and huge changes were made in 1925 and then again in 1954, with the commercial legislation. I think that is beyond the scope of us at the moment and I would not want to go to the complexity of drafting a huge amount of legislation to find that Tenants will not use it.

435 Conseiller Ventress spoke very well about a number of matters, but all of the points that he raised were already passed in the Propositions at Easter 2018. If he looks at those Propositions, and I promise that they are going to be legislated for and introduced at the same time, then he will realise that all of those matters are actually in hand.

440 As for agricultural security, at the moment I suspect, unless and until the dairy is up and running, there may be a surplus of agricultural land. If that really becomes an issue, then it would not be too difficult to adapt the Agricultural Tenancies Act 1995 in the UK for use here.

445 As far as Conseiller Mallinson is concerned, the mortgage-ability of leases is specifically addressed in the amendments to the Property Transfer Tax legislation, which are contained in the second Projet today. Compulsory enfranchisement will take a time to groom Sark before that becomes a realistic proposition because we will need legislation for wayleaves, easements and rights of way, and probably the purchase of more roadways so that we have more publicly owned land.

450 On the renewal of leases, I feel that renewal cannot be legislated for because there is an existing agreement in place, which we should not vary. So I am concerned about introducing something which would interfere with existing rights on either side.

Thank you, sir.

The Speaker: Thank you.

In that case, we will proceed to the Propositions. Proposition 1.

455

Conseiller Raymond: Sir, could I ask for a named vote on Proposition 1, please?

The Speaker: A named vote has been called for on Proposition 1.

There was a named vote.

Carried – Pour 12, Contre 4, No Vote 0

POUR

Conseiller Alan Blythe
Conseiller Peter La Trobe-Bateman
Conseiller Christopher Nightingale
Conseiller Sandra Williams
Conseiller Helen Plummer
Conseiller Philip Long
Conseiller John Guille
Conseiller Christopher Drillot
Conseiller William Raymond
Conseiller Amanda de Carteret
Conseiller Ellen Lalor
Conseiller Rodney Lalor

CONTRE

Conseiller Anthony Ventress
Conseiller Paul Williams
Conseiller Pauline Mallinson
Conseiller Simon Couldridge

NO VOTE

None

460 **The Speaker:** That is **carried**: 12 votes Pour, 4 votes Contre.
We proceed to Proposition 2:

To approve the proposals with respect to amendment of section 11 of the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 so as to strengthen the enabling powers relating to the charging of leaseholds, as set out in the draft Projet de Loi referred to in proposition 3.

All those in favour; against. That is **carried**.

Proposition 3:

That Chief Pleas approves the Projet de Loi entitled The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2019.

All those in favour; against. That is **carried**.

**3. Election of Conseillers 12th June 2019 –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled 'The Election of Conseillers 12th June 2019' and to Approve the Ordinance entitled 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019'.

Proposition:

That Chief Pleas approves 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019'.

465 **The Speaker:** We go to Agenda Item 3, to consider a Report with Proposition from the Policy & Finance Committee entitled The Election of Conseillers 12th June 2019 and to approve the Ordinance entitled The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019.

Before I ask Conseiller Sam La Trobe-Bateman to introduce the Report, I do apologise for not forewarning of this, but there two errors in one of the attachments. I have tried to make two
470 corrections to the notice regarding the collection of nomination forms.

The dates in the first paragraph of Wednesday, 8th May and Thursday, 22nd November should read Thursday, 2nd May and Thursday, 23rd May. The notice has not yet been posted and has been corrected. These were, incidentally, my errors and they will be posted later today.

Conseiller Sam La Trobe-Bateman.

475

Conseiller La Trobe-Bateman: Nothing much more to add. Obviously we need to fill those two seats that we are short. So nominations open on 10th May and close on the – did you say 23rd? It is still the 24th, isn't it?

480 **The Speaker:** It is all in the schedule attached.

Conseiller La Trobe-Bateman: Perfect. So get working on people because we want another by-election, please.

That is it.

485

The Speaker: Does anybody else wish to say anything?
In that case, we will go to the Proposition:

That Chief Pleas approves The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019.

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

This Ordinance will be numbered III of 2019.

**4. The Fishing (Sark) (Amendment) Ordinance, 2019 –
Agriculture, Environmental & Sea Fisheries Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Agriculture, Environmental & Sea Fisheries Committee entitled 'The Fishing (Sark) (Amendment) Ordinance, 2019' and to Approve the Ordinance entitled 'The Fishing (Sark) (Amendment) Ordinance, 2019'.

Proposition:

That Chief Pleas approves 'The Fishing (Sark) (Amendment) Ordinance, 2019'.

490 **The Speaker:** We go to Agenda Item 4, to consider a Report with Proposition from the Agriculture, Environmental & Sea Fisheries Committee entitled 'The Fishing (Sark) (Amendment) Ordinance, 2019' and to approve the Ordinance entitled 'The Fishing (Sark) (Amendment) Ordinance, 2019'.

Conseiller Helen Plummer.

495

Conseiller Plummer: Thank you. We are trying to preserve our waters. Research from the Scottish fisheries' association: 7.5% fish die at fish farms, that is once they are in the pens. In the Scottish fishing association survey in 10 years, they have been taking fish but it is still quite new so there are no figures for the devastation available.

500

All we are trying to do is to protect our waters. If we have too many fish taken, the eco-system will suffer and our fish are more likely to get diseased.

The mandate of this Committee is to inform Chief Pleas of certain fishing activities that can affect the environment. The Proposition is before you and I urge for the safety of our nought-to-three-mile limit that it goes through today.

505

Thank you.

The Speaker: Thank you.

Does anybody wish to contribute to this? I have Conseiller Sam La Trobe-Bateman, followed by Conseiller John Guille.

510

Conseiller La Trobe-Bateman: Thank you.

I am a supporter of this. Being fisheries officer, we have had issues in the past where, if people fish in our waters, such as the small wrasse, we have no control over the export of it. That comes from Guernsey, for an export licence. By putting this Ordinance in place, which is a ban, it is still just an Ordinance that puts the control back in our hands.

515

So if, for instance, there are good business propositions that become business proposals for fishermen that wish to do this and it is well-monitored, it comes back into our hands whether we could issue licensing; we could change the Ordinance to suit, but protection is definitely the best way.

520

Thank you.

The Speaker: Thank you. Conseiller John Guille.

Conseiller Guille: I fully take on board what Conseiller Bateman has just said, that we need to first exert control, but I would like it to be noted that this is a ban to start with but there are some very good reasons why this should be investigated further.

525

The Fisheries Committee do a fantastic job and very much leads Britain in its Fisheries Laws. We are an example, really, to the rest of the UK and potentially Europe, as well.

530

This is a ban because you are worried about the fish stocks but I think it has been based on, possibly, some incorrect information and you have also got to look at the theory of banning one

particular fishery. There is no data on it yet. I think the British Angling Society was referenced as one of the pieces of evidence, because they were in support of it. I think if you ask the Sark Angling Society what the most common fish in Sark is, they would all say it is rock fish, we throw these things back all the time.

535 It is almost certain that rock fish are not particularly vulnerable and it was put to me by a local fisherman that we should not be jumping on things to ban them outright. Fishing is essential to Sark; it is a key part of our tourism industry, the lobster and the crab, this is why people come to the Island.

540 It was a local fisherman who said if we had other fisheries that we could exploit that we could profit from, for example he said, in August, 'I could stop fishing for lobster; I could give the lobsters a rest and I could go onto another fishery which would, just like our lobster fishery, be completely sustainable'. So why introduce this carpet ban when we should be looking for progressive solutions to our situation?

545 So I do support the Proposition but I would like it to be noted that the Committee and Chief Pleas should be open to sensible proposals by local fishermen to further develop different fisheries on Sark, for the benefit of Sark fishing as a whole.

The Speaker: Thank you.

Anybody else? In that case, I will call Conseiller Helen Plummer to sum up.

550

Conseiller Plummer: Thank you very much indeed.

555 Yes, I agree. As a Committee, we are always open to suggestions. We have asked fishermen in the past, and still do, if they have a business plan, please bring their business plan to the Committee – not talking about it in the pub, no; bring your plan to the Committee and we will look at it and we will discuss it.

We are at the moment just worried about our fish stocks. These fish are cleaner fishes. If there are too many taken away, our stock will get lice and they will suffer.

560 That is what we are asking. But I would say to any of the fishermen, if they have got any problems, if they want to put their plan together, bring it to the Committee, we will look at it and then we will bring it to Chief Pleas.

Thank you.

The Speaker: Thank you.

Conseiller John Guille, you wish to come back?

565

Conseiller Guille: Thank you very much, Conseiller Plummer, for allaying some of my concerns. There are fishermen who have some plans and I am sure if they come to you in a sensible way, with good reason ...

570 Dr Emma Sheehan and Professor Martin Attrill from Plymouth Marine Institute have already offered a local fisherman to help them with a study into the sustainability of the wrasse fishery.

In the UK you have IFCA's, Inshore Fisheries and Conservation Authorities, that conduct these studies. They have got a lot more resources in the UK but they still use fishermen to collect their data and I think this is what we should be doing more in Sark. There should be more engagement with local fishermen.

575 I know on this particular issue there has not been any engagement with the local fishermen. I am just standing up for them. I agree with the ban at the moment but banning things might seem like the best idea, initially, but it is counter-productive when you look at the fishery as a whole.

580 **The Speaker:** Thank you. Presumably after it has been agreed in the pub!
Conseiller Helen Plummer.

Conseiller Plummer: May I say the Committee are aware of the input of the university and fisherman in question but we have requested that these plans be brought in writing to the Committee. This was asked for last year, nothing has been brought and nothing has been brought again now.

Thank you.

The Speaker: In that case, we will move to the Proposition:

That Chief Pleas approves 'The Fishing (Sark) (Amendment) Ordinance, 2019'.

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

This Ordinance will be numbered IV of 2019.

**5. 2018 Financial Statements –
Policy & Resources Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled '2018 Financial Statements'.

Proposition:

That the Financial Statements of the Island for the year ended 31st December 2018 be adopted.

The Speaker: We go to Agenda Item 5, to consider a Report with Proposition from the Policy & Finance Committee entitled '2018 Financial Statements'.

Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: I will pass this over to Conseiller Raymond, if I may?

The Speaker: Conseiller William Raymond.

Conseiller Raymond: Thank you, sir.

The headline results for the year are that there was a surplus that would have been shown in the normal way of £95,752, but the unforeseen expenditure amounted to over £367,000 and led to an overall deficit of £271,000.

I would like to draw people's attention to page 11, note 21 about unforeseen expenses, where it mentions some very high sums for legal fees and states that at the end of the year there was a further £42,000 included in creditors. The £42,000 is not in addition to the figure of £328,000, which is shown as legal fees; it is included within it. That is, I think, an important point of clarification.

There is just one further small point. There is a typo on page 15, note 31, it says:

There have been no material subsequent events up to 2018 other than referred to in the notes above.

That should actually not be 'Ultimate controlling party'; it should actually say, 'Post-balance sheet events'.

Thank you.

The Speaker: Does anybody wish to contribute to this?

In that case, we will go to the Proposition –

Conseiller Raymond: Can I just say one thing? It would be an appropriate moment, I think, to just mention electricity, which we have not spoken about for some time.

620 In the settlement agreement it was envisaged that we would be given access to information to enable us to make a decision as to whether or not we wish to purchase the company. We need to have an independent, professional valuation to know what we are buying.

So far, to date, we have not been given access to the assets to enable that valuation to be done. We have instructed professionals who are dealing with professionals acting for the company and, as of just under a week ago, they said that they were awaiting instruction. I have
625 asked for an update for today and I have heard nothing more.

So the situation is the advocates are awaiting instruction and until they get those instructions, there will be no further progress, as I see.

The Speaker: Thank you.

630 In that case we will move to the Proposition:

That the Financial Statements of the Island for the year ended 31st December 2018 be adopted.

Those in favour; those against. That is **carried**.

**6. Chief Secretary –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee, entitled 'Chief Secretary'.

Proposition:

That Chief Pleas approves the appointment of Mrs Zannette Bougourd to the position of Chief Secretary.

The Speaker: We go to Agenda Item 6, to consider a Report with Proposition from the Policy & Finance Committee, entitled 'Chief Secretary'.

Conseiller Sam La Trobe-Bateman.

635

Conseiller La Trobe-Bateman: Thank you.

The Report is very self-explanatory. We held interviews on 27th and 28th March, following which Mrs Zannette Bougourd is identified as the successful candidate. She has been working with us as a CSO officer since January and has proved herself in the office, so by voting her into
640 the position of Chief Secretary we will then start the process so we can build our Civil Service team into what we require.

Thank you.

The Speaker: Thank you.

645 Does anybody wish to contribute? In that case we will go to the Proposition ... sorry?
Conseiller Pauline Mallinson.

Conseiller Mallinson: I have absolutely nothing against the proposed new Chief Secretary personally, she is a very competent lady and in fact I was part of the appointment team that
650 interviewed her and appointed her as a Committee Support Officer. But I am seriously concerned that she is not a professional civil servant and, along with the lack of a qualified

Treasurer, Sark does not have what has been referred to as a small, professional Civil Service, which gives me serious concerns over our overall capacity and expertise to govern.

655 **The Speaker:** Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: Well, that was looked into but for our specific needs on-Island, she meets the criteria perfectly and, by having it as a part-time role, which we believe she could fulfil all the duties we require, saves us a hell of a lot of money.

660 We discussed this at the Bailiwick Council meeting with Guernsey: with the money saved, we can farm out specific needs to Guernsey on specific case-by-case instructions, for the professional level on a particular case. So actually we get better value for money. Instead of a generalist, we get a specific team and it is value for money.

Thank you.

665

The Speaker: We go to the Proposition:

That Chief Pleas approves the appointment of Mrs Zannette Bougourd to the position of Chief Secretary.

Those in favour; are there any against? That is **carried** by a substantial majority.

I notice that Mrs Zannette Bougourd is in the Public Gallery. May I welcome you to your new position.

7. IT System for Chief Pleas – Policy & Finance Committee Report considered – Propositions carried

To consider a Report with four Propositions from the Policy & Finance Committee entitled 'IT System for Chief Pleas'.

Proposition 1:

That Chief Pleas upgrades the current software to Microsoft Office 365 and utilises the included offsite servers, email and Cloud based document storage service.

Proposition 2:

That the Policy & Finance Committee obtains quotes from IT training suppliers to provide training on the new systems for all Conseillers and Officials.

Proposition 3:

The current four-year hardware replacement schedule to be changed to a review of equipment every four years after purchase with the aim to replace equipment every eight years if absolutely necessary.

Proposition 4:

That the Policy & Finance Committee engages further with Guernsey States GDPR Officers for guidance and training for all Conseillers and Officials concerning Sark's GDPR obligations.

670 **The Speaker:** Agenda Item 7, to consider a Report with four Propositions from the Policy & Finance Committee, entitled 'IT Systems for Chief Pleas'.
Conseiller John Guille.

Conseiller Guille: This is probably the least interesting Proposition on the Agenda! *(Laughter)*
675 You can all take a break as I talk! It is probably the least interesting, but it is actually going to
make a real difference to Chief Pleas and the officers there.

We had a real thorough review of the IT systems and they are quite out of date and they
desperately do need upgrading. It must be noted that our IT engineer and many of the
680 employees in the office have been requesting this for several years so, after a big review into it,
we have realised we can upgrade the systems and by changing the renewal schedule on the
hardware, as in the actual computers and screens, we come out with modernising all of our
software and actually saving £100 on the previous budget.

So hopefully everybody will agree this and we do not have to talk about IT any further!

685 **The Speaker:** Okay does anybody wish to contribute?
Conseiller Helen Plummer.

Conseiller Plummer: Just a question. Does this Report include our IT support officer that we
690 have on Sark at the moment? Would this keep him as our IT support?

The Speaker: Conseiller John Guille.

Conseiller Guille: This Report is solely about the software upgrade that we need. We value
695 having an on-Island IT support person. One of the other options in the software and the general
IT upgrade was to go to a Guernsey-based system and we thought that had some benefits but
overall we thought it was a bad option to be reliant on somebody off-Island. So we very much
appreciate having an IT support person on Sark, ready to pop around your house and help you
with your email or whatever you need.

700 **Conseiller Plummer:** Thank you very much indeed.

The Speaker: We will go to Proposition 1:

That Chief Pleas upgrades the current software to Microsoft Office 365 and utilises the included offsite servers,
email and Cloud based document storage service.

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

Proposition 2:

That the Policy & Finance Committee obtains quotes from IT training suppliers to provide training on the new
systems for all Conseillers and Officials.

705 Those in favour; any against? That is **carried**.

Proposition 3:

The current four-year hardware replacement schedule to be changed to a review of equipment every four years
after purchase with the aim to replace equipment every eight years if absolutely necessary.

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

Proposition 4:

That the Policy & Finance Committee engages further with Guernsey States GDPR Officers for guidance and
training for all Conseillers and Officials concerning Sark's GDPR obligations.

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

**8. Deregulation of Electric Bicycles on Sark roads –
Report from The Douzaine considered –
Propositions carried**

To consider a Report with two Propositions from The Douzaine, entitled ‘Deregulation of Electric Bicycles on Sark Roads’.

Proposition 1:

That Chief Pleas directs The Douzaine to request the Law Officers of the Crown to draft the necessary legislation for the deregulation of electric cycles on Sark’s roads.

Proposition 2: That Chief Pleas directs The Douzaine to carry out consultation with the residents of Sark to determine their views on the introduction of legislation for the regulation of bicycles (whether electric or not) being used to transport passengers on Sark roads.

The Speaker: We go to Agenda Item 8, to consider a Report with two Propositions from The Douzaine, entitled Deregulation of Electric Bicycles on Sark roads.
Conseiller Alan Blythe.

715 **Conseiller Blythe:** Thank you, sir.

It was agreed at the Midsummer Chief Pleas of 2018 that the Road Traffic Committee would carry out a public consultation regarding the deregulation of electric bikes. The consultation took place during July and August of that year and although we can all agree it was not the best questionnaire it was conclusive in its findings that the public wanted the deregulation to take place. So here we are with this Report and Propositions.

720 Since the writing of this Report, we have taken further advice from the Law Officers and although they suggested that the drafting is not as straightforward as we first thought, it would not take any longer to draft and if Proposition 1 was to be carried today, it could be ready to come back to Chief Pleas at Midsummer Chief Pleas as a draft Ordinance for your consideration.

725 In summary and extra to this Report, we would remove electric bicycles which fall within the specifications presently applying to bicycles being used as invalid carriages, (a) from the definition of invalid carriages, and (b) from the definition of motor vehicles. We would treat such electric bicycles as pedal cycles for the purpose of offences, cycle tax, etc. and the question of insurance is still under review.

730 We propose a minimum age of 14 years old, to be like for like with Guernsey. If an electric bike exceeds the specifications – the specifications being kerbside weight of 40 kilogrammes, or 60 kilogrammes in the case of a tricycle, and no more power than 250 watts – if an electric bike exceeds those limits, it would be deemed to be a motor vehicle and would therefore be prohibited for use on the Sark roads.

735 That takes care of Proposition 1.

With regard to Proposition 2, I think the last paragraph pretty much explains it very well.

Thank you, sir.

The Speaker: Thank you.

740 Does anybody wish to contribute? Conseiller Sandra Williams.

745 **Conseiller Sandra Williams:** With my tourism hat on, I do support some of these Propositions. I am very concerned, though – as Conseiller Blythe has added that the Law Officers are – that the insurance is being dropped off as a requirement for these vehicles. With my pub hat on, I know what people can be like when they are leaving the pub on the best of times on an ordinary bike and it would worry me that people might get incorporated in an accident with a

bicycle and it could run into quite a few thousand pounds, and I would like to see, when they come back, the inclusion of insurance for hiring of electric vehicles, please.

750 **The Speaker:** Conseiller Alan Blythe.

Conseiller Blythe: Thank you, Conseiller Williams. That will be taken into account.

The Speaker: Thank you. We will move to Proposition 1:

That Chief Pleas directs The Douzaine to request the Law Officers of the Crown to draft the necessary legislation for the deregulation of electric cycles on Sark's roads.

755 Those in favour; any against? That is **carried**.
Proposition 2:

That Chief Pleas directs The Douzaine to carry out consultation with the residents of Sark to determine their views on the introduction of legislation for the regulation of bicycles (whether electric or not) being used to transport passengers on Sark roads.

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

**9. Amended Mandate –
Report from The Douzaine considered –
Proposition carried**

To consider a Report with Proposition from The Douzaine entitled 'Amended Mandate'.

Proposition:

That Chief Pleas approves the amended Douzaine Mandate, as attached to this Report.

The Speaker: We go to Agenda Item 9, to consider a Report with Proposition from The Douzaine, entitled 'Amended Mandate'.

760 Conseiller Alan Blythe.

Conseiller Blythe: Thank you sir.

765 Basically it is just a bit of housekeeping needed here. There was an oversight when transferring from The Douzaine to P&F and since then The Douzaine have taken over responsibility of the Road Traffic Committee.

Thank you, sir.

The Speaker: Thank you.

Anybody? In that case we will go to the Proposition:

That Chief Pleas approves the amended Douzaine Mandate, as attached to this Report.

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

**10. Tobacco Legislation –
Medical & Emergency Services Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical & Emergency Services Committee entitled 'Tobacco Legislation'.

Proposition:

That Chief Pleas gives permission for the Medical & Emergency Services Committee to liaise with Public Health Guernsey on tobacco legislation and to return to Chief Pleas with the introduction of any legislation that may be needed.

The Speaker: Agenda Item 10, to consider a Report with Proposition from the Medical & Emergency Services Committee, entitled 'Tobacco Legislation'.

Conseiller Helen Plummer.

775 **Conseiller Plummer:** Thank you, sir.

May I hand this paper over to Conseiller Amanda de Carteret, please? I have to declare an interest.

The Speaker: Conseiller Amanda de Carteret.

780

Conseiller de Carteret: Thank you.

As mentioned in this Report to Chief Pleas, Public Health Guernsey have been in contact with the Committee, with suggestions that Sark have legislation for the following articles from the FCTC, which is the Framework Convention for Tobacco Control: Article 8, protection from exposure to second-hand tobacco smoke; Article 11, packaging and labelling of tobacco products; Article 13, tobacco advertising, promotion and sponsorship.

785

Sark has already adopted part of Article 8, the Smoking in Regulated Premises (Sark) Ordinance, 2011, but Article 8 also includes smoking in all enclosed workplaces and other public places, which we have been advised to adopt. The Committee would like your permission to liaise with Public Health Guernsey and to investigate further the necessary legislation needed to implement these other Articles. The Committee will then bring a further report to the Midsummer Meeting of Chief Pleas for your consideration.

790

Thank you.

795 **The Speaker:** Thank you.

Does anybody wish to contribute? Conseiller Sandra Williams.

Conseiller Sandra Williams: I need to declare an interest, sir, but I would like to ask one question, if I am permitted?

800

The Speaker: Yes, go on.

Conseiller Sandra Williams: Thank you.

805

It has been brought to my attention that since they abolished smoking in the inside of areas, there were concerns that the outside areas needed to be categorised. I have it on authority today that if it does not have a roof or it has three sides, you will be allowed to smoke.

I think a lot of our pub people that we rely on for our duty and our Impôt are quite concerned that they will not be able to smoke outside of a pub either now. So I just wanted that confirmed, please.

810

The Speaker: Conseiller Amanda de Carteret.

815 **Conseiller de Carteret:** Okay. I have found out, since I brought this Report, that outside areas are not included at this time. If it has a roof and more than 50% of walling it will not comply. So if it just has a roof and one side, it will be fine, or any open area will be considered okay.

The Speaker: Okay. It does raise the question of how it holds itself up! *(Laughter)*

820 **Conseiller de Carteret:** I have got a picture if you want to have a look at it!

The Speaker: We go to the Proposition:

That Chief Pleas gives permission for the Medical & Emergency Services Committee to liaise with Public Health Guernsey on tobacco legislation and to return to Chief Pleas with the introduction of any legislation that may be needed.

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

**11. Secondary Education –
Education Committee Report for consideration –
Report and Propositions withdrawn**

To consider a Report with six Propositions from the Education Committee entitled ‘Secondary Education’.

Proposition 1:

That Chief Pleas agrees that Sark children should, if their parents/carers wish it, from September 2020 attend schools in Guernsey from age 13 for Years 9, 10 and 11 of their education and direct the Education Committee to work with the parents/carers to arrange suitable school places and accommodation for these children. (Propositions 2 to 4 will be withdrawn if Proposition 1 does not pass. Propositions 5 and 6 will be withdrawn if Proposition 1 does pass.)

Proposition 2:

That Chief Pleas agrees that from 1st September 2019, Sark School should no longer educate children beyond the age of 13 (Year 8) and instructs the Education Committee to work with the Law Officers to bring any necessary changes to the Education Law and the Education Committee mandate to Midsummer Chief Pleas.

Proposition 3:

That Chief Pleas agrees that the funding arrangements and parental contribution for Guernsey education and accommodation should be as set out in Appendix D.

Proposition 4:

That Chief Pleas instructs the Education Committee to establish a supported learning facility as described in Appendix C.

Proposition 5: That Chief Pleas instructs the Education Committee to bring detailed plans and costings for the provision of GCSE education in Sark School to Midsummer Chief Pleas with a view to providing this from September 2020.

Proposition 6: That Chief Pleas instructs the Education Committee to make appropriate provision for the education of those children who will be in Years 9 and 10 in September 2019 whose Parents/Carers have chosen not to send them to Guernsey and do not wish to Home Educate them. (Chief Pleas acknowledges that this will not be the full GCSE provision as discussed in proposition 6 above)

825 **The Speaker:** We go to Agenda Item 11, to consider a Report with Six Propositions from the Education Committee entitled 'Secondary Education'.
Conseiller Pauline Mallinson.

Conseiller Mallinson: Thank you, sir.

830 As I notified the Speaker last week, at a meeting of Conseillers last Wednesday they expressed the view quite strongly that they felt they needed more time to consider the various reports and options that were being presented here and in particular they wanted the opportunity to talk to parents about their views on this matter. We have been therefore asked to withdraw this whole Item, with the suggestion that we bring it back to Chief Pleas in a few weeks' time by requesting an emergency Chief Pleas to do so.

835 Thank you.

The Speaker: Thank you. In that case Item 11 is withdrawn.

**12. Education Committee Mandate –
Education Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Education Committee entitled 'Education Committee Mandate'.

Proposition:

That Chief Pleas approves the Education Committee Mandate as detailed at Appendix A.

840 **The Speaker:** We go to Agenda Item 12, to consider a Report with Proposition from the Education Committee entitled 'Education Committee Mandate'.
Conseiller Pauline Mallinson.

Conseiller Mallinson: Thank you, sir.

845 A little bit as Conseiller Blythe said with The Douzaine Mandate, this is in effect a technical item. When the Education Mandate was approved by Chief Pleas last Easter, we did not append the relevant Laws to that mandate, as we should have done, and therefore we have been asked to bring it back to Chief Pleas to be approved.

So nothing in the text of the Mandate has changed at all. The only change is the addition of the Laws at the end of the Mandate.

850

The Speaker: Thank you. Anybody? In that case we will move to the Proposition:

That Chief Pleas approves the Education Committee Mandate as detailed at Appendix A.

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

855 Can I ask that the Chairmen of the two Committees concerned, Douzaine and Education, ask the office to send both me and IT a decent Word document that can be posted on the website, without the appendices shown in red on the topic? Would you kindly do that?

**13. Child Protection (Sark) Law, 2019 and renaming of Committee –
Special Child Protection Committee Report considered –
Propositions carried**

To consider a Report with two Propositions from the Special Child Protection Committee, entitled 'Child Protection (Sark) Law, 2019 and Renaming of Committee'.

Proposition 1:

That Chief Pleas approves the incorporation of Vulnerable Adults to the existing drafting that is being done for Vulnerable Children and directs the Special Child Protection Committee to instruct the Legal Draftsman to incorporate Vulnerable Adults and Vulnerable Children into the same Law.

Proposition 2:

That Chief Pleas approves the renaming of the Special Child Protection Committee to the Special Safeguarding Committee with the same elected membership.

The Speaker: Agenda Item 13, to consider a Report with two Propositions from the Special Child Protection Committee, entitled 'Child Protection (Sark) Law and Renaming of Committee'.
Conseiller Amanda de Carteret.

860

Conseiller de Carteret: Thank you, sir.

865 As mentioned in this Report to Chief Pleas, the Committee asked approval to incorporate vulnerable adults to the draft Child Protection (Sark) Law, 2019. The Committee have been working alongside the Law Officers, the Multi-Agency Safeguarding Hub (MASH), Beverley Gates, the Director of Education, who oversees the Island's Safeguarding. Her knowledge and input has been fundamental and we hope she will continue to work alongside the Committee.

We all agreed that there needs to be some protection for vulnerable adults on Sark; therefore we would like your approval to liaise further with the Law Officers to incorporate vulnerable adults to the existing draft Child Protection (Sark) Law, 2019.

870 Since this Report was written, more correspondence has been received from the Law Officers with a very promising outcome. Further meetings will take place and we hope to bring a draft report for your consideration in the Midsummer Chief Pleas Meeting.

875 We the Committee ask for your support with these Propositions. A further note, though: Mrs Karen Adams has resigned from the Committee and on behalf of the Committee I would like to thank her for all her hard work during this process.

Thank you.

The Speaker: Thank you.

Does anybody wish to contribute to this? Conseiller Pauline Mallinson.

880

Conseiller Mallinson: I would just like to say that I am very grateful to the Committee for this piece of work that they are doing to bring vulnerable adults in. I have had a number of discussions over the last year with The Douzaine and the Procureur about the situation with vulnerable adults, because the only Safeguarding on the Island to date has come under the

885 Education Committee, which is not a very sensible place to try and look after vulnerable adults. So I am very grateful for the work that has been done on this.

The Speaker: Thank you. In that case we will move to the Proposition:

That Chief Pleas approves the incorporation of Vulnerable Adults to the existing drafting that is being done for Vulnerable Children and directs the Special Child Protection Committee to instruct the Legal Draftsman to incorporate Vulnerable Adults and Vulnerable Children into the same Law.

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

That Chief Pleas approves the renaming of the Special Child Protection Committee to the Special Safeguarding Committee with the same elected membership.

The Speaker: Those in favour; are there any against? That is **carried**.

**14. Committee Elections –
Top Level Domain Special Committee –
No nominations**

To elect Conseillers to Committees as required.

895 **The Speaker:** We go to Item 14 – Committee Elections, to elect Conseillers to Committees as required. There are three vacancies on the Top Level Domain Special Committee. Are there any nominations?

Conseiller Blythe: Sir, unless there are some nominations from the floor today, no we have not got any, but I will bring it back to Chief Pleas next time and we will hopefully be able to fill that Committee.

900 Thank you.

The Speaker: Just to be helpful, I put this on the Agenda every time just to ensure that we do fill these places.
Thank you.

**15. Committee and Panel Elections –
No nominations**

905 *To elect non-Chief Pleas members to Committees and Panels, as required.*

The Speaker: Agenda Item 15 – 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?
I cannot see any hands going up.

**16. Budgets for 2020 Expenditure –
Policy & Finance Committee Information Report considered –
Report noted**

To consider an Information Report from the Policy & Finance Committee, entitled 'Budgets for 2020 Expenditure'.

910 **The Speaker:** Agenda Item 16, to consider an Information Report from the Policy & Finance
Committee, entitled 'Budgets for 2020 Expenditure'.
Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: Thank you, yes.

915 It is just an information Report that we are reverting back to the tried and tested method
that seemed to work for the Committees better. So you will be getting your forms very shortly to
start filling out your expenditure and all that lot, and we will get it back. It gives us time then to
start bouncing back and forth with the Committees, so we come to the end and we do not end
up in a pickle like we did last year.

Thank you.

920

The Speaker: Does anybody wish to contribute? Okay. It is just an Information Report.

**17. Seasonal Regulation No. 4 – 2019 –
Information Report from The Douzaine considered –
Report noted**

*To consider an Information Report from The Douzaine entitled 'Seasonal Regulation
No 4 – 2019'.*

The Speaker: Agenda Item 17. To consider an Information Report from The Douzaine,
entitled 'Seasonal Regulation no. 4 – 2019'.

Conseiller Alan Blythe.

925

Conseiller Blythe: Again, because of the changeover period from the Road Traffic Committee
to the Douzaine, these Regulations came into force after the last Meeting of Chief Pleas and
before this one. It is just the annual update of those Regulations.

Thank you, sir.

930

The Speaker: Anybody? In that case, that is also an Information Report.

**18. Head of School –
Education Committee Information Report considered –
Report noted**

To Consider an Information Report from the Education Committee entitled ‘Head of School’.

The Speaker: We go to Item 18, to consider an Information Report from the Education Committee, entitled ‘Head of School’.

935 Conseiller Pauline Mallinson.

Conseiller Mallinson: In our written Report we said that we were interviewing for an acting Head of School for one year, on 9th and 10th April. Following those interviews we have offered a one-year contract to Dr Nicholas Roberts. Dr Roberts is currently an assistant head at St Edmund’s School in Hindhead, which is a co-educational, independent day and boarding school for 430 children, aged two to 16. He is used to teaching small, mixed-ability classes of eight to 15 students, is a modern foreign languages specialist, with a first-class degree from Newcastle University.

940 He and his wife Catherine have visited Sark several times before and are looking forward to moving here in August.

The Speaker: Thank you.

Does anybody wish to make any comment? That is an Information Report.

**19. Evidence in Civil Proceedings –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled ‘Evidence in Civil Proceedings’.

Proposition:

That Chief Pleas directs the Policy & Finance Committee to instruct the Law Officers to draft the necessary legislation in similar terms to the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009 and subsequent subordinate legislation, Live-Link in Civil Proceedings (Guernsey and Alderney) Ordinance, 2011 and the Evidence in Civil Proceedings (Guernsey and Alderney) Rules, 2011.

The Speaker: We go to Agenda Item 19, which is in the Addendum to the Agenda – to consider a Report with Proposition from the Policy & Finance Committee entitled ‘Evidence in Civil Proceedings’.

950 Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: Yes. Sorry, this came in a bit late. This is basically to bring our court up into line with Guernsey. It got rejected in Chief Pleas some years back, before my time, and everybody in the court systems could not believe that it got thrown out.

955 So I urge you to vote for this so we can continue our courts.

Thank you.

The Speaker: Does anybody wish to say anything?

960 In that case, we will move to the Proposition:

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That Chief Pleas directs the Policy & Finance Committee to instruct the Law Officers to draft the necessary legislation in similar terms to the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009 and subsequent subordinate legislation, Live-Link in Civil Proceedings (Guernsey and Alderney) Ordinance, 2011 and the Evidence in Civil Proceedings (Guernsey and Alderney) Rules, 2011.

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

In that case I am ready to close the Meeting, at 11.26 a.m.

Greffier.

PRAYER

The Greffier

Chief Pleas closed at 11.26 a.m.