

# THE CONSTITUTION AND OPERATION OF CHIEF PLEAS COMMITTEES

As amended consequential upon amendments made to the 2008 Reform Law by the Reform (Sark) (Amendment) (No. 2) Law, 2010.  
Approved by Michaelmas Chief Pleas on 2<sup>nd</sup> October 2013 and further approved, as presented to Chief Pleas on 1<sup>st</sup> October 2014, on 21<sup>st</sup> January 2015, 30<sup>th</sup> September 2015, 6<sup>th</sup> April 2016, 26<sup>th</sup> April 2017 and 17<sup>th</sup> January 2018 (coming into effect on the 11<sup>th</sup> January 2019, less for Rule 5 (1) & (2) that shall be effective from the 4th January 2019).

## 1. Constitution

Prescribed by Resolution of Chief Pleas with the following provisions, except where contrary provision is made -

- (a) by any enactment;
- (b) by any subsequent resolution of Chief Pleas.

## 2. Definitions

In these Rules the expression -

“Chief Pleas Committee” means any body constituted either by enactment or by Resolution of Chief Pleas, whether it be styled Committee, Board, Authority, or otherwise. This excludes the Policy Development Group.

“Standing Chief Pleas Committee” means any permanent Chief Pleas Committee.

“Special Chief Pleas Committee” means any temporary or *ad-hoc* Chief Pleas Committee charged with the execution or investigation of a particular matter.

“Sub-Committee” means a temporary or *ad-hoc* Committee of a Standing Committee charged with the execution or investigation of a particular Standing Committee matter.

“Ex-Officio Member” means any Committee member by virtue of their office (i.e. Medical Officer, Constable, Vingtenier or Harbourmaster etc.) Unless otherwise provided for, *ex-officio* members shall not have a committee vote.

The “Policy Development Group” is a group, consisting of all Conseillers, whose purpose is to prioritise the work streams of Chief Pleas.

## 3. Size

- (1) Standing Chief Pleas Committees, less the Douzaine and Policy and Finance Committee, shall consist of four Conseillers, unless Chief Pleas specifically resolve to have a larger or smaller size committee; a minimum size shall not be less than three Conseillers.
- (2) A sub-committee shall consist of three Conseillers.
- (3) The Policy and Finance Committee shall consist of six Conseillers.

- (4) The Douzaine: The Douzaine shall consist of seven Conseillers, unless under Section 43 of The Reform (Sark) Law, 2008 Chief Pleas resolve to have a larger or smaller size (such number to be at least 3 but no more than 12) and shall include the Public Works Sub-Committee and the Old Island Hall Sub-Committee.
- (5) A sub-committee of the Douzaine shall consist of not less than three Conseillers.

#### **4. Non-Chief Pleas Committee Members**

At the request of a Chief Pleas' Committee, Chief Pleas may elect up to three non-Chief Pleas members onto a Committee without voting rights. (Also applicable to special purposes committees and sub-committees.)

#### **5. Chairman**

- (1) The Chairman of the Policy and Finance Committee shall be elected by Chief Pleas in a secret ballot, with the Greffier acting as Returning Officer, nominations are to be proposed and seconded and given to the Greffier a minimum of 5 working days before the meeting at which the election is to take place. The person so elected shall have a mandate to speak to the outside world on behalf of Chief Pleas.
- (2) The Deputy Chairman of the Policy and Finance Committee shall be elected by Chief Pleas using the same election procedures as the Chairman.
- (3) Other Chief Pleas Committee shall elect a Chairman and a Deputy Chairman from amongst those persons on that Committee who are Conseillers. The Speaker of Chief Pleas [the Speaker] must be informed within seven working days of the appointment/s or any changes thereto.
- (4) The Chairman of a Chief Pleas Committee, or in the absence of the Chairman the member who presides at a meeting of such a Committee, shall have an original vote but not a casting vote.

#### **6. Members**

- (5) To be eligible for election to membership of a Chief Pleas Committee as a non-Chief Pleas member a person should be, but does not have to be, a person normally resident on the Island.
- (6) A person in the role of the Seigneur, the Speaker, the Seneschal, the Prévôt, the Greffier, the Tax Assessor or their Deputies may not serve on any governmental committee.
- (7) There shall be no restriction on the number of Chief Pleas Committees on which a Conseiller may serve.
- (8) Conseillers shall not be co-opted to membership of any Chief Pleas Committee.

#### **7. Term of Office of Committee Members**

Conseillers shall serve their Conseiller term of office on committees but may resign their membership at any time. A member shall be deemed to have resigned at a General Election and, if re-elected to Chief Pleas, shall be required to be elected to committees.

**8. Term of Office of Non-Chief Pleas & Ex-Officio Committee Members**

- (1) The term of office for non-Chief Pleas Committee members shall be for the duration of the project or work to which they are contributing.
- (2) Ex-officio members' term rests with the length of their original office.

**9. Removal from Committee**

Chief Pleas may, by Resolution, remove a person from any committee, including the Douzaine.

**10. Resignations**

Any Conseiller or non-Chief Pleas member of a Chief Pleas Committee wishing to resign before their term of office has expired, shall inform the Speaker and the Committee Chairman of their resignation from the specified Committee(s).

**11. Motions of No Confidence**

Motions of no confidence cannot be made against the Chairman or other member(s) of that Committee in Committee.

**12. Nominations of Candidates for Election to a Committee by Chief Pleas**

Conseillers shall be eligible for nomination from the floor of the Assembly on the day of election, less for the Chairman and Deputy Chairman of the Policy and Finance Committee, see 5 (1) and (2) above. Where a person is nominated as a non-Chief Pleas member of Chief Pleas, the Committee shall provide the Assembly with a verbal report containing background information of the candidate and the reasons for his name having been put forward. The committee must have had the prior consent of the proposed candidate for his name being put forward.

**13. Quorum**

- (1) The quorum of any Chief Pleas Committee, less the Douzaine, shall be three Conseillers or such larger number of members as the Chief Pleas may, in respect of a specific committee, resolve.
- (2) The quorum at a meeting of the Douzaine shall be half the number of Conseillers elected to the Douzaine rounded up to the next whole number, but never less than three.

**14. Declaration of Interest**

Where a decision relating to an agenda item has a direct pecuniary impact either positive or negative upon any member of that Committee, then that member shall remove himself from the debate and decision-making process for that agenda item.

**15. Human Rights Compatibility**

Every Chief Pleas Committee shall be cognisant of the need to review their existing legislation together with the associated policies, procedures and practices with human rights

compatibility.

**16. Presence of Officers, etc. at Committee Meetings**

A member of the established staff of Chief Pleas shall be present at Policy and Finance and Douzaine committee meetings and shall keep an independent record of the decisions made at the meetings. A member of the established staff of Chief Pleas shall be present at any other committee at the request of that committee.

**17. Special Chief Pleas Committees**

- (1) Except for those parts which refer solely to standing Chief Pleas Committees, the principles set out above shall be followed in the constitution and operation of all Chief Pleas Committees including Special Chief Pleas Committees.
- (2) Such Special Chief Pleas Committees (i.e. the members thereof) shall continue in office until –
  - (a) They have fulfilled their task, and
  - (b) any legislation designed to give effect to such recommendations of the Committee as Chief Pleas may have resolved to adopt has been presented to Chief Pleas, approved and registered.

**18. Sub-Committees**

- (1) A sub-committee is formed by resolution of Chief Pleas at the request of a Standing Committee.
- (2) Members are elected by Chief Pleas.
- (3) A sub-committee reports directly to its Standing Committee.
- (4) A sub-committee is disbanded by Resolution of Chief Pleas at the request of the Standing Committee.

**19. Policy Development Group**

- (1) Except for those parts which refer to standing Chief Pleas Committees, the principles set out above shall be followed in the operation of the Policy Development Group.
- (2) Conseillers who lose their position on a Special Chief Pleas Committee as a result of a General Election shall be automatically returned to that Special Chief Pleas Committee, unless they resign from that Committee.

**20. Douzaine**

Other rules for the Douzaine are contained in Section 43 of “The Reform (Sark) Law, 2008” as amended. Where any rule herein contained is at variance with Section 43 that Section takes precedence.