



OFFICIAL REPORT

OF THE

MIDSUMMER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 8th July 2020

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.sarkgov.co.uk*

Volume 6, No. 7

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

Lt. Col. R J Guille, MBE Esq.

Prévôt

K N Adams

Greffier

T J Hamon

Treasurer

S Hudson

Constable

P Burgess

Vingtenier

D Gale

His Excellency the Lieutenant Governor

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

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

Philip Long
John Guille
Christopher Drillot
William Raymond
Amanda de Carteret
Frank Makepeace

Business transacted

Welcome to His Excellency the Lieutenant Governor; and the public.....	5
Apologies received	5
Eulogies – Mr Lawrence ‘Bunter’ Osmond Roberts; and Vice-Admiral Sir John Coward KCB, DSO.	5
Land reform – Statement by Conseiller Raymond	6
Education – Statement by Conseiller de Carteret	7
Probate – Statement by Conseiller Raymond	8
Medical matters – Statement by Conseiller de Carteret.....	8
Policy and Finance progress and workstreams – Statement by Conseiller La Trobe-Bateman	10
Procedural – Electronic devices.....	12
Business of the Day	12
1. Matters arising from the Easter Meeting on 22nd April 2020 – Numbering of The Chief Pleas Procedures (Emergency Provisions) (Coronavirus) (Sark) Regulations, 2020	12
2. Matters arising from the Extraordinary Meeting held on Thursday, 7th May 2020 – None.....	12
3. Questions not related to the Business of the Day – None.....	12
Procedural – Change to order of business	12
4. The Capacity (Bailiwick of Guernsey) Law, 2020 – Medical and Emergency Services Committee Report considered – Proposition carried	13
5. The Marriage (Bailiwick of Guernsey) Law, 2020 – Policy and Finance Committee Report considered – Proposition carried	14
6. The Human Tissue & Transplantation (Bailiwick of Guernsey) Law, 2020 – Policy and Finance Committee Report considered – Proposition carried.....	15
7. The Education (Sark) (Amendment) Ordinance, 2020 – Education Committee Report considered – Proposition carried	16
14. The Election of Conseillers 19th August 2020 – Policy and Finance Committee Report considered – Propositions carried	16
8. 2019 Financial Statements – Policy and Finance Committee Report considered – Proposition carried.....	18
9. The Court of the Seneschal, Extending the ‘Bench’ – Policy and Finance Committee Report considered – Proposition carried	19
10. Toplis Painting – Renewal of Loan Agreement – Douzaine Report considered – Proposition carried.....	20
11. The Constable Proposal – Update – Douzaine Information Report considered and noted	21
15. Transfer and Allocation Prescribed Person Status – Policy and Finance Committee Report and Propositions – All withdrawn	23

MIDSUMMER MEETING OF CHIEF PLEAS, WEDNESDAY, 8th JULY 2020

12. Committee Elections – Development Control Law Special Committee – Conseillers S Couldridge, F Makepeace and P La Trobe-Bateman elected; Messrs E Baker and A Dunks elected as Non-Chief Pleas Members	24
13. Committee and Panel Elections – Non-Chief Pleas Members and Panel Members – None	25
Regulations Laid Before Chief Pleas – The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2020; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020; The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017; The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2020	25
<i>Chief Pleas closed at 6.05 p.m.</i>	26

Midsummer Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 12 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Welcome to

His Excellency the Lieutenant Governor; and the public

The Speaker: I would welcome the Lieutenant Governor to this Meeting, sir, and thank you for your attendance on Microsoft Teams for our two remote Meetings.

5 I would also very much like to welcome the public back in to the gallery tonight, to our new time of statutory Chief Pleas Meetings being at five o'clock.

Apologies received

The Speaker: Apologies have been received from Conseillers Couldridge and Blythe.

Eulogies –

Mr Lawrence ‘Bunter’ Osmond Roberts; and Vice-Admiral Sir John Coward KCB, DSO

The Speaker: I have two eulogies to make. The first one is for Mr Lawrence ‘Bunter’ Osmond Roberts; and the second for the late Lieutenant Governor of Sark, Vice-Admiral Sir John Coward.

10 Bunter died in England on 23rd April 2020, where he had lived since leaving Sark in 2012. Bunter was active in Sark Government roles for many years. He stood for and was elected as a Deputy of the People in December 1969 and was elected to serve on the Harbours, Natural Amenities and Road Traffic Committees. Later he was also to serve on the Douzaine in 1971, the Sanitary Committee in 1973 and finally the Education Committee in 1976.

15 He last stood for election in December 1990. He then resigned as a Deputy on 6th October 1993. He also served as Vingtenier and then Constable during 1973 to 1975 and Junior Procureur and Procureur during the years 1978 to 1982.

On 22nd April 1988 he was appointed as the Deputy Seneschal, a role he was to serve in until December 1998 – a total of 29 years’ service to the Island.

20 In addition to his Island service, he was also a founding member of the revival of the Sark
Water Carnival after a lapse of that event for many years. He was also the last wooden boat
builder on Sark, having learned his craft from his father, Laurie. Two of his boats still sail in local
waters, *Non Pariel* being the most well-known. Work started on her on Christmas Eve 1981 and
she was launched on 12th April 1982. Since then it has clocked up more than 20,000 trips
25 around the Island; a testament to the builders, who included the owner George Guille, Tom Long
and Jeremy La Trobe-Bateman. Many a late night was spent in the boat shed with brandy, gin
and, I am told, some coffee. (*Laughter*)

Also built was Jeremy's boat, *Zanzibar* and another called *Driftwood* – *Driftwood* being built
from driftwood. They were both built at the same time. The final wooden boat was *Genesis*, a
30 schooner rigged sailboat built in the late 1990s and eventually sold to a gullible French buyer;
the end of centuries of wooden boat building on Sark.

His last major escapade was to build and sail a Viking ship into St Peter Port to kidnap
hostages as a fund-raising venture. A true man of Sark to the end and whilst he left Sark, Sark
never left him.

35 Vice-Admiral Sir John Coward KCB, DSO.

Sir John died on 30th May 2020 and was our Lieutenant Governor from his appointment in
1994 for the usual five-year term, but had it extended. This seems to be a common thing with
Lieutenant Governors – they find some reason to extend. They extended it to cover the
40 Millennium celebrations and also to redecorate and revamp Government House. He retired in
the spring of 2000.

Sir John was a regular attender at Chief Pleas and other events on the Island and he and Lady
Coward attended the Christmas 2000 Meeting which was to be their final visit to Sark. He was
thanked by the then Seneschal, Lawrence de Carteret.

The only current Members of this Assembly who served during Sir John's tenure are
45 Conseiller/then Deputy Paul Williams, myself – I was a Deputy of the People at the time and also
Deputy Seneschal – and the Greffier, who was then Deputy Greffier.

Please rise for a silence in the memory of those two men.

Members stood in silence.

Land reform – Statement by Conseiller Raymond

The Speaker: We will take some Statements first. The first Statement is by Conseiller
Raymond on land reform.

50 Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

The effects of the pandemic have placed considerable strains on the drafting resources of
St James' Chambers. In the matter of the ordinances relating to land reform, they are in the
55 queue but time for drafting is not presently available. This is a great shame and for me a
personal disappointment, as I regard this legislation as being a great enabler for the Sark
economy. I have asked for priority to be given to the ordinances relating to divisibility, charging
and saisie. The matters such as the disputes tribunal are not so urgent as the Seneschal's Court
remains available for the settlement of differences. Policy and Finance are pressing the matter
60 as hard as possible and the delay is not of their making.

In the last two hours, sir – and this is just a quick update – I have been invited, together with
our special adviser, former advocate Nick van Leuven and two Law Officers to a meeting in
Guernsey. Hopefully, it will take place next week. So progress should flow from that.

The aim is to bring something to October Michaelmas Chief Pleas.

65

The Speaker: Would any Conseiller like to ask a question of Conseiller Raymond?
Thank you.

**Education –
Statement by Conseiller de Carteret**

The Speaker: We next move on to the Statement from Conseiller de Carteret on education.
Conseiller de Carteret

70

Conseiller de Carteret: Thank you.

This is a quick update prior to the Education Report that will be submitted in the Michaelmas Chief Pleas.

75

Sark School is nearing the end of this academic school year and a very strange and unusual past few months with the Covid-19 pandemic. I would like to mention that all the children, staff and parents have been amazing and I congratulate them all for their patience and resilience during this time. The children have been back into school fully for several weeks and they have also really enjoyed being back into a full school curriculum, including lots of new enrichment activities including sea swimming and kayaking at Dixcart beach. I would like to thank everyone

80

who has been involved in all of the enrichment projects.
On a sad note we will be saying farewell to Mrs Sarah Cullen, who has decided not to renew her contract. Sarah and her family have decided to return to the UK. Sarah has been an outstanding class 1 teacher and our designated safeguarding lead in the school, as well as our previous Island safeguarding officer. On behalf of the Education Committee, we thank her for all her hard work and commitment in Sark School, and we wish her and her family all the best in the future.

85

Following a successful interview process where we had received 25 applications, we narrowed this number to four candidates. Following on from the interview process in February, Mrs Joanna Branson has been appointed as class 1 teacher and will be replacing Mrs Cullen. Joanna, along with her husband Chris and their two children, will be arriving on Sark on 3rd August where she will take up her post as class 1 teacher in September, when the new term begins. Joanna will also be the school's designated safeguarding lead.

90

Joanna and her family are extremely excited to be moving to Sark and we hope they settle in quickly and enjoy our lovely Island way of life. The Board of Education have a position for a Chief Pleas Member to join the board. This is to replace Mrs Ellie Lalor, following on from her resignation from Chief Pleas. This request went out to all Conseillers, with only one name coming forward to join the board. Conseiller Frank Makepeace, thank you for your nomination and I will forward your request to the board at their next meeting.

95

Thank you.

100

The Speaker: Thank you very much. Are there any questions from Conseillers on anything in the Education Statement?

Thank you.

**Probate –
Statement by Conseiller Raymond**

The Speaker: A further statement by Conseiller Raymond on probate, please.

105

Conseiller Raymond: Thank you, sir.

I have previously reported to Chief Pleas on the proposed move of the probate jurisdiction from the Ecclesiastical Court in Guernsey to the Royal Court, with the rates of Probate Levy being set by the lead Committee in the States of Guernsey. The matter came before the States last month and the decision to give effect to the move was passed.

110

Interestingly it was not unanimous and some Members correctly identified the Probate Levy as a tax. The issue so far as Sark is concerned is the release of taxation authority over Sark assets to Guernsey. It is of the opinion of Policy and Finance that while Sark still remains an autonomous independent jurisdiction, that should not happen. The matter will come before Chief Pleas in due course as Bailiwick legislation, as we are expected to be a party to the law. In truth it would not make sense for us to be separate.

115

The issues that remain unresolved are: the matter of the rate of tax being set by Guernsey, the charge to be levied for collection by Guernsey, the fact that Sark leaseholds will be potentially taxable whilst Guernsey real property is exempt, and the failure to recognise the jurisdiction of the Sark Court.

120

The matter has now been passed to the Law Officers for drafting and I hope that more flexibility will be shown. Whilst Bailiwick legislation is convenient, it must not lead to Sark surrendering authority over the taxation of its residents, living or dead.

125

The Speaker: Thank you. Are there any questions on probate?
Thank you.

**Medical matters –
Statement by Conseiller de Carteret**

The Speaker: Then a further Statement by Conseiller de Carteret on medical matters.
Conseiller de Carteret.

130

Conseiller de Carteret: Thank you, sir.

During the last 10 months since Dr John Stevenson announced his retirement, the Medical Committee have worked tirelessly to find a replacement resident GP. We have during three separate processes interviewed three potential candidates during the past few months. Each candidate expressed huge concerns regarding the 24-hour, seven-days-per-week medical care that the GP must provide. The fact that the GP is on call 24 hours, seven days a week as a sole provider of care to all residents and visitors was not acceptable to any of these candidates.

135

All three candidates also expected a much greater salary package than Dr Stevenson or any of our previous Sark doctors. During the past seven years, Sark has gradually lost touch with the modern standard of medical practice, which during these interviews became more and more apparent. The Sark medical emergency care needs to adapt to provide a sustainable healthcare system for Sark residents and visitors.

140

There are several areas to consider: the ability to cover 24-hour, seven-days-a-week medical and emergency care, financial implications of employing a full time GP, a safer modern medical care provision, a sustainable medical practice for Sark, and a team of providers, rather than a sole provider.

145

The Committee have been seeking advice from Guernsey health professionals to find a way forward for Sark Medical Practice and we have begun to make changes already. We mentioned earlier in the year that the Committee, with assistance from St John Ambulance, will be creating a community first aid responding team. These volunteers will be trained to deal with emergency calls to help relieve the pressure of the 24/7 out-of-hours duty for the practice. This training however has been delayed due to Covid-19 and will be resumed as soon as possible. We are very pleased to have a team of 10 to 12 volunteers for this programme, and I would on behalf of the Committee wish to welcome them and congratulate them for volunteering for this important role for our Island. This training will be done by St John's. The Ambulance Station and the community first aid responders will be advised and monitored by St John's for the future, with up-to-date training, equipment and assistance when necessary.

You may have noticed Mrs Alison Stolton has been employed as a part-time nurse in the practice. This initially was due to provide support from our previous locum, Dr Gray, during the Covid-19 pandemic. However, Mrs Stolton has shown through these past few months that it is of great benefit to have a qualified nurse working alongside the GP. This has helped to make a safer, more efficient practice. Our current locum, Dr Suteu, our nurse and our practice manager have created a much more efficient practice and continue to implement new ideas, which will help towards the Medical Practice work in a more modern and more efficient way.

Dr Suteu has been employed as a locum doctor since April and has now agreed to remain as our resident GP for a further 12 months. During this time she will work alongside the Committee to implement a new model of care for Sark.

There will be further changes to the running of the practice. The first, as you may be aware, is the appointment system. This was brought in during the Covid-19 pandemic and has been working much more efficiently, both for residents and the practice staff.

In the coming months ahead there will be further changes. For example, collection of prescriptions will only be available from our practice manager at a designated time and collection point. We have also recently discovered the practice has a huge amount of debt created by non-payment of outstanding accounts: a total sum of £17,000 is the amount owing at present to the practice, which has accumulated over the past 12 months. This issue will be reviewed, as it can no longer be the case for the future of the practice. An alternative payment scheme will be implemented at the beginning of September and residents will be given sufficient notice of this change.

The longer term goal for the medical care on Sark is a new model of care, as finding a full-time sole provider is not going to be sustainable for the future. With this in mind, the Medical Committee have been holding discussions with a practice in Guernsey with which Sark may link to provide a wider, safer, sustainable medical provision for the future. These discussions are in their early stages, but when there is more information the Committee, along with St John Ambulance, the Guernsey medical practice and other medical professionals will be holding public presentations, along with house-to-house information in the future to discuss with the public our planning and our way forward for the future of the Sark Medical Practice.

Thank you.

The Speaker: Are there any questions?

Conseiller Makepeace: Yes, sir.

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: I would like to just ask, what is the actual value of the package on offer to the GP that makes it so seemingly unattractive?

Thank you.

200 **Conseiller de Carteret:** I am not overly sure I can say the full package, but the actual practice at the moment is costing somewhere between £150,000 and £180,000 a year.

Conseiller Makepeace: But surely, sir, we would need to know the value of the package to decide amongst ourselves whether it is a reasonable amount or not. Unless we know that, how are we expected to make judgement on it?

205 **Conseiller de Carteret:** The salary package in each candidate seems to go higher and higher and higher. It is always a negotiation process during the interview and that is the salary that we go with.

But there will be more information coming out. We are trying to weigh up the best possible solution for the practice to go forward, as a financial package as well.

210 Thank you.

The Speaker: Thank you.

Policy and Finance progress and workstreams – Statement by Conseiller La Trobe-Bateman

The Speaker: We have a further Statement by Conseiller La Trobe-Bateman on Policy and Finance progress and workstreams.

215 Conseiller La Trobe-Bateman, please.

Conseiller La Trobe-Bateman: Thank you.

220 Conseiller Raymond has touched on a few areas that we have been working on. Policy and Finance have been quite busy over a number of issues. The continued effect of the Covid-19 pandemic has been at the forefront of our Policy and Finance meetings, and how we can help insure the Island in the coming year. We have added Sark 2021 to the agenda and we are actively looking for ways to help the Island in the upcoming year.

225 One goal is to attract new residents and also ways to raise more revenue from areas other than through personal tax. We recognise the serious knock-on effect that this pandemic will have on the Island as we move into winter in the coming months. The Treasurer will be working with all Committees as we fast approach budget time and we will be reviewing each Committee's budget application carefully.

230 Brexit is still moving ahead and we are in continued discussions with all departments that are relevant to Sark. One area that we are monitoring very closely is the UK fishing agreements and how they affect the Crown Dependencies. We are actively engaging with DEFRA to ensure our fishing rights, waters and access remain intact.

235 Another area that is being worked on is what kind of support Guernsey can offer our Civil Service team. During this pandemic, we were appointed a Sark point of contact within Guernsey's Civil Service team. This worked very well and we are in discussions on how to develop and move this into a more permanent fixture. A meeting is scheduled in Guernsey for 23rd July on this.

I would like to thank on behalf of the Sark Government our appointed person for the Covid-19 pandemic, Ms Elizabeth Dean. She was on call to us 24/7 and worked tirelessly to assist us over the past few months.

240 Electricity is still high on our agenda but now we have a new owner of Sark Solar Power Company, the pressure is off slightly, but not much. The past owners' threats and charges have highlighted the fragility of the set-up and the need for security for the Island. The Electricity Law will help in this aspect and we are very nearly ready to bring it back to the Chamber. This

245 pandemic has pushed it back slightly, as the Law Officer time is in high demand in other areas.
We will push hard to get this through shortly.

The only other thing that I wish to bring to everyone's attention is Sark Shipping. Both Harbours & Shipping and Policy & Finance are very aware of the issues of the Company. These issues have not gone unnoticed by residents and tourists and we are currently working to address the many problems.

250 Thank you.

The Speaker: Are there any questions on any of those workstreams?

Conseiller Makepeace: Yes, sir.

255

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: I noticed the Chairman mentioned attracting new residents to the Island, which is fine. Would the Chairman also be willing to work more closely with current residents and utilise the experience that is on offer? We do have plenty of experienced people on the Island in business. Would you be prepared to engage more with people here already?

260

Conseiller La Trobe-Bateman: Engage in what aspect?

265 **Conseiller Makepeace:** Well, in any aspect: business advice, financial advice. We have got a wealth of experience –

Conseiller La Trobe-Bateman: To help attract people to Sark?

270 **Conseiller Makepeace:** No, to help you out of the current situation that we are in, financially – because we know that there is going to be a big black hole at the end of the year, so people should think ahead and maybe make provisions for that now.

275 **The Speaker:** Conseiller Makepeace, it is not a conversation between the two of you. If you have to say something, you stand to speak, please. (*Interjection by Conseiller Makepeace*) And your microphone has been on all the time since you last spoke.

Can we just come back to you again, because there was talk over what you were trying to say?

280 **Conseiller La Trobe-Bateman:** I am not sure how what you said relates to attracting residents to the Island. If it is a broader scheme of actually how we can increase the financial buffer for Sark, then yes of course we would welcome every idea.

285 **Conseiller Makepeace:** Well, if I may say so, first of all to attract residents to the Island, you would have to have some sort of economy to attract those people here and to make the place attractive. So maybe if we utilise the experience that is here to make an economy and to attract people to live here. At the moment there is precious little to attract people in.

Thank you.

290 **The Speaker:** Right, that concludes the Statements.

**Procedural –
Electronic devices**

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

Business of the Day

**1. Matters arising from the Easter Meeting on 22nd April 2020 –
Numbering of The Chief Pleas Procedures (Emergency Provisions) (Coronavirus)
(Sark) Regulations, 2020**

295 **The Speaker:** We now move to Agenda Item 1, Matters arising from the Easter Meeting held on Wednesday, 22nd April 2020. Before I ask for anybody to speak on that, I would say that at the remotely held Easter Meeting I failed to allocate a number to the regulation, The Chief Pleas Procedures (Emergency Provisions) (Coronavirus) (Sark) Regulations 2020; I do so now. The number is a Statutory Instrument number I of 2020.

Are there any other matters arising? No.

**2. Matters arising from the Extraordinary Meeting held on Thursday, 7th May 2020 –
None**

300 **The Speaker:** We move to Agenda Item 2, Matters arising from the Extraordinary Meeting held on Thursday, 7th May 2020. Any matters arising from that meeting? No.

**3. Questions not related to the Business of the Day –
None**

The Speaker: Agenda Item 3, Questions not related to the Business of the Day. There are none.

**Procedural –
Change to order of business**

305 **The Speaker:** Before we move to Agenda Item 4, I propose in accordance with Rule of Procedure 10 that Item 14 of the Addendum be taken immediately after Item 7; and that Item 15 of the Addendum be taken immediately after Item 11.

I gave you warning of this by email. We will go to the vote that the Addendum Items are moved into where I have said. Those in favour? Those against? **Carried.**

**4. The Capacity (Bailiwick of Guernsey) Law, 2020 –
Medical and Emergency Services Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical and Emergency Services Committee entitled 'Capacity (Bailiwick of Guernsey) Law' and to approve the Projet de Loi entitled 'The Capacity (Bailiwick of Guernsey) Law, 2020'.

Proposition:

That Chief Pleas approves the Projet de Loi entitled, 'The Capacity (Bailiwick of Guernsey) Law, 2020.

The Speaker: Agenda Item 4, to consider a Report with Proposition from the Medical and
310 Emergency Services Committee entitled 'Capacity (Bailiwick of Guernsey) Law, 2020' and to
approve the Projet de Loi entitled 'The Capacity (Bailiwick of Guernsey) Law, 2020'.
I would ask Conseiller Plummer to introduce the Report, please.

Conseiller Plummer: Thank you, sir.

315 The Medical and Emergency Services Committee brought a report to the 2015 Midsummer
Meeting asking Chief Pleas for permission to continue discussions with Guernsey on the
proposed Capacity Law that was introduced by Guernsey, including Alderney, with the intention
of Sark taking a full and active part in the legislation, thereby making it Bailiwick-wide.

320 In 2019, representation from Guernsey gave a presentation to the Medical Committee and
other parties including the Seneschal, explaining the Law in detail. It is important that Sark
permits appropriate safeguarding for individuals without capacity, where their treatment of care
requires them to be deprived of their liberty in their best interests.

The Medical Emergency Committee would like Chief Pleas to consider the benefits such a Law
will offer to the most vulnerable of Sark people. I would ask that the Proposition that Chief Pleas
325 approve the Projet de Loi entitled 'The Capacity (Bailiwick of Guernsey) Law, 2020'.

Thank you.

The Speaker: I would now ask for any questions or debate from the floor.

330 **Conseiller Makepeace:** Yes, sir. I would like to ask a question.

The Speaker: Could you put your hands up, please.

335 **Conseiller Makepeace:** Sorry, sir.

The Speaker: It is alright, I am just checking if there is anybody else. No, okay.
Conseiller Makepeace.

340 **Conseiller Makepeace:** Yes, sir.
In Appendix A of the Propositions, number 2 says:

To agree that legal representation at Mental Health and Capacity Review Tribunal hearings (primarily in relation to
protective authorisations) is to be provided under the Legal Aid Scheme generally on a 'no means, no merits test'
basis; whilst reserving the right for the Legal Aid Administrator to exceptionally apply a 'means test' to an
application, where reasonable and in conformity with human rights ...

I would just like to ask the first question, if this Legal Aid Scheme will apply to Sark residents
also. That is my first question.

Conseiller Plummer: Thank you.

345 Yes, I did send out to all Conseillers that if they had any questions to please bring them to me before, so I could research the answers to be correct.

But yes, I am sure – I will check this out – but I feel confident that it will include Sark people, but I will check that answer out.

Thank you.

350

The Speaker: I can just explain that the current legal aid system in Guernsey still has application in Sark. There is a legal aid system which Sark residents can access and therefore this will be an ongoing issue, as I do not believe Guernsey has yet finalised their own legal aid Law. So that is something we need to consider later.

355 Anything else to say on that, Conseiller Plummer?

Conseiller Plummer: No. Thank you very much indeed.

The Speaker: That is fine, thank you.

360 Conseiller Makepeace, do you have another question?

Conseiller Makepeace: Yes, sir. That is section 1.10, an overview of the Capacity Law, it states:

In summary, it is proposed that the Capacity (Bailiwick of Guernsey) Law will:

- Set out a statutory test to decide whether a person has the mental capacity to make a specific decision; ...

365 I would just like to ask will this test be carried out in Guernsey by mental health professionals or will it be carried out locally?

Thank you, sir.

The Speaker: Conseiller Plummer.

370 **Conseiller Plummer:** It will be in Guernsey.

The Speaker: Thank you. Anybody else? No.

In that case we will go to the Proposition, that Chief Pleas approves the Projet de Loi entitled, 'The Capacity (Bailiwick of Guernsey) Law, 2020. Those in favour? Those against? **Carried.**

**5. The Marriage (Bailiwick of Guernsey) Law, 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020' and to approve the Projet de Loi entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020'.

Proposition:

That Chief Pleas approves the Projet de Loi entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020'.

375 **The Speaker:** Agenda Item 5, to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020' and to approve the Projet de Loi entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020'.

I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

380 **Conseiller La Trobe-Bateman:** Thank you very much.

I do not really have much to add to this Report. Basically this Marriage Law is modernising the 1990 Law, bringing the marriage criteria into the 21st century.

Thank you.

385 **The Speaker:** Thank you. Are there any questions or debate from the floor on this Item? No.

Therefore we will go to the vote on the Proposition, that Chief Pleas approves the Projet de Loi entitled 'The Marriage (Bailiwick of Guernsey) Law, 2020'. Those in favour? Those against?

Carried.

**6. The Human Tissue & Transplantation (Bailiwick of Guernsey) Law, 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Human Tissue and Transplantation (Bailiwick of Guernsey) Law 2020' and to approve the Projet de Loi entitled 'The Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020'.

Proposition:

That Chief Pleas approves the Projet de Loi entitled, 'The Human Tissue & Transplantation (Bailiwick of Guernsey) Law, 2020'.

390 **The Speaker:** Agenda Item 6, to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Human Tissue and Transplantation (Bailiwick of Guernsey) Law 2020' and to approve the Projet de Loi of the same name.

I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

Conseiller La Trobe-Bateman: Thank you.

395 This is the final Projet. We did do public consultation on Sark before this went out and the responses that we had back were very for it. It is the soft opt-out approach.

So this is the final Projet. I do not have anything to add to the Report but this Projet, the only thing it is going to do is help save lives. So I ask you to vote for it.

Thank you.

400

The Speaker: Could I ask for any questions or debate? No.

Therefore we will go to the vote on the Proposition, that Chief Pleas approve the Projet de Loi entitled, 'The Human Tissue & Transplantation (Bailiwick of Guernsey) Law, 2020'.

Those in favour? Those against? **Carried.**

**7. The Education (Sark) (Amendment) Ordinance, 2020 –
Education Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Education Committee entitled ‘The Education (Sark) (Amendment) Ordinance, 2020’ and to approve the Ordinance entitled ‘The Education (Sark) (Amendment) Ordinance, 2020’.

Proposition:

That Chief Pleas approves The Education (Sark) (Amendment) Ordinance, 2020.

405 **The Speaker:** Agenda Item 7, to consider a Report with Proposition the Education Committee entitled ‘The Education (Sark) (Amendment) Ordinance, 2020’ and to approve the Ordinance of the same name.

I would ask Conseiller de Carteret to introduce the Report, please.

410 **Conseiller de Carteret:** Thank you.

When the original Ordinance was laid before Chief Pleas in October 2019, I made a statement regarding the Ordinance at that time had little provision to protect the home-educated child and that the Education Committee would follow up with such a provision to protect home-educated children. This Ordinance does just that. It gives the Education Committee the ability to ensure that a home-educated child is receiving the prescribed standard of education, support and any other provision deemed necessary to ensure that the child is receiving the best education possible.

Thank you.

420 **The Speaker:** Are there any questions or debate for the floor on this Item? No.

Then we will go to the vote on the Proposition that Chief Pleas approves The Education (Sark) (Amendment) Ordinance, 2020.

Those in favour? Those against? Carried.

This Ordinance will be numbered IV of 2020.

**14. The Election of Conseillers 19th August 2020 –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy and Finance Committee entitled ‘The Election of Conseillers 19th August 2020’ and to approve the Ordinance entitled ‘The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020’.

Proposition 1:

That Chief Pleas approves ‘The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020’.

Proposition 2:

That Chief Pleas considers cancelling the by-election in favour of filling the vacancies at the general election in December.

425 **The Speaker:** We now move to the Addendum, Agenda Item 14, to consider a Report with Propositions from the Policy Finance Committee entitled ‘The Election of Conseillers

19th August 2020' and to approve the Ordinance entitled 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020'.

I would ask Conseiller La Tobe-Bateman to introduce the Report, please.

430

Conseiller La Trobe-Bateman: Thank you.

As the Reform Law states, we must hold a by-election no later than six months after the position becomes available. Because this date falls so close to a general election and we failed to even have any contenders for the last by-election, we feel that it is unnecessary and pointless to hold a by-election so close to the general election.

435

Proposition 1 is the Ordinance required to hold a by-election and Proposition 2 cancels it. If Proposition 1 passes and Proposition 2 fails, we will then have a by-election and you can see the dates on the attached appendix. If both Propositions pass, which I recommend, it will cancel the by-election.

440

The Speaker: Thank you.

Are there any questions or debate from the floor, please?

Conseiller Drillot.

445

Conseiller Drillot: Thank you, Mr Speaker.

I would just like to actually address the Report, rather than a question, just to say that my backing on this is my feeling that holding a by-election in the middle of summer when everybody is very busy and getting candidates' nominations and all the work that goes involved in holding a by-election that time of the year would be very difficult for all of us in this room. I would rather see that all of us in this room put our efforts towards the main election in December, to hold a proper full election, where everybody that gets in will be in for the full term, rather than some that will be getting in just for three or four months.

450

So I really would like to back this one. Thank you.

455

The Speaker: Conseiller Plummer.

Conseiller Plummer: Well, I have nothing more to say because Conseiller Drillot said most things in my thoughts. Yes, I agree that it ought to be put back.

Thank you.

460

The Speaker: Thank you. Anybody else? No.

Then there are two Propositions to vote on. As explained by Conseiller La Trobe Bateman, if Proposition 1 is approved and Proposition 2 is approved, Proposition 2 cancels the by-election. So just to make that absolutely clear in your mind when you are voting.

465

So Proposition 1, that Chief Pleas approves The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance 2020. Those in favour? **Carried.**

Proposition 2, that Chief Pleas considers cancelling the by-election in favour of filling the vacancies at the general election in December. Those in favour? Those against? **Carried.**

470

Therefore that cancels the by-election and the Ordinance has not been approved. So the Ordinance will not stand.

**8. 2019 Financial Statements –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘2019 Financial Statements’.

Proposition:

That Chief Pleas adopt the Financial Statements of the Island for the year ended 31st December 2019.

The Speaker: We now move back to the main Agenda, to Agenda Item 8, to consider a Report with Proposition from the Policy and Finance Committee entitled ‘2019 Financial Statements’ and I would ask Conseiller Raymond to introduce the Report, please.

475 **Conseiller Raymond:** Thank you, sir.

The 2019 Financial Statements were included with the package that came to Easter Chief Pleas and they were due to be signed off by the Island and KPMG as reporting accountants just before the paper’s deadline for Easter. However, at the very last moment KPMG indicated that they needed a further post-balance-sheet review of events occurring after the year end. This was because of an edict which had been issued by the Financial Reporting Council.

480 That review entailed them inspecting the work that the Treasurer had performed in the normal course of her duties to measure the ongoing effect of the pandemic on the Island finances and the revenues in particular. This additional work has become the new norm and reporting accountants, but more especially auditors, are examining the ability of entities to survive the virus effects.

485 The assessment is intended to demonstrate that the entity has the ability to survive for 12 months after the date of that assessment, not just for the ensuing accounting period of 12 months from the date of the assessment. Obviously, if this seemed unlikely then a restatement of asset values may be required to show the effect of any impairment in value caused by a forced sale.

490 Sark, however, is not a trading company and it does not trade as such; it merely raises taxes and deploys those funds for the benefit of the community. It is unlikely therefore that impairment of asset value is in point. The forecasts are there to show the effect of the virus on the tax revenues in 2020, mainly I have to say from Impôt arising from greatly reduced visitor numbers.

495 The standard work of the Treasurer satisfied the reporting accountants and the accounts were signed off accordingly. No changes were made to any of the figures included in the accounts for the transactions in 2019 during the period of the delay.

Thank you, sir.

500 **The Speaker:** Thank you. Could I have any questions or debate on the floor?

Conseiller Makepeace: Yes, sir. I would like to ask something.

505 **The Speaker:** Anybody else?
Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

510 I would just like to ask what is the current total balance of cash deposits and reserves held in accounts by Chief Pleas on behalf of the Sark taxpayer?

I ask this because I believe due to unforeseen circumstances – i.e. Covid-19 – and the understandable financial challenges facing our lifeline shipping service, that these reserves have been seriously affected. This year will see us receive just a fraction of the normal revenue we would normally expect.

515 I believe our job here as Conseillers is to think ahead and remember that it is not our money, it is taxpayers' money, and they have a right to know the state of our finances at the current time.

Thank you, sir.

520 **The Speaker:** Conseiller Raymond, are you content to answer that question?

Conseiller Raymond: I would just like to make the point, sir, that we do not run the Island finances around the bank balances because we have to take into account the expectation of revenues and also we need to take into account planned expenses for which plans have been made. Therefore, at this particular point, much of the revenue has already been received. We know we have got six months of expenditure on a normal basis still to disburse and in addition to that we have certain capital projects that we are committed to.

525 The indications are – and they are reviewed on a regular basis by the Treasury team – that we will survive this with a fairly substantial cash balance. We are not complacent, but we are not concerned. But I would not wish to get into any form of disclosure which would breed tittle-tattle and might deflect the work of the Treasury team.

530 It is reported regularly to the Finance Committee and we are content.

The Speaker: Thank you for that.

535 If there is nothing else on the financial statements, we will to the Proposition that Chief Pleas adopt the Financial Statements of the Island for the year ending 31st December 2019. Those in favour? Those against? **Carried.**

**9. The Court of the Seneschal, Extending the 'Bench' –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Court of the Seneschal, Extending the "Bench".'

Proposition:

That Chief Pleas direct the Policy and Finance Committee to carry out consultation with the residents of Sark to determine their views on the proposed extension of the 'Bench'.

The Speaker: We now move to Agenda Item 9, to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Court of the Seneschal, Extending the "Bench".'

540 I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

Conseiller La Trobe-Bateman: Thank you. If I am getting taller and taller, it is because I am standing on my papers! *(Laughter)*

545 This Report with Proposition is to allow us to go out to public consultation. This is to gather the views of people about how to extend the 'Bench' for the Seneschal's Court. This has come from the Venne report which was done in 2016. So it is just trying to get through the backlog and move things forward a little bit.

We believe that this is the way to future-proof the Court of the Seneschal for years to come, but we would like the Island's views first.

550 Thank you.

The Speaker: Any questions or debate on the Report? No.

Then we will go to the Proposition, that Chief Pleas direct the Policy and Finance Committee to carry out consultation with the residents of Sark to determine their views on the proposed extension of the 'Bench'. Those in favour? Those against? **Carried.**

555

**10. Toplis Painting – Renewal of Loan Agreement –
Douzaine Report considered –
Proposition carried**

To consider a Report with Proposition from the Douzaine entitled 'Toplis Painting – Renewal of Loan Agreement'.

Proposition:

That Chief Pleas directs the Douzaine to investigate the renewal of the loan agreement with Guernsey Museums & Galleries in line with the terms contained in the expired agreement.

The Speaker: Agenda Item 10, to consider a Report with Proposition from the Douzaine entitled 'Toplis Painting – Renewal of Loan Agreement'.

I would ask Conseiller Drillot to introduce the Report, please.

560 **Conseiller Drillot:** Thank you, Mr Speaker.

I will be actually reading this one that Conseiller Blythe sent me today, because it was a last-minute change, but this one is quite self-explanatory.

You have all read the loan that the Guernsey Museum have got of these paintings, so there is little to add to this Report, other than to say that if this Proposition is approved, the Douzaine will discuss the matter with the Guernsey Museum and Art Gallery and return to Chief Pleas with a final loan agreement for approval before we sign it.

565

Thank you.

The Speaker: Any questions?

570

Conseiller Makepeace: Yes, sir.

The Speaker: Conseiller Makepeace.

575 **Conseiller Makepeace:** Yes, sir.

Although I am a Douzaine member, I will be voting against this renewal proposal.

As I understand, the paintings by William Toplis of local attractions were bequeathed to the Island of Sark by Lady Reynolds, this being for the enjoyment and pleasure of the people of Sark. The paintings have already been loaned for the last 12 years to the Guernsey Museum and Art Gallery and I think it is about time they came back home.

580

I would like to see them displayed perhaps in the Cider Barn, as they would be of great interest to visitors and residents alike.

Thank you, sir.

585 **The Speaker:** Conseiller La Trobe-Bateman.

Conseiller La Trobe-Bateman: Am I allowed to respond to that, or not?

The Speaker: Oh sorry. Conseiller Drillot.

590 **Conseiller La Trobe-Bateman:** No, I want to say something on that.

The Speaker: I thought you did, yes.

595 **Conseiller La Trobe-Bateman:** I would imagine that the Cider Barn would be pretty bad for holding paintings, but if you would like to price a system to make them the right humidity and everything like that, and there is a place that we can display them that they are not going to get ruined, then I think it is a brilliant idea. But I think it will be expensive.

The Speaker: Conseiller Paul Williams.

600

Conseiller Paul Williams: I would also like to point out that there are perfectly adequate copies of these paintings in the Toplis Room at the New Hall. They are extremely good and some people do not even know the difference. So go and have a look at those.

605

The Speaker: I would just add that when the last loan agreement was made, there was a fair bit of public support for getting them back to Sark, but to keep them in the conditions needed for their long-term preservation, the Guernsey Museum agreed to give us a very high-quality facsimile copy of those and as Conseiller Williams has said, they are on display in the Toplis Room. Now, they are facsimiles. Therefore they do not need the same careful controlled

610

conditions as the real paintings.
Anybody else to say ... ? Yes, Conseiller Ventress.

Conseiller Ventress: Just to say that when those paintings left Sark, they were not in tiptop condition. They needed some restoration and if they were to come back to Sark without, as previous speakers have said, the proper conditions to maintain them, they would deteriorate again.

615

Thank you.

The Speaker: Right, in that case, if there are no more questions, we will go to the Proposition, that Chief Pleas directs the Douzaine to investigate the renewal of the loan agreement with Guernsey Museums & Galleries in line with the terms contained in the expired agreement. Those in favour? Those against? **Carried.**

620

11. The Constable Proposal – Update – Douzaine Information Report considered and noted

To consider an Information Report from the Douzaine entitled ‘The Constable Proposal – Update’.

The Speaker: Agenda Item 11, to consider an Information Report from the Douzaine entitled ‘The Constable Proposal – Update’.

625

I would ask Conseiller Drillot to introduce the Report, please.

Conseiller Drillot: Thank you, Mr Speaker.

630 This Information Report is to let Chief Pleas know where we are with the changes within the Constable Office. I can report that the new contracts for the Constable and Vingteniers are in draft form, as is the updated job description. Once these are completed, they will be offered to Chief Pleas for debate and hopefully approval.

635 In Item 7 of the Easter Meeting of Chief Pleas, the Proposition to approve the Independent Policing Panel's new terms of reference was lost, resulting in the panel resigning. So from then onwards Guernsey Police have been on hand to deal with any complaints on our behalf. This agreement will be formulated within a revised service level agreement and reported to Chief Pleas for your approval.

The new set-up of the Constable role, as approved in Item 8 at the Easter Meeting of Chief Pleas, will commence in October, after the swearing-in of the new Constable and Vingteniers.

640 Finally, we are sorry to say that due to various delays caused by you know what, in order to get everything in place for the Michaelmas Meeting of Chief Pleas, we will probably have to call for an Extraordinary Meeting beforehand.

Thank you.

645 **The Speaker:** Any questions or debate please? Conseiller La Trobe-Bateman; Conseiller Plummer.

Conseiller La Trobe-Bateman.

Conseiller La Trobe-Bateman: Thank you.

650 Just a quick question. I do not think it will fall through but if the new system does not pass through Chief Pleas, what will happen to the current Constable and Vingtenier? Will Mr Burgess step down and Danny Gale become Constable or will the current Constable stay on for another year to give Danny some more training?

So it is just food for thought, possibly.

655 **The Speaker:** Conseiller Plummer.

Conseiller Plummer: Thank you.

660 The role of Constables over the years has become more and more difficult to fill. I would just like to say thank you to the Constables that we have, and the Vingtenier at the moment, for steering us through very difficult times.

The Island, as we all know, is like the rest the Bailiwick: very, very afraid of what might come here with the virus. So they are on call very, very much and I would just like to say thank you to them all and to all their associates.

Thank you.

665 **The Speaker:** Anybody else? Conseiller Drillot, do you want to comment on anything brought up in the debate? Yes?

Conseiller Drillot: Thank you.

670 Yes, just to try and answer Conseiller Bateman's question, which is a little bit difficult because we have not actually signed the agreement, we have not asked them that question yet. But we are pretty confident. Yes, we had a little bit of a break, obviously, with the difficulties we had in getting the Vingtenier and everybody knows about that. After all that was sorted, Mr Burgess and Mr Gale stepped up to the plate and, as Conseiller Plummer has said, have been put through a pretty tough time. They have got through it and have been working very hard behind the scenes to set the new system up.

675 We are quite confident that we will go with the new system. We have got names coming forward for most of the roles, so I am quite confident we will not need your answer, but if we do

680 we will ask that question and we will not drop Mr Gale right in the deep end. We will sort him out, I promise you that.
Thank you.

The Speaker: Thank you. As this is an Information Report, we will now move on to the next item.

**15. Transfer and Allocation Prescribed Person Status –
Policy and Finance Committee Report and Propositions –
All withdrawn**

To consider a Report with Propositions from the Policy and Finance Committee entitled ‘Transfer and Allocation Prescribed Person Status’.

Proposition 1:

That the designation of a ‘prescribed person’ be transferred from the role of the Senior Administrator to the role of Chief Secretary.

Proposition 2:

That the role of the Assistant Chief Secretary be designated as a ‘prescribed person’.

685 **The Speaker:** Agenda Item 15 from the Addendum, to consider a Report with Propositions from the Policy and Finance Committee entitled ‘Transfer and Allocation Prescribed Person Status’.
I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

690 **Conseiller La Trobe-Bateman:** Thank you.
We would like to pull the Propositions because we were hoping we would be further along with our meetings in Guernsey of where we would be for the Civil Service team. So we would like to remove them, if possible.
Thank you.

695 **The Speaker:** Fine, thank you. You are perfectly entitled to remove, add or delete Propositions as you see fit. Therefore, the Report contains Propositions 1 and 2: those are now deleted by the Committee.
However, are there any questions on the Report from the floor? Anybody? No. Therefore
700 that then becomes an Information Report as it has no Propositions.
Have you withdrawn the Report in its entirety or just the Propositions?

Conseiller La Trobe-Bateman: Does it matter? I do not know.

705 **The Speaker:** Well, it does because –

Conseiller La Trobe-Bateman: Okay, remove everything, yes.

The Speaker: So you are removing Item 15 entirely from debate.

710 **Conseiller La Trobe-Bateman:** Yes.

The Speaker: Thank you.

**12. Committee Elections –
Development Control Law Special Committee –
Conseillers S Couldridge, F Makepeace and P La Trobe-Bateman elected;
Messrs E Baker and A Dunks elected as Non-Chief Pleas Members**

*To Elect Conseillers to Committees as required.
Development Control Law Special Committee – 4 x Conseillers.*

715 **The Speaker:** We now move to Agenda Item 12, which is Committee Elections, to elect
Conseillers to Committees as required.

The Development Control Law Special Committee, which was approved at a recent Meeting,
needs four Conseillers, and we need to conduct elections for that Committee.

720 Are there any nominations for the Committee from the Policy and Finance Committee who
set this up?

Conseiller La Trobe-Bateman: Yes. I have been in contact with Mr Blythe for the DCC, and it
is Conseiller Simon Couldridge and Conseiller Frank Makepeace as Conseillers; and Eric Baker
and Antony Dunks as Non-Chief Pleas Members.

725 **The Speaker:** You require three Conseillers.

Conseiller La Trobe-Bateman: Okay, we need one more, then.

730 **The Speaker:** There have to be three Conseillers on a Committee; there cannot be less than
that, otherwise there is no quorum for voting.

Conseiller La Trobe-Bateman: If there is anybody from the floor that wishes to put their
name forward; if not – chuck me on it! *(Laughter)*

735 **The Speaker:** Right, at the moment, we have nominations of Conseillers Couldridge and
Makepeace, with Non-Chief Pleas Members of Mr Edric Baker and Mr Antony Dunks.

Do I have a volunteer from the floor to join the Development Control Law Special Committee,
please?

740 **Conseiller La Trobe-Bateman:** Can I volunteer Alan, since he is not here? *(Laughter)*

The Speaker: Conseiller Blythe cannot be – unless he indicated to you beforehand, he cannot
be nominated. *(Laughter)*

745 So you volunteered, did you not, Conseiller La Trobe-Bateman?

Conseiller La Trobe-Bateman: Yes, I think it was my mess-up at the last Chief Pleas, so I think
I probably ...

750 **The Speaker:** So we will take the Conseillers first. Those in favour of electing Conseillers
Couldridge, Makepeace and La Trobe-Bateman to the Development Control Law Special
Committee – those in favour? Those against? **Carried.**

755 I will now take these out of turn, because the next Item is for Non-Chief Pleas Members, but
as they came up with this one: that Messrs Edric Baker and Antony Dunks be elected to the
Development Control Law Special Committee as Non-Chief Pleas Members: those in favour?
Those against? **Carried.**

**13. Committee and Panel Elections –
Non-Chief Pleas Members and Panel Members –
None**

To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels as required:

The Speaker: Right, Agenda Item 13, Committee and Panel Elections. Are there any other Non-Chief Pleas Members or Panel Members to be voted upon at this meeting? No.

**Regulations Laid Before Chief Pleas –
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 2) Regulations, 2020;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 2) (Amendment) Regulations, 2020;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 3) Regulations, 2020;
The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017;
The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey)
(No. 3) (Amendment) Regulations, 2020**

760 **The Speaker:** Regulations laid before Chief Pleas, and they are: The Emergency Powers
(Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, and they
came into operation on 15th May 2020; The Emergency Powers (Coronavirus) (General
765 (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2020 – they came into
operation on 30th May 2020; The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) Regulations, 2020 – they came into operation on 13th June 2020.
All of these Regulations had a life of 30 days unless they were extended, so they will all naturally
run their course.

In the Addendum, we have Regulations laid before Chief Pleas. The first one is The Regulation
of Health Professions (Medical Practitioners) (Sark) Regulations, 2017 – that came into force on
770 1st June 2017. I discovered that this Regulation, whilst made in May 2017, had not been laid
before Chief Pleas at the next Meeting after it was made, which it should have been, at the 2017
Midsummer Meeting. I have taken legal advice which was that it should be laid at this Meeting.
The legal advice was that:

I can confirm that the Regulations still have effect despite not having been laid. I will be grateful if someone

– and that was me –

could arrange for them to be laid before Chief Pleas at the next available opportunity.

775 It has been asked to be pointed out that there have been similar instances in Guernsey of
statutory instruments being made and not then laid, in some cases until several years later, as a
result of inadvertent oversight. So Sark is not alone. I think it is the very first occasion that we
have done it. Also, no one has ever questioned the validity of those SIs or anything done under
them in the past three years and in the view of my legal adviser, they should be given the year
780 number when they were registered, which is laid before Chief Pleas. Therefore this Regulation
will be numbered Statutory Instrument number II of 2020.

And finally, The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey)
(No. 3) (Amendment) Regulations, 2020, and that came into operation on 20th June 2020.

785 That concludes the business of the meeting. The meeting is closed at five past six.
Greffier, the Grace, please.

PRAYER

The Greffier

Chief Pleas closed at 6.05 p.m.