



**OFFICIAL REPORT**

**OF THE**

**EXTRAORDINARY MEETING**

**OF CHIEF PLEAS**

**OF THE**

**ISLAND OF SARK**

**HANSARD**

**Assembly Room, Sark, Wednesday, 19th November 2020**

*All published Official Reports can be found on the  
official Island of Sark Chief Pleas website [www.sarkgov.co.uk](http://www.sarkgov.co.uk)*

**Volume 6, No. 12**

**Present:**

**Seigneur**

Maj. C M Beaumont Esq.

**Speaker of Chief Pleas**

Lt. Col. R J Guille, MBE Esq.

**Deputy Prévôt**

Ms J Godwin

**Greffier**

Mr T J Hamon

**Treasurer**

Ms S Hudson

**Constable**

Mr P Burgess

**Conseillers:**

Peter La Trobe-Bateman  
Christopher Nightingale  
Anthony Ventress  
Paul Williams  
Helen Plummer  
Philip Long  
John Guille

Christopher Drillot  
William Raymond  
Amanda De Carteret  
Frank Makepeace  
Natalie Craik  
Nichola McHugh

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## Extraordinary Meeting of Chief Pleas

*Chief Pleas met at 7 p.m.*

[THE SPEAKER *in the Chair*]

### **PRAYER**

*The Greffier*

### **ROLL CALL**

*The Greffier*

**The Greffier:** There are 13 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

### **Apologies received**

**The Speaker:** I present apologies from Conseillers Blythe, Couldridge and Sandra Williams.

### **Tribute to former Tenant Member of Chief Pleas, Mrs Georgina Guille**

**The Speaker:** Before we move into statements I would like to say a few words about Gee Guille.  
5 Last month many of us attended Georgina Guille's funeral.

Gee was a Tenant Member of Chief Pleas from 1980 to 1986, being the Tenant of the La Ville Roussel de Bas after the death of her husband John, until she sold the tenement in 1986. She was a regular attender of Chief Pleas but it is so far back we do not have the records as to say which Committees she served upon.

10 When she sold her tenement in 1986 it was retraits by her son, Colin, who was to be a Member of Chief Pleas for many years.

Please rise for a silence in her memory.

*Members stood in silence.*

**The Speaker:** Thank you.

**STATEMENTS**

**Agriculture, Environment and Sea Fisheries Committee –  
Statement by Conseiller Plummer**

**The Speaker:** Our first statement tonight is from Conseiller Plummer.

15

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

I would like to speak for the Agriculture, Environment, and Sea Fisheries Committee. The completion of the new abattoir fit for the 21st century is something we can all be proud of. The Agricultural, Environment and Sea Fisheries Committee would like to thank Chief Pleas for finding the means to secure the future of animal farming in Sark. As the Lieutenant Governor said at the opening, Sark has great potential in this area.

20

Sark has been without a commercial dairy for three years now. We have been fortunate that a group of residents have taken up the cause by forming a charitable trust to establish and maintain dairy farming on Island. The Committee has backed the project at every stage of development. All preparations are now in place and groundwork has started. The Trustees themselves have committed and raised almost half the funds needed. Support has been generous and is growing, but there is a long way to go. As building work starts and people get news of the dairy taking shape, it is a critical time for Sark officially to declare its wholehearted support for the project.

25

The Committee would ask Chief Pleas to endorse this support. This is the single most effective thing Sark can do to enable successful fundraising. Success will mean speedy completion of the project to have milk by June 2021 and a dynamic new enterprise that will improve all our lives. This support costs the Island nothing and will stimulate a great deal of goodwill and send a strong signal to the world that Sark is open for business and is planning a sustainable future.

30

Thank you.

35

**The Speaker:** Would anybody like to ask any questions of Conseiller Plummer? No.

**Policy and Finance Committee –  
Extraordinary Chief Pleas –  
Statement by Conseiller La Trobe-Bateman**

**The Speaker:** In that case, we will move on to statements for P&F from Conseiller La Trobe-Bateman.

40

Conseiller La Trobe-Bateman, please.

**Conseiller La Trobe-Bateman:** Thank you, sir.

This statement is to make the House aware that it is highly likely that we will need to hold a very short notice Extraordinary Chief Pleas to deal with the legislation that will arise from the ongoing Brexit negotiations with the United Kingdom and Europe.

45

As you will all be aware, the leave date is 31st December, and there is still a lot to be agreed in this short timeframe, and I fear that decisions will have to be agreed very last minute. I think the Speaker has some dates, possibly in mind.

50

**The Speaker:** We are looking at possibly 30th December, seven o'clock in the evening, for that Extraordinary Meeting. Any questions on that? No.

**Policy and Finance Committee –  
Sark Shipping –  
Statement by Conseiller La Trobe-Bateman**

**The Speaker:** Next one is shipping.

**Conseiller La Trobe-Bateman:** Thank you, sir.

55 This is a brief update to say that following the Michaelmas Chief Pleas when we were instructed to do an independent inquiry into Sark Shipping an independent reviewer has been appointed and is currently well underway with the review. It is Mr Andrew Ozanne who was recommended and accepted the job. Mr Ozanne is a qualified arbitrator and mediator with extensive experience across the Bailiwick. He has met with both representatives of Policy and Finance and key members of IOSS separately and is in the final stages of writing up his report.

60 I would also like to express our thanks to Colonel Richard Graham for his role as a non-executive director of Isle of Sark Shipping. His term of office has now come to an end. He has served as a non-executive director since 2015, and we wish him well in the future.

Thank you.

65

**The Speaker:** Any questions for Conseiller La Trobe-Bateman on that?  
Conseiller Craik.

**Conseiller Craik:** Thank you, sir.

70 Could I just ask Conseiller La Trobe-Bateman when he thinks this report will be finished and be ready to present to Chief Pleas?

**Conseiller La Trobe-Bateman:** I believe we had an e-mail today to say that Mr Ozanne will be meeting with us on Monday, this coming Monday, with P&F to go over his report and then as soon as that is done he discusses it with both parties and then it would be released to everybody.

75

Thank you.

**The Speaker:** Conseiller Makepeace.

80 **Conseiller Makepeace:** Yes, I would just like to ask Conseiller La Trobe-Bateman who actually appointed the ... was it Sark Shipping Company that appointed the chap or was it yourselves? Because I understand that Sark Shipping were going to appoint someone to look into the problem before, so was it yourselves or was it Sark Shipping?

85 **Conseiller La Trobe-Bateman:** Both parties made recommendations of who they wished to have as the independent reviewer and all went to the Lieutenant Governor's office and then he appointed on both our behalves.

**The Speaker:** Supplementary question.

90

**Conseiller Makepeace:** If I can just ask something, yes, if you both appointed someone which choice did the Governor make?

**Conseiller La Trobe-Bateman:** It was on our choice, and as it is *our* review we will be paying for it also.

95

**Conseiller Makepeace:** Thank you.

**Policy and Finance Committee –  
Reform Law amendment –  
Statement by Conseiller Guille**

**The Speaker:** And Conseiller La Trobe-Bateman, you have got a further one about a Reform Law amendment.

100

**Conseiller La Trobe-Bateman:** Yes, can I pass that to Conseiller Guille, please.

**The Speaker:** Yes, Conseiller Guille.

105

**Conseiller Guille:** The referral of UK Acts of Parliament and Orders in Council to the States of Deliberation, a statement regarding the Reform (Sark) (Amendment) Law 2021.

110

In 2016, during the passage of the UK's Criminal Finances Bill and the 2018 Sanctions and Anti-Money Laundering Bill, a number of amendments were moved, which included references to the overseas territories of the Channel Islands and the Isle of Man and to their respective registers of beneficial ownership of companies. Certain amendments to the Sanctions and Anti-Money Laundering Bill 2018 threatened to undermine Guernsey's established policy position by seeking to impose UK policy on the Channel Islands and the Isle of Man. These amendments were subsequently withdrawn. However, Guernsey deployed legislation to allow the States of Deliberation to approve UK Acts of Parliament or Orders in Council before they were approved by the Royal Court.

115

The 2020 UK Fisheries Bill, which has been approved by the House of Commons and the House of Lords and awaits Royal Assent, contains a permissive extent clause which will allow the UK Government to legislate for the Bailiwick. Sark were advised by the Law Officers that in the case of a UK Act of Parliament or an Order in Council applying directly to Sark an amendment to the Reform Law should be made allowing Sark to present the views of Chief Pleas to Guernsey prior to Royal Court approval.

120

The Policy and Finance Committee will be bringing a *Projet* for approval to Christmas Chief Pleas to allow Sark to present the views of Chief Pleas to the States of Deliberation. However, the Committee intends in the long-term to work with the other Bailiwick jurisdictions to bring forward Bailiwick legislation. This is intended to avoid any possible delay or conflict, should there be dissent within the Bailiwick.

125

Thank you.

130

**The Speaker:** Any questions of Conseiller Guille on that statement? No, okay, thank you very much. In accordance with the Rules of –

**Conseiller McHugh:** I was wondering, could you send me a copy of what you have just said? And then I could digest it more easily later.

135

Thank you.

**The Speaker:** That is not a question. That will be in *Hansard*, but you can ask him after the meeting.

**Conseiller McHugh:** Alright, thank you.

**Procedural –  
Electronic devices**

140 **The Speaker:** In accordance with 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 Extraordinary Meeting on 25th August 2020  
and the resumed Meeting held on 27th August –  
Typographical correction**

**The Speaker:** We move to the Business of the Day, Agenda Item 1, matters arising from the Extraordinary Meeting held on 25th August 2020 and resumed on 27th August 2020.

145 Before I take any from the floor I would just like to make a correction to that *Hansard*. If you turn to page 9, line 124, we are dealing with the Assistant Constable, Danny *Gail* is mentioned, of course, it should be Gale. So that is a typographical correction.

Does anybody else wish to raise anything on the minutes or the *Hansard* of that week? No.

**2. Matters arising from the Michaelmas Meeting on 30th September 2020 –  
Typographical correction**

**The Speaker:** Then we will move to Agenda Item 2, matters arising from the Michaelmas Meeting held on 30th September 2020.

150 Once again, I would like to make a correction, on page 26 of that *Hansard*, line 858, change ‘Conseiller William’ to Conseiller Raymond. ‘William’ was said but Conseiller Sandra Williams was thanking Conseiller Raymond. Sometimes people forget that he has got two surnames!

Any matters arising from the Michaelmas minutes?

155 Conseiller Craik.

**Conseiller Craik:** Thank you, sir.

Could I just ask Policy and Finance if we can have an update on the interviews of the assistant Chief Secretary, please?

160

**Conseiller La Trobe-Bateman:** Yes, we have done interviews and we have selected a candidate, so we are just in negotiations at the moment with that candidate.

**The Speaker:** Yes, Conseiller Craik.

165

**Conseiller Craik:** Sorry, is he able to give us any further information on that?

**Conseiller La Trobe-Bateman:** Not at this stage.

170

**The Speaker:** Thank you.

**3. Questions not related to the Business of the Day –**

**None**

**The Speaker:** We move to Agenda Item 3, Questions not related to the business of the day, there are none.

**4. The Real Property (Transfer Tax, Charging and Related Provisions)  
(Sark) (Amendment) Law, 2020 –  
Policy and Finance Committee Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Policy and Finance Committee entitled ‘Changes to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 Relating to Property Tax’ and to approve the Projet de Loi entitled ‘The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2020’.*

*Proposition:*

*That Chief Pleas approves the Projet de Loi entitled, ‘The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2020’.*

**The Speaker:** Agenda Item 4, to consider a Proposition from the Policy and Finance Committee entitled ‘Changes to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 Relating to Property Tax’ and to approve the Projet de Loi entitled ‘The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2020’.

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

**Conseiller La Trobe-Bateman:** I would like to pass that to Conseiller Raymond, please.

**The Speaker:** Conseiller Raymond.

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

These are really housekeeping changes, and they were approved for legislation at the Christmas meeting of 2016, five years ago, but for various reasons have never been enacted.

The majority of the proposals are now brought forward today in the *Projet* that you see before you. The first change is to remove the exemption for leases of less than 20 years and to tax all transfers of leases where the initial term is two years or more. This removes one of the methods whereby a property transfer tax has been avoided. Presently, the first £50,000 of consideration is exempt. This was originally a benevolent exemption designed to assist young, local market self-builders. The aim, whilst worthy, never achieved that aim and is now redundant. It is therefore proposed to remove it. Leases can be created with a substantial premium and a nominal ground rent, which is the norm, or with a nominal premium and a substantial ground rent. The property transfer tax implications of those two different types of transaction are severe insofar as the premium only is liable to property transfer tax and therefore the high ground rent arrangement avoids that charge.

The change that we are proposing will result in the two methods being treated more or less equally. In the UK this would not occur because the rent would be liable to Income Tax and therefore that is a disincentive to a high rental.

The matter of corporate ownership that was previously referred to in the Christmas 2016 meeting, is ringed around with complication. And whilst there is a precedent in the UK tax law, it

does not fit with the Sark landholding system. It is therefore proposed that this matter is left for another day.

205 Thank you, sir.

**The Speaker:** Are there any questions of Conseiller Raymond on that, please? No. Then we will go to the Proposition that Chief Pleas approves the *Projet de Loi* entitled 'The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2020'. Those in favour; those against. **Carried.**

210

**5. Evidence in Civil Proceedings –  
Policy and Finance Committee Report considered –  
Propositions carried**

*To consider a Report with Propositions from the Policy and Finance Committee entitled 'Evidence in Civil Proceedings' and to approve the Ordinances entitled 'The Evidence in Civil Proceedings (Sark) Law 2019 (Commencement) Ordinance, 2020' and 'The Live-Link Evidence In Civil Proceeding (Sark) Ordinance, 2020'.*

*Proposition 1:*

*That Chief Pleas approves the Ordinance entitled The Evidence in Civil Proceedings (Sark) Law, 2019 (Commencement) Ordinance, 2020.*

*Proposition 2:*

*That Chief Pleas approves the Ordinance entitled The Live-Link Evidence in Civil Proceedings (Sark) Ordinance, 2020*

**The Speaker:** Agenda Item 5, to consider a Report with Propositions from the Policy and Finance Committee entitled 'Evidence in Civil Proceedings' and to approve the Ordinances entitled 'the Evidence in Civil Proceedings (Sark) Law 2019 (Commencement) Ordinance, 2020' and 'the Live-Link Evidence in Civil Proceeding (Sark) Ordinance, 2020'.

215

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

**Conseiller La Trobe-Bateman:** Thank you.

These propositions in Item 5 are the enacting ordinances to the *Projet* passed earlier this year in Chief Pleas.

220

It is a very small ordinance and is very self-explanatory in what they do. The aim of this is to enable the Seneschal's Court the same evidence proceedings as other jurisdictions in the Bailiwick. Thank you.

**The Speaker:** Are there any questions of Conseiller La Trobe-Bateman? No. Then we will go to the Propositions. Proposition 1: that Chief Pleas approves the Ordinance entitled 'The Evidence in Civil Proceedings (Sark) Law, 2019 (Commencement) Ordinance, 2020.' Those in favour; those against. **Carried.**

225

And Proposition 2: that Chief Pleas approves the Ordinance entitled 'The Live – Link Evidence in Civil Proceedings (Sark) Ordinance, 2020'. Those in favour; those against. **Carried.**

230

**6. Land Reform –  
Policy and Finance Committee Report considered –  
Propositions carried**

*To consider a Report with Propositions from the Land Reform (Special) Committee entitled 'Land Reform' and to approve the Ordinances entitled 'The Land Reform (Miscellaneous Provisions) (Sark) Ordinance 2020', 'The Leasehold Reform (Miscellaneous Provisions) (Sark) Law 2019 (Commencement) Ordinance 2020', 'The Evictions (Stay of Execution) (Sark) Law 2019 (Commencement) Ordinance 2020', 'The Land Reform (Sark) Law 2019 (Commencement) Ordinance 2020' and 'The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law 2019 (Commencement) Ordinance, 2020'.*

*Proposition 1:*

*That Chief Pleas approve The Land Reform (Miscellaneous Provisions) (Sark) Ordinance 2020*

*Proposition 2:*

*That Chief Pleas approve The Leasehold Reform (Miscellaneous Provisions) (Sark) Law 2019 (Commencement) Ordinance 2020.*

*Proposition 3:*

*That Chief Pleas approve The Evictions (Stay of Execution) (Sark) Law 2019 (Commencement) Ordinance 2020*

*Proposition 4:*

*That Chief Pleas approve The Land Reform (Sark) Law 2019 (Commencement) Ordinance 2020.*

*Proposition 5:*

*That Chief Pleas approve the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law 2019 (Commencement) Ordinance, 2020*

235 **The Speaker:** We now move to Agenda Item 6, to consider a Report with Propositions from the  
Land Reform (Special) Committee entitled 'Land Reform' and to approve the Ordinances entitled  
'The Land Reform (Miscellaneous Provisions) (Sark) Ordinance 2020', 'The Leasehold Reform  
(Miscellaneous Provisions) (Sark) Law 2019 (Commencement) Ordinance 2020', 'The Evictions  
(Stay of Execution) (Sark) Law 2019 (Commencement) Ordinance 2020', 'The Land Reform (Sark)  
240 Law 2019 (Commencement) Ordinance 2020' and 'The Real Property (Transfer Tax, Charging and  
Related Provisions) (Sark) (Amendment) Law 2019 (Commencement) Ordinance, 2020'.

And I would ask Conseiller Raymond to introduce the Report, please.

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

245 May I suggest that there is a general introduction and then we consider the Ordinances one at  
a time? I think it will be much more meaningful.

250 The purpose of the Propositions today is to conclude the work to date by the Land Reform  
Special Committee. To recapitulate on the recent history: after the initial meetings, discussions  
and consultations the Committee responsible then, which was Finance and Resources, were  
advised by a Law Officer that no further work should progress without a specialist adviser. In the  
event, no candidate could be identified but in the course of a conversation with the Seigneur, Mr  
van Leuven offered his help. This conversation took place in the summer of 2017. The Committee  
then worked with Mr van Leuven and produced a package of measures to advance the reform  
process. These were laid before Chief Pleas at Easter 2018. These proposals were all passed and  
Mr van Leuven commenced the drafting process with St James Chambers.

255 The process was very complicated and a part of the proposals were brought to Easter 2019, with the balance of the provisions to the Midsummer Meeting of 2019.

It is, of course, a matter of record that individuals outside Chief Pleas petitioned the Crown to refuse Royal Assent to the *Projets* which had been passed. It has to be emphasised that the legislation which Chief Pleas passed was entirely in accordance with the scope of the measures that had previously been approved.

260 The Committee never saw the grounds for the petitions, there were two, but both were dismissed and the laws received Royal Assent in due course. Following Royal Assent to the laws the process continued and Propositions were brought to Michaelmas Chief Pleas to outline the basis upon which the Ordinances to commence the legislation would be formulated. Those Propositions were carried unanimously.

265 What is in front of you today is a series of Ordinances to commence the legislation that has already been passed. The Ordinances follow precisely the resolution of Chief Pleas at Michaelmas, in the same way that the legislation which is being commenced reflects precisely the parcel of measures that were proposed to Easter 2018.

270 In short, Chief Pleas has approved each and every stage of the process and what is before you now is the completion of that process in which you have been involved. In addition to commencing the effect of the legislation these Ordinances also supplement the provisions relating to division of tenements, mortgaging of property and deeming leaseholds to be real property so that they may be mortgaged. In addition, the Ordinance includes certain technical and administrative matters as well as some substantive provisions so that the legislation achieves its purpose.

275 To reiterate, the Ordinances are in accord with the resolution of Michaelmas. You will note that the Ordinances commence on different dates. Those affecting leasehold protection will commence on 30th November. I apologise for my error in the covering paper, which suggested it would be tomorrow. While those affecting division of real property and mortgaging will commence on 1st February 2021. The difference in time is deliberate to allow the administrative arrangements for a register and other legal arrangements to be made within the administration on Sark.

280 The legislation that has been amended goes back to 1611, which prohibited the division or charging of property. The prohibition on division has given rise to the evolution of a regime of leases to accommodate an expanding population. Because of the Letters Patent of 1611 Sark has missed out on the evolution of land tenure changes in England and major changes particularly that took place about a century ago.

285 You will all have received correspondence from a body which alleges that these reforms may be unfair, incomplete or prejudice. Whilst the Committee have no means of knowing the identity of the signatories to the petitions or the content of the documents, it is not unreasonable to suppose that is the same people advancing the same arguments as those in the petitions. Those arguments which were addressed to the political implications of the legislation were considered in London and were dismissed. The laws were upheld and what we need to do today is to commence those laws. I would like to make it clear that the Committee has never presented Propositions involving wholesale leasehold reform or legislation including the compulsory right to buy or to extend leases. The Propositions today are the Ordinances to commence the proposals and the laws already approved.

290 However, land reform must be a continuing process – in other words, evolutionary. A senior lawyer in England showed interest in the Sark predicament and his advice was clear: take small steps and do things gradually. As the royal family were within his firm's client portfolio, he might be assumed to have some knowledge.

300 On behalf of the Committee I ask that you approve the Ordinances before you today and allow Sark to take the first steps in land reform. We are certain that this is not the end of the reforms, but further steps are for another day and another Chief Pleas. The present steps that you have agreed to have been enormously complex in their preparation and they deserve to be given a chance to work. Thank you, sir.

**The Speaker:** Thank you.

If there is anybody who wishes to make a statement or ask a question and have debate please put your hand up now. (**Conseiller Makepeace:** Yes, sir.) Yes, anybody else? No.

310 Conseiller Makepeace.

**Conseiller Makepeace:** Yes, just to say I will be voting for this this evening but in the belief that this represents merely the beginning of the journey, and most certainly not the end.

315 What we must do as Conseillers moving forward is to continue this work with the objective of ensuring that no one who wishes to own their own freehold is left behind.

Thank you, sir.

**The Speaker:** Anybody else? No.

320 You are wishing to make a comment on each Proposition before we go to the vote, Conseiller Raymond?

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

**The Speaker:** Let's start with Proposition 1 then.

325

**Conseiller Raymond:** This is the Land Reform Ordinance and it commences the land reform legislation from 1st February 2021. This Ordinance amplifies the *Projet* of 2019, insofar as it requires a clear definition of boundaries for a divided property relative to physical and permanent features.

330 It is important to note that it contemplates division of a property both during the owner's lifetime and also by will on death, and that is obviously considerably more complex and exercises the lawyers' minds a great deal. The Ordinance then specifies a charging regime, mortgaging if you prefer it, commencing with the establishment of a publicly open and accessible charges or mortgage register at the Greffe. It specifies who may register a charge and how a charge may be cancelled. Then, in Part III of the Ordinance, it sets out the steps by which a lease may be charged, which involves the making of an irrevocable election that the lease shall be regarded as real property instead of personal property and that election also falls to be registered.

335 Thank you, sir.

340 **The Speaker:** Anything before we go to the vote? No, then we will go to the vote on Proposition 1: that Chief Pleas approve the Land Reform (Miscellaneous Provisions) (Sark) Ordinance 2020. Those in favour; those against. **Carried.**

Second Proposition, Conseiller Raymond.

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

The leasehold reform provisions will actually come into effect on 30th November, not the 20th, as I have already said, and I renew my apologies.

350 The Ordinances will commence the legislation to provide relief from forfeiture. There are required actions of the landlord who must serve a notice specifying the grounds that he complains of and he has to give the tenant leaseholder an opportunity to remedy the breach in the lease, and the tenant must be given time to make that remedy or if the requirement is for monetary compensation time to pay.

355 Then in Part II of the law, it provides that a leaseholder desiring to sell or otherwise dispose of his interest, including by sub-letting his leasehold interest, and needing to obtain landlord's consent shall be deemed to have received that consent if he receives no reply during a reasonable time. If the landlord's consent is refused, then there must be reasonable grounds for so doing. That is the Leasehold Reform Law that I am asking for commencement to be agreed.

Thank you.

360 **The Speaker:** Any questions or comments on that statement from Conseiller Raymond? No, then we will go to the vote. Proposition 2: that Chief Pleas approve the Leasehold Reform (Miscellaneous Provisions) (Sark) Law 2019 (Commencement) Ordinance 2020. Those in favour; those against. **Carried.**

Conseiller Raymond, Proposition 3.

365 **Conseiller Raymond:** This deals with the Evictions Law and the commencement of that and again, this comes into effect on 30th November. This gives the court the power to suspend eviction of a tenant or a leaseholder for such period and under what conditions the court may decide.

370 **The Speaker:** Any questions or comment on that statement? No, then we will move to Proposition 3: that Chief Pleas approve The Evictions (Stay of Execution)(Sark) Law 2019 (Commencement) Ordinance 2020. Those in favour; those against. **Carried.**

Proposition 4, Conseiller Raymond.

375 **Conseiller Raymond:** This is a simple Ordinance to commence the Land Reform Law 2019.

**The Speaker:** We will go straight to the vote on that, Proposition 4: that Chief Pleas approve The Land Reform (Sark) Law 2019 (Commencement) Ordinance 2020. Those in favour; those against. **Carried.**

And Conseiller Raymond, Proposition 5.

380

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

Proposition 5, this is a small amendment. We amended the property transfer taxation legislation by *Projet* and it received Royal Assent on 11th March. The property transfer tax legislation contemplated, at a future time, the deeming of leases as real property. That legislation needed amendment which is what this particular *Projet* did and we now need to commence the effect of it.

385 **The Speaker:** We will go to the vote on Proposition 5: that Chief Pleas approve the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law 2019 (Commencement) Ordinance, 2020. Those in favour; those against. **Carried.**

390

## **7. Electric Bicycle Licence & Fees – Douzaine Report considered – Proposition carried**

*To consider a Report with Proposition from the Douzaine entitled ‘Electric Bicycle Licence & Fees’ and to approve the Ordinance entitled ‘The Motor Vehicles (Sark) Law, 2013 (Amendment) Ordinance, 2020’.*

*Proposition:*

*That Chief Pleas approves the Ordinance entitled The Motor Vehicles (Sark) Law, 2013 (Amendment) Ordinance, 2020.*

**The Speaker:** Agenda Item 7, to consider a Report with Proposition from the Douzaine entitled ‘Electric Bicycle Licence & Fees’ and to approve the Ordinance entitled ‘The Motor Vehicles (Sark) Law, 2013 (Amendment) Ordinance, 2020’.

I would ask Conseiller Drillot to introduce the Report please.

395

**Conseiller Drillot:** Thank you, sir.

This is just to bring in what we brought in in July 2019, to bring electric bikes under the motor vehicle licensing rather than under the invalid carriage.

Thank you.

400

**The Speaker:** Any questions or debate? No, then we will go to the Proposition that Chief Pleas approves the Ordinance entitled The Motor Vehicles (Sark) Law, 2013 (Amendment) Ordinance, 2020. Those in favour; those against. **Carried.**

**8. Horse, Dog & Bicycle Taxes –  
Douzaine Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Douzaine entitled ‘Horse, Dog & Bicycle Taxes’ and to approve the Ordinance entitled ‘The Financial Provisions (Variation of Rates) (Sark) Ordinance, 2020’.*

*Proposition:*

*That Chief Pleas approves the Ordinance entitled The Financial Provisions (Variation of Rates) (Sark) Ordinance, 2020.*

405

**The Speaker:** Agenda Item 8, to consider a Report with Proposition from the Douzaine entitled ‘Horse, Dog & Bicycle Taxes’ and to approve the Ordinance entitled ‘The Financial Provisions (Variation of Rates) (Sark) Ordinance, 2020’.

Conseiller Drillot, please.

410

**Conseiller Drillot:** Thank you, sir.

A lot of these next few are things that have not really been altered for quite a while, these Ordinances take a while to get through. We just felt as a Douzaine Committee that – I know it is not good timing – they needed to be brought up to date. We have brought them in as little as we could get away with, but obviously our costs have gone up so we have had to try and implement them somehow. So this is to change the Ordinances to the slight changes in prices.

415

Thank you.

**The Speaker:** Any questions or comment? Then we will go to the Proposition that Chief Pleas approves the Ordinance entitled The Financial Provisions (Variation of Rates) (Sark) Ordinance, 2020. Those in favour; those against. **Carried.**

420

**9. Carriage Driving Licences –  
Douzaine Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Douzaine entitled ‘Carriage Driving Licences’.*

*Proposition:*

*That Chief Pleas approves the fee of £12 for a carriage driving licence and the fee of £6 for a licence issued on or after the first day of July in any year.*

**The Speaker:** Agenda Item 9, to consider a Report with Proposition from the Douzaine entitled 'Carriage Driving Licences'.

Conseiller Drillot, please.

425 **Conseiller Drillot:** Thank you, sir.

This one is the same again, just another 10 years since this one was last looked at, so it is just to bring this one slightly more up to date.

Thank you.

430 **The Speaker:** Any questions or comment? No. Then we will go to the vote on the Proposition that Chief Pleas approves the fee of £12 for a carriage driving licence and the fee of £6 for a licence issued on or after the first day of July in any year. Those in favour; those against. **Carried.**

**10. Island Burials –  
Douzaine Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Douzaine entitled 'Island Burials'.*

*Proposition:*

*That Chief Pleas directs the Douzaine to make changes to the charge for the use of the Island Burial Grounds as set out within this Report, effect from the date of this Resolution.*

435 **The Speaker:** We move to Item 10. To consider a Report with Proposition from the Douzaine entitled 'Island Burials'. Conseiller Drillot, please.

**Conseiller Drillot:** Thank you, sir.

Before I start there is just a slight spelling error in the last paragraph where it reads:

... Douzaine is first south by the Funeral Director.

That should be 'sought'.

440 Once again, this one is something that the Douzaine have been working on with reference to Island burials. There were a few slight things that could be twisted on the Island burials when you look at Guernsey, how strict theirs is. This was just really to bring us into ... because we are not short of space but there is not a great deal of space so we just wanted to make sure that people were not going to start bringing burials into Sark due to the fact that it was cheaper here than it is in Guernsey, so trying to find a link to bring them to Sark. We needed to change a few just to bring it up to date.

445 In the Proposition in the last line there is another spelling mistake – and I didn't write this by the way! – (*Laughter*) I know my spelling is bad but ... The last line where it says 'effect' should be 'effective' from the date of this Resolution.

450 Thank you.

**The Speaker:** Any questions or comment? Conseiller Craik.

**Conseiller Craik:** Thank you, sir.

455 It was just a general information question really. It says that there are no proposed changes to the charge for space to bury ashes. Could I just enquire what you currently do at the moment and what the actual charge is for that? Thank you.

**Conseiller Drillot:** Sorry, I was waiting for another question.

460 At the moment the ashes are registered with the Funeral Director, so he is asked permission to put them into the graveyard, and we have got specific places for ashes. If he agrees he will then contact the Douzaine just confirm that everything is correct and then it will be passed and it is £50 per plot.

Thank you.

465 **The Speaker:** Anything else? No. In that case, we will go to the Proposition that Chief Pleas directs the Douzaine to make changes to the charge for the use of the Island Burial Grounds as set out within this Report, effective from the date of this Resolution. Those in favour; those against. **Carried.**

**11. Tractor Vehicle & Driver and Electric Bicycle Fees –  
Douzaine Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Douzaine entitled ‘Tractor Vehicle & Driver and Electric Bicycle Fees’.*

*Proposition:*

*That Chief Pleas approves the changes in charges as outlined in the above Report.*

470

**The Speaker:** Item 11, to consider a Report with Proposition from the Douzaine entitled ‘Tractor Vehicle & Driver and Electric Bicycle Fees’.

Conseiller Drillot, please.

475

**Conseiller Drillot:** Thank you, sir.

Once again, in the line just above the table, proposed changes ‘ae’ should be ‘are’.

480 These again are just a thing that has not really been looked at since October 14. As we all know, there is a lot more wear and tear around the Island and the price increasing on repairs so we are just trying to bring these more into line with what we are spending to what we are getting back in.

Thank you.

**The Speaker:** Any questions or debate?

485 No, then we will move to the Proposition that Chief Pleas approves the changes in charges as outlined in the above Report. Those in favour; those against. **Carried.**

**12. 2021 Budget and Taxation Report –  
Policy and Finance Committee Report considered –  
Proposition carried**

*To consider a Report with Propositions from the Policy and Finance Committee entitled ‘2021 Budget and Taxation Report’ and to approve the Ordinance entitled ‘The Direct Taxes for 2021 (Sark) Ordinance, 2020’.*

*Proposition 1:*

*That the rate of Property Tax remains at £15.00 per quarter for the year 2021.*

*Proposition 2:*

*That the minimum rate of Personal Capital Tax be increased to £475 for the year 2021.*

*Proposition 3:*

*That the maximum rate of Personal Capital Tax be increased to £9,500 for the year 2021.*

*Proposition 4:*

*That the forfait factor for the calculation of Personal Capital Tax be increased to 2.5 for the year 2021.*

*Proposition 5:*

*That the net asset fraction for the calculation of Personal Capital Tax remains at 0.39% for the year 2021.*

*Proposition 6:*

*That the Personal Capital Tax of an individual who is liable to pay Property Tax as the Possessor of Real Property which is their principal dwelling, and whose net capital assets are below the Minimum Asset Rate, shall remain at £Nil.*

*Proposition 7:*

*That Chief Pleas approves the Ordinance entitled "The Direct Taxes for 2021 (Sark) Ordinance, 2020.*

*Proposition 8:*

*That Chief Pleas approves the Income and Expenditure budget for the year 2020.*

*Proposition 9:*

*That Chief Pleas approves the Capital Expenditure budget for the year 2020.*

**The Speaker:** We now move to Agenda Item 12, to consider a Report with Propositions from the Policy and Finance Committee entitled '2021 Budget and Taxation Report'.

And I would ask Conseiller Raymond to introduce the Report, please.

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

Before we look at the Propositions for the tax raising for 2021, I want to stress the difficulties this year and the way in which the tax system has become stretched and the need for a review of the fundamentals.

495 The system was reviewed last around the turn of the century, and was presented to Chief Pleas at that time as a multiple choice of systems. The current model, or its slight predecessor, was the one selected as it closely resembled the dual system that existed before. It was formulated on a differential between the top and bottom of personal taxpayers of about seven times, and that was achieved by a compound effect of the forfait multiplier and a differential in property sizes. As  
500 the occupants of the larger houses have since this system was installed in part moved away, the decision was taken a few years ago to increase the property tax and reduce the forfait multiplier, but the differential in property size is only about three times, so the gearing that we had originally installed was to an extent lost at that point.

505 In 2007 the treizième was abolished in exchange for a stipend payable to the Seigneur. Property transfer tax receipts in recent years have been extremely disappointing, and it is hoped that a resurgence in property interest will now lead to an increase in revenues.

Now to next year: the Treasurer has trimmed back all expenditure wherever possible and has been as realistic as possible with the income forecasts. The tax rises are inevitable but those fall

wherever possible, with those who are most likely to be able to afford any increase. What I have just said about a review of the system is very relevant in the context of the increase in the forfait.

510 As I have said recently, we are concerned about the Impôt system due to the sporadic nature of the receipts, and the Treasurer will look at that in the new year. At the moment Guernsey Border Agency who administer that for us are too busy with Brexit to spend time on our Impôt.

Property transfer tax this year has been forecast on a different basis as we hope there will be a greater demand for Sark property. We already know of transactions that will produce about 50% of the forecast sum. Wherever possible, credit has been taken for any sums that may be owed to reduce the need to raise taxation at this difficult time. The entire budget is based upon the continuation of the border restrictions for 2021 and the reliance on the Bailiwick bubble for visitors, which have been so beneficial for us this year.

520 Finally, I think we should all thank the Treasurer and her Deputy for the management of the Island finances in this difficult year and for the production of this budget, which I hope will meet with your approval, and if you have many detailed questions I will shelter behind her and she will answer them. *(Laughter)*

**The Speaker:** Any questions, comments or debate, please? Conseiller McHugh followed by Conseiller Craik. Anybody else? No.  
Conseiller McHugh.

**Conseiller McHugh:** Thank you.  
This is just a question, Conseiller Raymond, about the capital expenditure –

530 **The Speaker:** Speak to me, please.

**Conseiller McHugh:** Oh speak to you, sorry, there you go.  
This is a question about the capital expenditure. I am just asking for reassurance that the capital expenditure that is budgeted for will be transparently awarded so that we cannot be accused of nepotism?

**The Speaker:** Thank you.  
Conseiller Craik.

540 **Conseiller Craik:** Thank you, sir.  
My question is in relation to the Policy and Finance budget. I have been trying to work out in regard to the Chief Secretary and Committee office or support staff the increase in wage bill. Working on the basis that the new position of Assistant Chief Secretary, which Conseiller La Trobe-Bateman said was budgeted between £30,000 and £35,000, I have been trying to figure out where the other moneys are going to be apportioned and we trying to take into account the fact that there has also been RPI increases to these positions. I am just wanting to know whether it is possible, possibly not for this time but maybe in future budgets, whether pay scales of positions could be clarified and not bunched into one total, just to make it more clear to others when we are looking at the budget as to where the money is being spent.

550 I have been asked by members of the public as to salaries for Chief Secretary, CSOs and I cannot give them answers to those questions because I cannot find the answers, and I have looked. So I just wanted clarification on whether there is more information that could be given as to where this money is being proportioned and how many CSOs we have currently in the office working, because I do not know that either, and just generally more information on the increase.

Thank you.

**The Speaker:** Anybody else before we ask Conseiller Raymond to reply?  
Conseiller Raymond.

560 **Conseiller Raymond:** I think that as far as Conseiller McHugh's question goes we will have a proper tender process. There has been a tender process on contracts that have been awarded recently and that must obviously continue. I hope that if she knows of an occasion when it has not applied that she will let us know so that we can actually make sure it does not happen again.

As regard salaries, they are always a touchy subject in a small community, and I would suggest  
565 that the Treasurer makes that the subject of a written reply to Conseillers.

Thank you.

**The Speaker:** Conseiller Craik, does that satisfy you – a written reply from the Treasurer?

570 **Conseiller Craik:** Thank you, yes.

And can I just a supplementary question as well to this?

**The Speaker:** Yes.

575 **Conseiller Craik:** Sorry, I should have just added, in respect to the salaries of the Policy and Finance budget for the office, I realise it is a very sensitive subject in regard to pay structures and who gets what, but I do think it is in the public's interest as to what the taxpayers' money is being spent on and how much has been spent.

Thank you.

580

**The Speaker:** Conseiller McHugh followed by Conseiller Nightingale.

**Conseiller McHugh:** This is ... can I look at Conseiller Raymond while I am talking to him? It is not that I know of any particular circumstances –

585

**The Speaker:** Conseiller McHugh, you talk to the Speaker and he is listening –

**Conseiller McHugh:** I talk to you, I have to look at you. He is going to listen.

590 **The Speaker:** And then he will talk to me and you will get your answer. (**Conseiller McHugh:** Alright.) You do not have a conversation across the Chamber.

**Conseiller McHugh:** Okay.

595 It is not that I am aware of any particular instances, it is just that I feel that there is a general idea within the community that this is what goes on and I feel unable to dispel the notion and I would like to be able to do that. So if you do tender these contracts I am not always aware of it and people are not aware of it so I would like to be able to squash this but I cannot.

Thank you.

600 **The Speaker:** Conseiller Nightingale.

**Conseiller Nightingale:** Thank you, sir.

Can I just make a general comment; I am very alarmed about the road we seem to be taking which I feel is going to make it even harder for young families and older residents.

605 I did not learn much at school but one thing I can remember was a Charles Dickens' character, Mr Micawber, whose principle was: annual income £20, annual expenditure £19, 19 shillings and six pence, result, happiness. Annual income £20, annual expenditure £20 and six pence, result, misery. I cannot help feeling that if we do not alter our ways we are going to be in for a lot of misery.

610 Thank you, sir.

**The Speaker:** Conseiller Raymond.

615 **Conseiller Raymond:** The additional expenditure that we are facing up to now is the result of Sark being dragged into the 21st century. We are now facing prices for medical care that we have not faced before and we are required to have an on-Island administration, which only 10 or 12 years ago the administration consisted of one secretary taking minutes and doing some filing. It is very different today.

620 **The Speaker:** Anybody else? Are you happy just to go straight into the Propositions, Conseiller Raymond? (**Conseiller Raymond:** Yes, sir.)

Proposition 1: that the rate of Property Tax remains at £15.00 per quarter for the year 2021. Those in favour; those against. **Carried.**

625 Proposition 2: that the minimum rate of Personal Capital Tax be increased to £475 for the year 2021. Those in favour; those against. **Carried.**

Proposition 3: that the maximum rate of Personal Capital Tax be increased to £9,500 for the year 2021. Those in favour; those against. **Carried.**

Proposition 4: that the forfait factor for the calculation of Personal Capital Tax be increased to 2.5 for the year 2021. Those in favour; those against. **Carried.**

630 Proposition 5: that the net asset fraction for the calculation of Personal Capital Tax remains at 0.39% for the year 2021. Those in favour; those against. **Carried.**

Proposition 6: that the Personal Capital Tax of an individual who is liable to pay Property Tax as the Possessor of Real Property which is their principal dwelling, and whose net capital assets are below the Minimum Asset Rate, shall remain at £Nil. Those in favour; those against. **Carried.**

635 Proposition 7: that Chief Pleas approves the Ordinance entitled 'The Direct Taxes for 2021 (Sark) Ordinance, 2020'. Those in favour; those against. **Carried.**

Proposition 8: that Chief Pleas approves the Income and Expenditure budget for the year 2020. Those in favour; those against. **Carried.**

640 And finally, Proposition 9: that Chief Pleas approves the Capital Expenditure budget for the year 2020.

**Conseiller Raymond:** I am sorry, sir, that obviously should be 2021.

645 **The Speaker:** It should be 2021, should it not?

**Members:** Yes, sir.

**The Speaker:** And the same in Proposition 8, which we have just approved! (*Laughter*)

650 **Conseiller Raymond:** Can we have a resolution of disapproval, please?

**The Speaker:** Are you content that Proposition 8 is amended for the year 2021? Those in favour; those against. **Carried.**

655 Proposition 9 again: that Chief Pleas approves the Capital Expenditure budget for the year 2021. Those in favour; those against. **Carried.**

**13. Review of Reporting Accountant Role –  
Policy and Finance Committee Report considered –  
Proposition carried**

*To consider a Report with Proposition from the Policy and Finance Committee entitled ‘Review of Reporting Accountant Role’.*

*Proposition:*

*That Chief Pleas approves the appointment of Brehon Ltd as the Island’s reporting accountants for a period of three years.*

**The Speaker:** Agenda Item 13, to consider a Report with Proposition from the Policy and Finance Committee entitled ‘Review of Reporting Accountant Role’.

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

660 **Conseiller La Trobe-Bateman:** Thank you, sir.

Every year the Island’s financial statements are reviewed, and this has been done by KPMG since 2003. P&F decided to review the position of an independent accountants for the 2020 year end. It is good practice to periodically review the provisions. Before inviting to tender and tenders were sent out, KPMG informed the Treasury that their intention was to raise the fee from £6,500 to £11,500. It was decided not to invite them to tender because of this. Seven invites were sent out and three returned tenders. The Treasury Department conducted interviews with the three contenders and recommends Brehon Ltd to Policy and Finance. The Committee approved and now we are bringing this for Chief Pleas’ approval.

665 Thank you.

670

**The Speaker:** Any questions or comment, please? No, in that case we will go to the Proposition: That Chief Pleas approves the appointment of Brehon Ltd as the Island’s reporting accountants for a period of three years. Those in favour; those against. **Carried.**

**14. Committee Elections –  
Conseiller McHugh elected a member of the Douzaine**

*Committee Elections: To elect Conseillers to Committees as required: Douzaine – one x Conseiller.*

675 **The Speaker:** Agenda Item 14, Committee Elections: to elect Conseillers to Committees as required. The Douzaine has a vacancy for one Conseiller.

Do I have any nominations –? (**Conseiller Makepeace:** Yes, sir.) Wait one minute please, Conseiller Makepeace. Do I have any nominations from the Douzaine? No, the Douzaine do not have a nomination.

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**Conseiller Makepeace:** Yes, I am a member of the Douzaine, sir.

**The Speaker:** Okay. The Douzaine do not have a nomination to make as a Douzaine. Are there any nominations from the floor, please? Conseiller Makepeace.

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**Conseiller Makepeace:** Thank you, sir.

I would like to nominate Conseiller McHugh.

**The Speaker:** Thank you.

690      Conseiller McHugh is nominated. Are there any other nominations from the floor? No. In that case, we will go to the vote that Conseiller McHugh be elected to the Douzaine. Those in favour; – you can vote, Conseiller McHugh – those against. **Carried.**

Conseiller McHugh, you are duly elected to be a member of the Douzaine.

**Regulations Laid Before Chief Pleas –**

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020;**

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) Regulations, 2020**

695      **The Speaker:** We now have a regulation laid before, and the regulation is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020. They came into operation on 3rd October and are now expired and have been replaced by the Regulation in the addendum that was put out, and that is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) Regulations, 2020, and that came into operation on 30th October. That one will be due for renewal in the next fortnight.

700      There have been no motions to annul, therefore those regulations remain extant.

The meeting is closed.

Greffier, the Grace, please.

**PRAYER**

*The Greffier*

*Chief Pleas closed at 8.05 p.m.*