



OFFICIAL REPORT

OF THE

MIDSUMMER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 7th July 2021

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

Volume 7, No. 5

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

Lt. Col. R J Guille, MBE Esq.

Deputy Prévôt

J Godwin

Greffier

T J Hamon

Treasurer

S Hudson

Constable

P Burgess

Assistant Constable

J Lewis

His Excellency the Lieutenant Governor

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

Helen Plummer
John Guille
Christopher Drillot
William Raymond
Natalie Craik
Nichola McHugh
Edric Baker MBE

Tony Le Lievre
Frank Makepeace
Fern Turner
Sandra Williams
Vaughan Bougourd
Kevin Delaney

Business transacted

Welcome to His Excellency the Lieutenant Governor	5
Apologies received	5
Statements	5
Taxation (Special) Committee – Statement by Conseiller Delaney	5
Definition of a Resident (Special) Committee – Statement by Conseiller McHugh.....	6
Extending the Bench – Statement by Conseiller Craik.....	6
Welcome to the Guernsey parliamentary team.....	7
Procedural – Electronic devices.....	7
Business of the Day.....	7
1. Matters arising from the Easter Meeting held on Wednesday 14th April 2021.....	7
2. Questions not related to the Business of the Day – Isle of Sark Shipping Company Limited review – Question by Conseiller Delaney	8
3. The Census (Sark) Law, 2021 – Policy & Finance Committee Report considered – Proposition carried.....	9
4. The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021 – Policy & Finance Committee Report considered – Proposition carried.....	13
5. Sark Election Timetable – Policy & Finance Committee Report considered – Proposition carried	14
6. Land Reform - Saisie – Land Reform (Special) Committee Report considered – Propositions carried	15
7. Orders for Vesting and Division of Sark Real Property in Matrimonial Proceedings – Policy & Finance Committee Report considered – Propositions carried	20
8. Public Consultation on the Future Shape of Chief Pleas – Policy & Finance Committee report considered – Proposition carried.....	21
9. Asbestos Matters – Douzaine Report considered – Proposition carried	24
10. Release of Recordings of Chief Pleas Meetings to the Public – Policy & Finance Committee Report considered – Proposition carried	26
11. Committee Mandate – Taxation Review (Special) Committee Report considered – Proposition carried as amended	27
12. Committee Mandate – Development Control (Special) Committee Report considered – Proposition carried.....	29
13. Committee Elections – Agriculture, Environment and Sea Fisheries Committee, Conseiller T Le Lievre elected; Education Committee, Conseiller F Turner elected; Future Energy (Special) Committee, Conseiller T L Lievre elected; Top Level Domain (Special) Committee, Conseillers F Turner and K Delaney elected.....	29

MIDSUMMER MEETING OF CHIEF PLEAS, WEDNESDAY, 7th JULY 2021

14. Committee and Panel Elections – Douzaine, Mr R Knight elected; Top Level Domain (Special) Committee, Ms V Stamps elected.....	32
Regulations laid before Chief Pleas – The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) (Amendment) Regulations, 2021; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021; The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021; The Road Traffic Committee (part of the Douzaine) Seasonal Regulation No. 2; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2021; The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 6) (Bailiwick of Guernsey) Regulations, 2021	33
15. Free Trade Agreements – Policy & Finance Committee Report considered – Propositions carried.....	33
Items laid before Chief Pleas – The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) (Amendment) Regulations, 2021; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)(No. 7) Regulations, 2021; The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 7) (Bailiwick of Guernsey) Regulations, 2021	37
Resignation of the Deputy Seneschal – Statement by the Seigneur	37
<i>Chief Pleas closed at 6.49 p.m.</i>	37

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 13 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Welcome to His Excellency the Lieutenant Governor

The Speaker: I would like to welcome the Lieutenant Governor to this Meeting, and I think, probably say without fear of contradiction, that this may be the first time we have had a
5 Lieutenant Governor in full regalia. *(Laughter)* Welcome, sir.

Apologies received

The Speaker: Apologies: I present apologies from Conseiller Paul Williams.

STATEMENTS

Taxation (Special) Committee – Statement by Conseiller Delaney

The Speaker: A Statement from the Taxation (Special) Committee, Conseiller Delaney, please.

Conseiller Delaney: Thank you, Mr Speaker.

10 Just a short report, if I may, on where we are, having been constituted as we were at the Easter Chief Pleas. Since then, we have met on four occasions: 11th May, 24th May, 7th June and 5th July. We were scheduled to meet on 21st June but the Extraordinary Assembly of that evening clearly took precedence over that meeting, and we delayed that meeting then until 5th July.

15 So where we find ourselves: from the outset, as we got under way with our task, it was apparent to the Committee that our work would likely fall into two distinct categories, the first being proposals that can be brought to Chief Pleas with a view to delivering short-term increases to tax revenues by enacting amendments to the existing laws. We advise that these changes, or any such changes, may likely require a Projet de Loi, so this being the case, the Committee will

bring a Report with proposals to the Michaelmas Assembly of 6th October for Chief Pleas' consideration.

The second category that we feel we are mandated to look at is to address revenue-raising measures that Chief Pleas would wish to implement through direct and indirect taxations over the medium to long term. And to this end, we ask that Committees develop a medium and long term plan for public expenditure to allow the Tax Review (Special) Committee to bring forward proposals for fair and equitable tax laws that can adequately support Chief Pleas' objectives.

Thank you.

The Speaker: Thank you very much.

Definition of a Resident (Special) Committee – Statement by Conseiller McHugh

The Speaker: We now move to a Statement from the Definition of a Resident (Special) Committee, Conseiller McHugh, please.

Conseiller McHugh: Thank you, Mr Speaker.

This is a short Statement on behalf of the Residency Committee. Beginning in January 2014, many Committees have attempted to solve the problem of Sark residency and in April 2021 our Special Committee was constituted to look at the problem again. There is an Island-wide consensus that a residency definition for our Islanders will be a good thing; good for both Sark's community and Sark's reputation.

Already, several important pieces of Sark legislation are underpinned by Sark residency. Sark direct tax legislation, Sark housing and our Reform Law all already cite residency as a qualification. Local market housing specifies 273 days, direct tax laws only require 90, and whilst the Reform Law references residency as a requirement 17 times, it does not define it at all. Who is and who is not a resident of Sark? Should the definition comprise more than one type of residency, as is our status quo, or should we try and make the definition as simple as possible?

Within our small Committee, there are a variety of opinions on how Sark residency should eventually present, but as we explore the subject further, we will hopefully find consensus. Since we were constituted, we have had three meetings and we have made progress. We are aiming to continue meeting fortnightly and if anyone has any opinion on what benefits or obligations residency on Sark should confer or infer then I would encourage them to get in touch with the Committee.

This report is just a short update to reassure the House that we recognise the importance of our task, that we are maintaining momentum and that we are working towards a solution.

The Speaker: Thank you.

Conseiller McHugh: Thank you, Mr Speaker.

Extending the Bench – Statement by Conseiller Craik

The Speaker: We now have a Statement from the Policy & Finance Committee, Conseiller Guille, please.

Who is giving the report, Statement, on the extending the bench?

60 **Conseiller Guille:** I believe Conseiller Craik is.

The Speaker: Conseiller Craik.

Conseiller Craik: Thank you, Mr Speaker.

65 In 2016, the Venne Report contained a recommendation that a review of the Seneschal's Court with consideration to extending the bench should be carried out. A consultation document was circulated to residents in 2020 and elicited 15 responses from the public. Following the public responses, a public meeting was held on 3rd June this year to discuss the feedback, and the notes of that meeting are now available online through the Sark Court website.

70 The notes from the public meeting are being considered by the Policy & Finance Committee and any recommendations will be brought back to a future Chief Pleas for discussion.
Thank you.

The Speaker: Thank you.

Welcome to the Guernsey parliamentary team

75 **The Speaker:** At this stage I would like to welcome the Guernsey parliamentary team to this Meeting of Chief Pleas. The team are sitting in the Public Gallery and they consist of the States Greffier, Simon Ross, the Principal Officer of the States' Assembly & Constitution Committee, Christine Foster, and the Parliamentary Officer, Emma Atkinson. They expressed a wish to observe a Chief Pleas Meeting having recently been to Alderney, Jersey, and the Isle of Man. We are last, but by no means least. *(Laughter)*

80 You are welcome.

Procedural – Electronic devices

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 by Chief Pleas Members in accordance with Rule 18.

Business of the Day

1. Matters arising from the Easter Meeting held on Wednesday 14th April 2021

85 **The Speaker:** We move to Item 1 of the Agenda, Matters Arising from the Easter Meeting held on Wednesday 14th April 2021, and before I ask if there is anybody who wishes to raise anything on that, I would ask you to note that at page 3, Item 9, and repeated at page 15, delete the word 'Shark' and insert 'Sark'. *(Laughter)* Twice! It probably sounds very similar to the person doing the transcription.

Are there any matters arising from the *Hansard* of that Meeting? No.

**2. Questions not related to the Business of the Day –
Isle of Sark Shipping Company Limited review –
Question by Conseiller Delaney**

90 **The Speaker:** In that case, we will move on to Agenda Item 2, Questions not related to the Business of the Day. There is one Question from Conseiller Delaney to the Policy & Finance Committee.

Conseiller Delaney, please.

95 **Conseiller Delaney:** Thank you, Mr Speaker.

I am obliged to you and to the Chair of P&F for taking this late Question. I am going to, if I may, take a little more advantage of the pair of you and if one of you could give me a copy of the Question, because it is sitting on my printer in my office! *(Laughter)*

Yes, I think this is close to the Question. I actually sent another, but –

100

The Speaker: Yes, you did, I did not –

Conseiller Delaney: I am grateful for what I have got here, it is –

105 **The Speaker:** I did not print that one off!

Conseiller Delaney: Yes, okay. So thank you very much, and I apologise to everybody for that.

110 So my Question to the Chair is has there been a de-escalation of concerns around the board and the need for an independent review? This is in respect of the IOSS board. What I am actually looking at at the moment is a draft of the Question.

So has there been a de-escalation of concerns around the board by IOSS and the need for an independent review, given the more pressing issues that the Island is currently having to address, and in particular maintaining the production and distribution of our electricity?

Thank you.

115

The Speaker: Could I just interject before you reply, Conseiller Guille, of course remembering that this is not just a Question for the Policy & Finance Committee because these are decisions that have been made by Chief Pleas. So if there was any rescinding of any of those decisions, that matter would have to come back to Chief Pleas, as a matter of policy.

120 Thank you.

Conseiller Delaney: Okay, and I am obliged to you. Thank you.

The Speaker: Conseiller Guille.

125

Conseiller Guille: Thank you, Mr Speaker, and thank you, Conseiller Delaney for the Question.

130 I would advise that immediately we do not find ourselves in the same extraordinary situation that we were in last year. In terms of is there still a need for an independent review, I think you will find there has been an independent review already, conducted by Mr Andrew Ozanne. I think what you are referring to is what was the decision of Chief Pleas previously, where we would enter into what is described as a facilitation, which Mr Andrew Ozanne kindly agreed to mediate for us on, and this facilitation was intended to take place in good faith between Members of Chief Pleas and the board, or selected members of the board of Sark Shipping.

135 The reason this meeting has not taken place so far was initially due to the second lockdown that we had, and then in more recent times due to a very unfortunate bout of quite severe illness by Mr Yan Milner, the managing director of Sark Shipping. We are wishing him a speedy recovery from that.

140 But possibly what the intention of your Question was is that we absolutely intend to pursue
the facilitator meeting. I think aside from the issue of the *Corsaire* and the loan agreement, which
was discussed at length last year, there were several other issues. I am sure you will agree
Mr Andrew Ozanne is perhaps a more learned chap than your good self or myself. He suggested
the facilitator meeting. I cannot see any reason now that time has passed or through illness of
Mr Milner delaying it as well further, that we should not pursue these suggestions. And yes we
145 are faced with a serious situation with the electricity supply on Sark, but apart from electricity, or
maybe at the same level as electricity, I cannot think of a more serious subject for the welfare of
this community than our lifeline shipping service.

So I think it is important we investigate the relationship between us as the owners of the
Company and the board of the Company and how it is run and how it should better serve the
Island and how we should have a better relationship between the shareholders and the board.

150 So as soon as Mr Milner is well enough, we have not wanted to trouble him recently. He did
spend some time in hospital. As soon as Mr Milner is well enough and as soon as it is convenient
for himself and the rest of the board, we will be pursuing the facilitator meeting to be chaired by
Mr Andrew Ozanne.

I hope that answers your question.

155 **The Speaker:** Are there any supplementary questions, Conseiller Delaney?

Conseiller Delaney: No, Mr Speaker, (**The Speaker:** Thank you.) and I am obliged to the Chair
of P&F for that response.

160 Thank you.

The Speaker: Would any other Member of the Assembly wish to ask, on the same subject –

165 **Conseiller Makepeace:** Oh, I was going to ask about the electricity.

The Speaker: On the same subject.

Conseiller Makepeace: Yes, I was going to ask a question about the electricity.

170 **The Speaker:** No, you are not entitled to do that, thank you.

Conseiller Makepeace: Thank you, sir, for your help.

The Speaker: Right, okay. No further questions.

**3. The Census (Sark) Law, 2021 –
Policy & Finance Committee Report considered –
Proposition carried**

*To consider a Report with Proposition from the Policy & Finance Committee entitled ‘Sark
Census’ and to approve the Projet de Loi entitled ‘The Census (Sark) Law, 2021’.*

Proposition:

That Chief Pleas approve the Projet de Loi entitled The Census (Sark) Law 2021.

175 **The Speaker:** Then we will move to Agenda Item 3, to consider a Report with Proposition from the Policy & Finance Committee entitled ‘Sark Census’ and to approve the Projet de Loi entitled ‘The Census (Sark) Law 2021’, and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

180 I do not think I need to go into this Report in particular detail. It has been discussed at length in our Policy Development Group meeting with all Conseillers and, to surmise, we were instructed by Chief Pleas to seek the Law Officers to draft the regulations for a census, which they have done, but more detail, the census will not take place until spring of next year. More detail surrounding the specific questions in the census will come out in due course. I think this is just to reaffirm the original instruction of Chief Pleas to draft this Projet. This is to reaffirm that we would like to go
185 ahead with this Projet, and to vote it through and then further detail about the nitty gritty of it can be addressed at future meetings.

Thank you.

190 **The Speaker:** Are there any questions or debate from the floor, please?

Three hands up. We will have Conseiller Plummer, followed by Conseiller McHugh and Conseiller Delaney.

Conseiller Plummer, please.

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

I know that you are going to be, Conseiller Guille, your Committee are going to be doing the nitty gritties, but I was reading through and I just wondered, if a person is not in residence on Sark on census day, if they have had to go away, holiday, hospital, whatever, how long are they given before they have to fill in the form? I know that is probably ... you are still looking at things like that, but I just wondered.
200

The Speaker: Conseiller Guille.

Conseiller Guille: Can I take all the questions and answer them?

205

The Speaker: Yes, okay. (**Conseiller Plummer:** Okay.) We will take that question at the end.

Conseiller Plummer: And how many days must a person reside in Sark to be applicable to be on the census, please?

210

Thank you.

The Speaker: Conseiller McHugh.

Conseiller McHugh: Thank you, Mr Speaker.

215 I support the census, I supported it at the PDG, and I understand why we decided to make it mandatory, but seeing the legislation that binds compliance, I find it shocking to see it, the way that you are bound to it.

I was pleased to note that the penalties faced the administrators of the census if they break trust are actually more severe than the penalties faced by the community if they do not comply, but my first question relates to the Schedule at the back of the legislation titled ‘Matters in respect of which particulars may be ... [asked]’, which is about what kind of questions the census is allowed to ask. This Schedule is really loose, in fact item 12 is open-ended and would allow most any question to be included, and as the census is mandatory I feel that questions of a personal nature should be avoided. I do not think, for example, it would be of any use to Sark’s Government to be made aware of somebody’s sexuality, for example, and considering the mandatory nature of the census, I would have preferred that the Schedule of potential questions had been tighter.
220
225

I would like assurance, or can you give me assurance, that questions of such a personal nature, such as, for example, sexuality, would not be included in a Sark census? Will the questions that are due to go on the census be returned to the House for agreement?

230 Also, perhaps I would like clarification on section 4(3)(b). Now, this is just relating to restriction on disclosure, and it basically states that nothing in this section shall be taken to prevent disclosure 'pursuant to an order of ... court'. I presume that this means that any information submitted in good faith within the census could be subpoenaed by a court and handed over, and I must wonder if this is normal within census information. I would have imagined that you almost become
235 anonymous as you hand over the statistical information. I was surprised to see that it could be given over to a court.

Thank you.

The Speaker: Conseiller Delaney, please.

240

Conseiller Delaney: Thank you again, Mr Speaker.

Two things, one in respect of the administration of the census. I am not quite sure I get from the paperwork in the proposal who will actually do that work and I think a lot of what we do on Sark is dependent on proportionality. My concerns ... I have no issue with the census and I am very
245 supportive of us having a census, but within the realms of proportionality. We are divulging an awful lot of information that perhaps in a larger jurisdiction would lose itself; there would be an anonymity between whoever was dealing with the administration of the census and the people filling it in. Here on Sark, I fear that if someone on Sark is tasked with administrating this census then I think there will be concerns and issues of trust amongst a population. If it is a civil servant, then someone may well be a civil servant this week, they may not be a civil servant next week,
250 they might be serving me in the shop, fixing my drains or serving a meal in a restaurant.

So I ask the Chair if consideration could be given to an outside body, an off-Island body, undertaking this exercise for us.

I think I will leave it at that. I think that one point is ... Or perhaps, if I may, the second point would, be is the Chair of P&F assuring us that we, as a House, will get a second look at this and we will have control over this, the actual questions on the census, before it actually goes out? So will we actually see it and have the option to either reject questions or otherwise?

255

Thank you.

260

The Speaker: Thank you.

Anybody else before we get answers to those three sets of questions?

Conseiller Makepeace: I would just like to ask you – if it is allowed, sir?

265

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

I note there is a lot of reference to the term 'residence' within this proposal, but as we have not defined what 'residence' is or a 'resident', how can we include that term?

270

Thank you.

The Speaker: Conseiller Guille to sum up, please.

Conseiller Guille: Thank you, Mr Speaker.

275

I think my original statement probably covers all of these questions, where I said we are not getting into the detail just yet, and I think I did state that the detail of this will be coming back to the House.

I will start with Conseiller Plummer's questions first of all. How long will persons be given to fill in the form? As I understand it, normally in censuses they are intended to be a snapshot of a population on the exact day of the census, and that will go for how many days are you a resident, it is going to literally be everybody on Sark, whether they are a resident or a worker, a seasonal worker. But just as I said in my opening remarks, these exact details can be worked out at a later date. We have asked the Law Officers to draft a Projet which will effect, it will enable us to conduct a census, but that Projet does not include all 50 or 100 questions that will be contained within the census.

How many days until you are classed as a resident? Perhaps by next spring we might have more guidance on that from the Definition of a Resident Committee. So these are things that there is no point in jumping into that right now. We need time to consider this and hopefully working together all Conseillers, this is a census from all Conseillers, not a census from Policy & Finance Committee, we will be able to iron out exactly what we want to gain from that.

So I think that covers definitely the second half of Conseiller McHugh's questions. Yes, the questions in the census will be returned to the House. On your detailed question about disclosure, I am not sure if that is normal and I would have appreciated a detailed question like that if I had been given a bit more time to investigate it to give ... But you will get an answer in the future when we discuss this census in more detail at the PDG and forthwith.

Your first point, I am not sure how we can make something mandatory, which we agreed to do, without having legislation in place that makes it mandatory, but certainly, if you have got concerns about it, again we can discuss these.

Conseiller Delaney, absolutely accept your concerns regarding a small community and how some things make work in the mainland or on larger islands, but maybe not so on the scale of Sark, and yes absolutely consideration will be given to administrating this census with off-Island officials.

Likewise, I think I have covered the point that Conseiller Makepeace made about residency. This is yet to be defined.

Okay. Thank you.

A Conseiller: Thank you.

The Speaker: I would just add one thing and that is to deal with mandatory. All censuses around the United Kingdom and the other Crown Dependencies are mandatory, and if they are not mandatory, what is the point of having them? People will just not answer. So they are mandatory and that is a requirement: that people must respond to the census or face a penalty. We are not doing anything different here to anybody else. So this legislation that is in front of you today for your approval mirrors very much what happens in the other jurisdictions.

Right, we will go to the vote then on the proposal: that Chief Pleas approve the Projet de Loi entitled 'The Census (Sark) Law, 2021'. Those in favour; those against. **Carried.**

**4. The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021 –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled ‘By-Election’ and to approve the Ordinance entitled ‘The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021’.

Proposition:

That Chief Pleas approves ‘The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021’.

The Speaker: We move to Agenda Item 4, to consider a Report with Proposition from the Policy & Finance Committee entitled ‘By-Election’ and to approve the Ordinance entitled ‘The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021’. I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, sir.

I do not think anything further needs to be said on this. It is simply approval of the forthcoming by-election which is required under the Reform Law. I would like to move to any questions and then the Proposition, please.

The Speaker: Are there any questions or debate on this Report?

Yes, Conseiller Plummer, followed by Conseiller Makepeace. Anybody else?
Conseiller Plummer.

Conseiller Plummer: It is just a typing error, sir, thank you very much. Mr Philip Long actually resigned from Chief Pleas in April 2021, not 2020.

Thank you.

The Speaker: Well spotted. And there is actually an error in Mrs Amanda De Carteret’s resignation. She actually resigned in March 2021, not February.

Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

I would just like to ask the House whether we should consider in the future maybe a different format for the election of Conseillers, because there seems to be a great concern about achieving the amount of numbers, but it is not always the numbers, it is the quality of Conseillers that we recruit, and should we not move towards a scheme where, for example, the Agricultural Committee works successfully with some very good input from co-opted members? Would that be an idea for us in the future, sir?

Thank you.

The Speaker: Conseiller Guille. Anybody else like to ask a question before Conseiller Guille answers questions, sums up? No.

Conseiller Guille.

Conseiller Guille: I do not have any comment on that, sir, other than as Chair of the PDG, Conseiller Makepeace would probably be aware that it would be a suitable question to bring to the PDG for discussion among Conseillers and I would welcome a further discussion there.

Thank you.

The Speaker: Before we go to the vote on the Proposition, attached to the Report was a timetable and the key date for members of the public for this is that the electoral register, which is open presently, closes on Friday 30th July and therefore if there is any member of the public wishing to cast a vote or stand for election in the forthcoming by-election then they must be on the electoral roll by that date. So I just put that into the public domain.

So we will go to the Proposition: that Chief Pleas approves 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021'. Those in favour; those against. **Carried.**

**5. Sark Election Timetable –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled 'Sark Election Timetable'.

Proposition:

That Chief Pleas resolves that for any future Election of Conseillers that the timetable allows three weeks for the submission of nomination papers and closure of nominations.

The Speaker: We turn to Agenda Item 5, 'Sark Election Timetable', and you are going to be up on your feet a lot this evening I think, Conseiller Guille, so I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, sir.

In essence, this Report is merely about extending the period of nomination during by-elections and general elections where members of the public, residents are able to submit their nomination to stand for election as a Conseiller. This was much discussed in the Policy Development Group and in Committee, with much consultation with the Speaker as the Presiding Officer and it was felt possible to extend this period from two weeks to three.

I would fully support this. It may seem that people should have made up their minds quite sooner, whether they want to stand for election, but in my experience when you are talking to potential candidates, in several cases the mind gets focused in the nomination period and you have been having a discussion for a couple of weeks and they may be sitting on the fence and about to put themselves forward and then the period of nomination has finished.

I am not saying this will not change them sitting on the fence at the end of three weeks, but we have reached the conclusion with the Speaker that a nomination period of three weeks is possible and we would like to propose this.

The Speaker: Any questions or debate, please.
Conseiller Sandra Williams.

Conseiller Sandra Williams: Thank you, sir.

I would like to fully support this, but I would also like to ask if there is any reason why we only put the notices in the official notice boxes and the Sark Gazette?

I spoke to many people who were obviously leading a busier life than me, they did not realise there was a by-election recently. I just wondered what the chances were of ... the more publicity we give it, the less people's chance of coming back and saying, 'Well, I don't look at the notice boxes and I don't go online to go onto the Government website.' I just wondered, if we are printing up a poster for the official boxes, why we could not just put a few out in the village or even put a paper into mailboxes for people to be aware that this is happening. It is one less excuse for people

395 to use about not being aware or not having time in the time allotted, because we urgently need
people to stand and commit themselves.

Thank you.

The Speaker: Conseiller Guille, if you would like to respond, please.

400

Conseiller Guille: Thank you very much, Conseiller Williams.

That seems like a very sensible request and a very easy solution, and I think the Office would be more than happy to action that ahead of the next by-election.

405

The Speaker: Yes, and I will comment of course that once Chief Pleas, as it has done, has approved the By-Election Ordinance, then there is a campaign then run by the Committee Office, the Committee Secretary, to inform the public about the forthcoming by-election and this could absolutely take part in that.

410

Right, we will then go to the vote on the Proposition: that Chief Pleas resolves that for any future election of Conseillers that the timetable allows three weeks for the submission of nomination papers and closure of nominations.

Those in favour; those against. **Carried.**

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I will just point out that that three-week period set in the Report does not apply to the by-election in August. That is still two weeks. So it will occur for elections after the by-election in August.

**6. Land Reform - Saisie –
Land Reform (Special) Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Land Reform (Special) Committee entitled 'Land Reform - Saisie'.

Proposition 1:

That Chief Pleas approves the scheme of saisie for Sark as set out in the Report entitled 'Land Reform - Saisie'.

Proposition 2:

That Chief Pleas authorise the Land Reform (Special) Committee to instruct the Law Officers to draft the legislation to give effect to Proposition 1.

Proposition 3:

That, prior to such legislation being submitted to Chief Pleas for approval, the Land Reform Special Committee shall obtain the consent of the Royal Court to the legislation disapplying the Saisie Procedure (Simplification) (Bailiwick) Order, 1952 in Sark, but without prejudice to saisie proceedings commenced thereunder .

The Speaker: A change of voice! Agenda Item 6, to consider a Report with Propositions from the Land Reform (Special) Committee entitled 'Land Reform - Saisie', and I would ask Conseiller Raymond to introduce the Report, please.

420

Conseiller Raymond: Thank you, sir.

I would first like to say that I would like to record the thanks of the Committee to both Nik van Leuven, and also to Vicky Ogier of the Law Officers who have put together this Report for Chief

Pleas, which is the detail of the scheme of saisie for Sark which will be reflected in an Ordinance that it is intended to bring forward to Michaelmas Chief Pleas.

425 To summarise, saisie is based upon customary law in the Bailiwick, modified by the Saisie Procedure (Simplification) (Bailiwick) Order, 1952, this being an Order of the Royal Court which reformed certain elements of the customary procedure.

430 Saisie is a process for recovering debt against real property. It does not apply to personal property. So it effects Sark tenements and so-called freeholds, as well as leases where the leaseholder has opted that the lease be treated as real property for the purposes of borrowing. The 1952 Order applies in Sark at the moment, but there are fundamental inequities in that Order to which the Committee took exception.

435 The main objections lie in the fact that the process is largely conducted by the creditor to whom the proven debt is due and one of the creditors can, subject to conditions, take over the property as their own to the entire exclusion of the debtor, and, if the property is sold, retain the entirety of the proceeds, irrespective of the amount of the debt which may well be less than the sale proceeds. But in that event the debtor has lost all rights to the equity in the property. It is this that we seek to amend.

440 For years, the banks in Guernsey have recognised this inequity and where the bank force a sale of a property, they will return any surplus over the amount owed to the debtor. This is entirely fair. Whereas this is the position adopted by the banks, a private lender may well not be as fair-minded.

445 The paper prepared for you to consider today is a reworking of the present Bailiwick scheme, which will, if passed by way of an Ordinance, after the consent of the Royal Court, disapply the 1952 Order in Sark.

450 So let us look at the main differences which are proposed. They are, in essence, to transfer the conduct of the saisie process to the Prévôt, instead of leaving it with the dominant creditor. Having the creditor running the saisie may lead one to believe that the fox is running the henhouse. Instead, the dominant character will be the Prévôt, who will run the saisie process under the control of the court. The Prévôt will be acting ultimately as a trustee for sale of the property. So unlike the 1952 system, the person running the saisie does so as a trustee and derives no personal benefit; and we have been through the provisions proposed with the Prévôt and he is entirely happy with them.

455 The next big change is that once the property is sold the creditors are paid their claims and then any surplus can be returned to the debtor. The only time under the Sark proposal before you today when the creditor can obtain ownership of the property is when the property has failed to sell. At that point the Prévôt can apply to the court to assign the property to the preeminent creditor, subject to the sanction of the court and after payment of the fees and costs of the Prévôt, which will be dispersed by the creditor taking ownership of the property.

460 That in outline, sir, is the suggested scheme.

The Speaker: Thank you very much indeed.

465 Any debate? Okay. We will start off with Conseiller Makepeace, followed by Conseillers Le Lievre, McHugh and Guille –

Conseiller Makepeace: Thank you, sir. I have just got one question.

The Speaker: Conseiller Makepeace.

470 **Conseiller Makepeace:** Who decides the sale value of the property? Will that be the Prévôt, or who will it be?

Thank you.

The Speaker: Conseiller –

475 **Conseiller Raymond:** The property will be offered for sale in the open market, sir, and it is only if it fails to sell that it will be assigned to the creditor. So it will be a realisation by sale.

Conseiller Makepeace: Sorry –

480 **The Speaker:** Thank you. Well ... Conseiller Makepeace, I will bring you in again at the end, please.

Conseiller Le Lievre.

Conseiller Le Lievre: Thank you, sir.

485 I would like to say that I am going to support all of these Propositions and I would like to pass on some congratulations to the Committee for a job well done because I think it has been a very difficult task, it has been put together very well, it is understandable and it appears to be very fair. Thank you.

490 **The Speaker:** Thank you.

Conseiller McHugh.

Conseiller McHugh: Conseiller Raymond, I am not trying to trip you up here, I just thought of this question then, and I am risking sounding foolish because this is ... *(Interjection)* or
495 complicated. Oh, thank you! This is a complicated subject, but I will ask two questions.

First of all, am I right in understanding that the 1952 Bailiwick Guernsey saisie thing which we are trying to adapt because it is unfair, is that at the moment live on Sark? So people can use saisie at the moment to seize, even if it is freeholds or ...? They can seize things? Is that live at the moment or is there going to be a change when this saisie is applied? Is a route to market going to
500 be available that is not available at this present moment in time with these changes?

The second question is I notice in your report just then you said that saisie would be applicable to leaseholds that have opted to have charging against them, but as I understood it when I was trying to read it and understand it, I thought that it was even unsecured loans, unsecured debt which could be seized and it was because leaseholds had become real property and therefore now
505 they were part of this bubble of saisie whereas they were not before. So is ... do you understand what I am asking you? **(A Conseiller: No!)** You do? Oh he does! *(Interjection and laughter)*

The Speaker: Thank you.

510 **Conseiller McHugh:** Thank you, Mr Speaker.

The Speaker: Do you wish ...? Yes.

Conseiller Raymond: I think I understand, sir. *(Laughter)*

515 As of now, saisie applies under the 1952 regulations in Sark and we want to change that as quickly as we can. There is very little secured lending in Sark, as we understand it, and the banks being reticent at the moment. So Michaelmas will be soon enough.

What was the second question?

520 **Conseiller McHugh:** About opting. If –

A Conseiller: Opted.

Conseiller Raymond: Oh, yes. It is possible for a leaseholder to elect that their property is
525 treated as being real property in future for the purposes of lending, and yes, the saisie will apply to those.

Conseiller McHugh: But it does not if they do not make that option?

The Speaker: Conseiller McHugh.

530

Conseiller Raymond: It will apply to a secured loan on a leasehold property where the leaseholder has exercised that option.

Conseiller McHugh: Thank you.

535

The Speaker: I would remind you again, Conseillers, this is not a two-way conversation. It is through the Chair and if you want to speak again, having put a question, you put your hand up and I will then ask you to speak in due course.

Conseiller Guille.

540

Conseiller Guille: Thank you, sir.

I would just like to say, as a Member of the Committee, I will be wholly supporting this and I would like to applaud Conseiller Raymond and Nik van Leuven and Vicky Ogier, certainly led by Conseiller Raymond identifying this injustice that exists in the Guernsey system and deciding that we can do better for Sark. I would encourage all Conseillers to support this.

545

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

550

My question is to Conseiller Raymond. Maybe I have misunderstood the reply, or maybe I did not make myself clear, but I would just refer to the point where it says 'the Prevot puts it up for sale'. Well, who will evaluate it? Will it be an estate agent or what? Someone has to put the value on that for the sale. So I would just like to ask who that will be.

555

Conseiller Raymond: The Prévôt will be able to instruct agents for the sale of the property and the agents will then recommend a sale price or it will go to auction, the market overt, and then at that point the value will be fixed by whatever price it realises. I hope that is clear.

The Speaker: Conseiller Delaney.

560

Conseiller Delaney: Thank you, Mr Speaker.

I would echo the words of many of my fellow Conseillers and I would like to commend Conseiller Raymond on his work over the years on driving this through.

565

My question is the Land Reform (Special) Committee, does Conseiller Raymond, does he see this as the end of the journey now, or would he agree with me that the work really now begins? The tools have been placed into the tool box, and to get this out there and get banks to engage, get people to borrow, to secure against property either for equity release or for people to buy their first house or move up the housing chain. There is work to be done. There is very little liquidity in the market and my experience through the estate agents is that the one thing we are finding with banks is that it is the lack of liquidity that is concerning them as much as anything.

570

My own thoughts were, as these laws were going through, that their biggest concern would be actually on the quality of building, because here on Sark we do not have building regulations, and I am surprised and quite happy, actually, that that falls away.

575

So my question being is this the end of the road in respect of the state's involvement in this and is it over to the private sector and the community to make it work, or are there levers that the Committee think it could get involved in and pull to facilitate an acceleration of liquidity in the market.

Thank you. *(Noise from electronic device and laughter)*

The Speaker: Conseiller Raymond.

580

Conseiller Raymond: Was that somebody calling time, sir? (*Laughter and interjection*)

I think that the aim of the Committee was to introduce enabling legislation to free up the market because since 1611 we faced a situation where the Letters Patent said thou shall not; now, you may. And it is up to the community to embrace that, and both sides of the community. Landowners and leaseholders will hopefully take advantage of this ability, and hopefully over a period of time the Sark community and Sark itself will be more appealing to people who will come here, who will open new businesses, will actually provide proper salaried employment with benefits to people who are living here so that everybody has the ability, or the opportunity to work to their full ability. It is enabling in essence.

585

590

The only area which *might* require some attention is that we have not looked so far at any form of agricultural tenancy legislation such as they have in the UK with the 1995 legislation. That may become necessary if there is more pressure on agricultural land usage, but recently land has almost been an embarrassment and there is a lack of demand for it.

595

The Speaker: Any other questions before we move on? No.

Do you wish to say anything final, Conseiller Raymond? No, I take it. Then we will go to the Propositions that are in the Report.

Proposition 1: that Chief Pleas approves the scheme of saisie for Sark as set out in the Report entitled 'Land Reform - Saisie'. Those in favour; those against. **Carried.**

600

Proposition 2: that Chief Pleas authorises the Land Reform (Special) Committee to instruct the Law Officers to draft the legislation to give effect to Proposition 1. Those in favour; those against. **Carried.**

605

And Proposition 3: that, prior to such legislation being submitted to Chief Pleas for approval, the Land Reform (Special) Committee shall obtain the consent of the Royal Court to the legislation disapplying the Saisie Procedure (Simplification) (Bailiwick) Order, 1952 in Sark, but without prejudice to saisie proceedings commenced thereafter. Those in favour; those against. **Carried.**

Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

610

May I thank everybody for their support? And just to mention that at lunchtime today I found myself speaking with somebody who deals with matters such as this in Guernsey, and they said that one of the items on their agenda was looking at saisie. So I told him that maybe we got there first! (*Laughter*)

615

The Speaker: Thank you.

**7. Orders for Vesting and Division of Sark Real Property in Matrimonial Proceedings –
Policy & Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy & Finance Committee entitled ‘Orders for Vesting and Division of Sark Real Property in Matrimonial Proceedings’.

Proposition 1:

That Chief Pleas approves the Matrimonial Causes Division of the Royal Court be empowered to make orders including the division of Sark real property, and the charging of such property, including chargeable leasehold interests deemed to be real property, in accordance with this report.

Proposition 2:

That Chief Pleas directs the Policy & Finance Committee to consult with the Law Officers of the Crown to prepare such legislation as may be necessary to give effect to Proposition 1.

The Speaker: We now move to Agenda Item 7, to consider a Report with Propositions from the Policy & Finance Committee entitled ‘Orders for Vesting and Division of Sark Real Property in Matrimonial Proceedings’. I would ask Conseiller Guille to introduce the Report, please.

620 **Conseiller Guille:** Thank you, Mr Speaker.

I assume that the order of the Agenda was not by accident, because this Item follows rather succinctly on after another land reform related Item, and this basically ... there were protections in the divorce law in Sark to further guard against the division of property in the past in order to keep with our previous feudal constitution, and now that land reform has passed on the Island, 625 this is an amendment to the divorce law to remove those further protections to allow property and land to be divided between partners who are divorcing.

Thank you.

630 **The Speaker:** Before I ask any questions, in line 5 of the first paragraph, it says ‘become domiciled in Alderney or Sark’ – Sark is incorrect in that context and it should be ‘Guernsey’. So the process used to be that any two people living on Sark who wished to divorce, one of them had to go to Guernsey for at least 12 months in order to start divorce proceedings in Guernsey. That went out in the early part of this century and that is a good thing to have happened.

Yes, Conseiller Guille.

635 **Conseiller Guille:** It was 12 months and one day, sir. *(Laughter)*

The Speaker: Twelve months and one day – thank you for that correction! *(Laughter)* Yes, then they could come back and live on Sark! *(Laughter)*

640 Right, any questions or debate, please.

Conseiller Makepeace: Yes, sir.

The Speaker: Conseiller Makepeace. Anybody else?

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

The Speaker: Conseiller Raymond.
Conseiller Makepeace.

650 **Conseiller Makepeace:** I would just, at the risk of repeating myself, I noticed as well it says the 'divorce proceedings where a person domiciled and resident in Sark', but once again we have not defined a resident. I see you nodding your head, Mr Speaker, but I think it is relevant.
Thank you.

655 **The Speaker:** Thank you.
Conseiller Raymond.

Conseiller Raymond: I was confused when I first read the Report because it referred to the legislation which was a Guernsey Law. In fact what is being drawn up now is a Bailiwick Law which
660 will apply to Sark, and in the context of Sark properties, I would suggest that it will have relatively small application because there are probably 75 real property interests on Sark and over 30% of those will be in corporate ownership and therefore will not be gripped by this change in the legislation.

Where I think it will be necessary for the Committee to take great care is that the court should,
665 in my view, have the ability to impose a charge on a leasehold property to secure a settlement awarded by the court. So in those circumstances, that would give one spouse the right to the property and the other spouse a secured interest for a lump sum, and that enables the clean break that the paper says is desired.

670 **The Speaker:** May I ask Conseiller Delaney and Makepeace to switch their microphones off, please? Thank you.

Anybody else? No. In that case, we will go to the Propositions in the Report.

Proposition 1: that Chief Pleas approves the Matrimonial Causes Division of the Royal Court be empowered to make orders including the division of Sark real property, and the charging of such
675 property, including chargeable leasehold interests deemed to be real property, in accordance with this Report. Those in favour; those against. **Carried.**

Proposition 2: that Chief Pleas directs the Policy & Finance Committee to consult with the Law Officers of the Crown to prepare such legislation as may be necessary to give effect to Proposition 1. Those in favour; those against. **Carried.**

**8. Public Consultation on the Future Shape of Chief Pleas –
Policy & Finance Committee report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled 'Public Consultation on the Future Shape of Chief Pleas'.

Proposition:

That Chief Pleas resolves that a public consultation be carried out and a report brought to a future Chief Pleas.

680 **The Speaker:** We move to Agenda Item 8, to consider a Report with Proposition from the Policy & Finance Committee entitled 'Public Consultation on the Future Shape of Chief Pleas', and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, sir.

685 The purpose of this consultation is to give Sark residents the opportunity to share their views and help to shape how Chief Pleas may look and function in the future. Non-contested elections are an issue that has the potential to undermine our autonomy and we would like to understand

what more Chief Pleas can do to encourage Sark residents, many of whom are fiercely protective and proud of their Island, to put themselves forward for election to be a Conseiller of Chief Pleas.

690 The questionnaire is anonymous; no individual can be identified, as the blank envelopes are delivered to all residential addresses in Sark by Guernsey Post. Any resident who wants to make their views known but does not wish to complete the form can reply through a dedicated email address, or can speak to any Conseiller directly.

695 If there are more than two individuals in the household who wish to respond, they can please contact the Committee Office for additional forms, which you may select in private and at random. Responses will be received and analysed by the Committee Office under the supervision of the Chief Secretary. All Conseillers have – we have discussed some of this in the PDG – seen the suggested questions, and I think this will be an important and useful data point that may help shape some potential Propositions in policy going forward, and I would encourage everyone to support this.

700

The Speaker: Any questions or debate on this Report? Conseiller Sandra Williams, Conseiller Makepeace. Anybody else at this stage? Conseiller Plummer.

Conseiller Sandra Williams, please.

705

Conseiller Sandra Williams: Thank you very much.

I read through the questions numerous times and tried to think of the wording for a question that is not in the Report and is not in the questionnaire, and words fail me as to how to present the question. So it is for everybody else.

710 I think it is quite clear that over the last three years the majority of the Conseillers that have stood and resigned have resigned under, not only the pressure of work, but pressure from residents of Sark who believe that when you are out for dinner one evening and they have got a *bona fide* reason to come over and ask you why you have not done this or why you have not done that, we very quickly begin to think, well, this is my time, I am out, it is my evening off, we do not have a clock-on time and a clock-off time.

715

Whilst I appreciate that things are very different now to how they used to be, I do believe that we do not always have to have an out of office on our phones and I am happy to receive emails at *most* any time of the day or night because you can always leave them and reply to them in the morning. But I do think that somewhere in this whole thing we need to find a solution that suits everybody, and I do not believe that some of the questions here go close enough to the truth as to why we lose.

720

People want to go for a drink at five o'clock, they walk in the pub for a drink at five o'clock, and immediately they are given a hard time about something that they did not get done or something that they did not understand or they tell you something that actually is not true. I know it is very difficult here, but ... And also with the Code of Conduct it is very difficult because many times I have wanted to actually turn round and be very rude to people, (*Laughter*) but you cannot, because I think to be expected to work 24/7 for *no* salary, which we all are aware of, we should have some time to ourselves. I just wonder whether any of the public or any of the other Conseillers could think of the way in which we could word a question that I think would solve some of those issues. I know it is very difficult, but I am sure we can work something out.

725

730

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

735 I would just like to say that maybe we have to take part of the blame as Chief Pleas and as Conseillers, because it is difficult, even as a Conseiller, to sometimes get information or replies to questions. So maybe the only opportunity that some people get to ask the questions is when they actually see their Conseiller out socially. So I think we could start by probably being more open and transparent, and releasing more information to the public.

740 Thank you, sir.

The Speaker: Conseiller Plummer.

Conseiller Plummer: Thank you, sir.

745 I think this is a quite good policy. I was not going to say anything because I totally agree with what Conseiller Williams has said. But, when you go out, we go out to enjoy ourselves, and you will not be, and this has happened several times to me but I have a bit of a stropky tongue, really, when it comes to it, I might be short, but ... And you are dealing with people that perhaps have been in the pub for a long time and they will *not* let you go – they let me go. But this is what happens.

750 Yes, they have every right to ask questions and I always say come and see me tomorrow morning, we will sit down and we will discuss this and we will see what we can do. We will take it and discuss it. And I have only ever had one person do that in all these years.

Thank you.

755

The Speaker: Thank you.

Anybody else? Conseiller Drillot.

Conseiller Drillot: Thank you, Mr Speaker.

760 Yes, I would just like to, on behalf of Policy & Finance, or my part of Policy & Finance, answer Conseiller Williams' question, slightly.

765 I feel that question 9 and question 10 in the questions that are already outlined will go some way towards, or I hope will go some way towards, stopping people from coming to you in your own personal time. As Conseiller Makepeace pointed out, we have been guilty in the past of not perhaps putting out enough information. I know from my days before sitting on Chief Pleas, I was one of the ones that would sit in the background and go, 'Well, why hasn't this been done?' Now you sit on Chief Pleas you realise why it has not been done.

770 If we could put out more information on why the Law Officers are doing this, this is being done, that is being done but it has not actually been put through yet, it would hold people back. It will not stop people from coming up to you in the pub and having a go at you – that is their human right and they do it. But it might help.

Policy & Finance were trying not to put too many questions into this. Without putting any more complicated questions in, I think questions 9 and 10 might go a long way towards that.

Thank you.

775

The Speaker: Conseiller Guille, would you like to conclude the debate, please.

780 **Conseiller Guille:** No, sir, I think Conseiller Drillot has answered some of the questions very well, and I see this as an important step to hopefully improve Chief Pleas for everyone's sake; residents and Conseillers alike.

The Speaker: Thank you.

Right, we will go to the Proposition: that Chief Pleas resolves that a public consultation be carried out and a Report brought to a future Chief Pleas. Those in favour; those against. **Carried.**

**9. Asbestos Matters –
Douzaine Report considered –
Proposition carried**

To consider a Report with Proposition from the Douzaine entitled ‘Asbestos Matters’.

Proposition:

That Chief Pleas directs the Douzaine to consult with the Law Officers of the Crown on the subject of asbestos and possible Sark legislation, similar to that to the Guernsey Law and Ordinance, and to return to a future Chief Pleas with a report and appropriate propositions.

785 **The Speaker:** We move to Agenda Item 9, to consider a Report with Proposition from the Douzaine entitled ‘Asbestos Matters’. I ask Conseiller Drillot to introduce the Report, please.

Conseiller Drillot: Thank you, sir.

790 I was actually going to pass this one over to Conseiller Williams, but seeing as he has not turned up he has left me to try and work my way through this one, so bear with me on it! Conseiller Williams had all the facts and figures and the background so I will just give you what I can remember from our Douzaine meetings.

795 There is an issue with asbestos on the Island. There is this public theory that asbestos in Guernsey is buried in the ground, so it is okay to bury it in the ground. So that has been what the Douzaine has been fighting recently, or for quite a long time, but recently it has come to a head. Conseiller Williams did a quick run round the Island and I think it was over 30-something houses on the Island that are still lined with asbestos externally, or the roof. We have not even looked inside a lot of the houses.

800 So it is an issue for the Island, it is a major issue. Two recently, one case was actually shipped off Island at quite an expense to the landowner, but they were willing to do it. It went to Guernsey; what Guernsey did with it is out of our jurisdiction. The second one got buried on his own land. He says he has got the rights to, it is his land, it does not affect anybody in the future, were the words we got. We went back to the Law Officers – at the present time, he is correct.

805 Which is why we would like to bring this forward for the simple fact that yes, it might get buried in Guernsey, but in Guernsey it gets buried in a controlled environment. So Guernsey know where this stuff is. If we do not bring in any kind of legislation, DCC and the Douzaine have got no control on where this stuff gets buried.

810 If it is on private land, that is probably fine for the guy that is living there now; 50 years’ time, that asbestos is probably still going to be there. I do not know the facts and figures – Paul, like I said, knows more than I do about how quick it rots. I do not think it rots away that quickly. What environmental damage it does, nobody really knows. We, as a Douzaine Committee, would like to bring this through so that we do not find out what damage it does to the Island, and so that when a DCC application comes to us to remove a building that is asbestos, we can then put into place the process that we have already got, which is how the building is taken down, how it is packed, 815 how it is shipped to Guernsey, we can bring that in. Then it will just stop people burying it all over the Island.

820 So I would hope that Chief Pleas will pass today that we can go back to the Law Officers to get an actual law drafted. Obviously, we have had to bring it to Chief Pleas to get the law drafted because it is taking up Law Officers’ time, but we feel, as a Committee, it is quite an important one with the 30-plus houses that still could be taken down on this Island.

So I hope that everybody could support this one. Thank you.

825 **The Speaker:** Any questions or debate, please?
Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker.

830 I will certainly be supporting this Proposition – I wish it had come years ago, quite frankly – but one aspect of it I find particularly encouraging, and it is within the Proposition itself. That we are going to have Sark legislation that is ‘similar to that to the Guernsey Law and Ordinance’ and return to Chief Pleas. In other words, we are not going to reinvent the wheel. We are going to stand on the shoulders of giants, they have already gone through the process. With a subject like asbestos disposal, removal, containment, it strikes me as eminently sensible to take this approach.

835 I commend the Committee on bringing this forward and I ask whether it would be Douzaine that would then perhaps look at us adopting a similar approach to future building regulations on Sark. Perhaps, once again, something that is similar to the Guernsey law, something that is proportionate to what we do here on Sark, and something perhaps that could be applied to all future builds.

Thank you.

840 **The Speaker:** Thank you. Anybody else? No.
Do you wish to respond to that, Conseiller Drillot?

Conseiller Drillot: Yes, please, sir.

845 **The Speaker:** Thank you, okay.
Then we will go to the Proposition –

The Greffier: Yes, he does.

850 **The Speaker:** Yes, he does?

Conseiller Drillot: Yes, I –

855 **The Speaker:** Oh, sorry, I misheard you. I thought you said no you didn't! (*Laughter*) I will turn my hearing aids up.

Conseiller Drillot: Sorry, I was ... Yes, my fault.

860 Thank you, Conseiller Delaney, for that. As far as building regs go, I am not 100% sure whether it is the Douzaine or DCC on that one, so please bear with us on that and I will look into the matter. We have a meeting tomorrow, I will bring it up. Sitting on both Committees, unfortunately the Chairman of DCC is not here, but I would have probably said it is more likely DCC on the building regs because Douzaine is more about disposal of waste, rather than control of building.

So I am passing the buck a little bit, but I will check on it and get back to you.

Thank you.

865

The Speaker: Thank you.

870 Right, we will go to the Proposition: that Chief Pleas directs the Douzaine to consult with the Law Officers of the Crown on the subject of asbestos and possible Sark legislation, similar to that to the Guernsey Law and Ordinance, and to return to a future Chief Pleas with a report and appropriate Propositions. Those in favour; those against. **Carried.**

**10. Release of Recordings of Chief Pleas Meetings to the Public –
Policy & Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Finance Committee entitled 'Release of Recordings of Chief Pleas Meetings to the Public'.

Proposition:

That Chief Pleas resolves to make official recordings of Chief Pleas Meetings available to the public via its official website.

The Speaker: Agenda Item 10, to consider a Report with Proposition from the Policy & Finance Committee entitled 'Release of Recordings of Chief Pleas Meetings to the Public'. I would ask Conseiller Guille to introduce the Report, please.

875 **Conseiller Guille:** Thank you, sir.

I think this one is pretty self-explanatory and hopefully it touches on some of the points that have been raised here tonight about including the public more in the workings of Chief Pleas, making Chief Pleas more accessible to the general public.

880 I am suspecting I might get questioned on whether we have a defined time limit for these recordings to be made available to the public. The Office have been doing some research on Island as to how technically to get recordings of Chief Pleas up on to the website in short order. They very kindly received an offer of assistance from the States of Guernsey experts. They have had obviously historical experience putting recordings of Guernsey States Meetings online for people to listen to, but perhaps the pencil has been sharpened recently as well with the pandemic briefings.

885 So we very much welcome this offer of assistance, and if this Proposition passes we will be taking them up on that and somebody from Guernsey will be visiting Sark to help us define exactly how we can achieve this technically and then we will have a much more informed answer as to how quickly these recordings would be able to go up.

890 Thank you.

The Speaker: Comments or debate, please.

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

The Speaker: Conseiller Makepeace.

900 **Conseiller Makepeace:** I would just like to say I will be supporting this Proposition and I think this is an example maybe of the change of direction from the new Guernsey government, in maybe terms of co-operation and help to ourselves and I think we should be grateful to them for their offer and assistance with the technical matter.

Thank you, sir.

905 **The Speaker:** I will not ask you to turn your mike off because you did not turn it on. *(Laughter)*

A Conseiller: He doesn't really need to, does he? *(Interjection and laughter)*

The Speaker: Anybody else? No.

910 I do not think you need sum that up, Conseiller Guille, so we will go straight to the vote: that Chief Pleas resolves to make official recordings of Chief Pleas Meetings available to the public via its official website. Those in favour; those against. **Carried.**

I wonder if it will get into the Top 10 Charts! (*Laughter*)

**11. Committee Mandate –
Taxation Review (Special) Committee Report considered –
Proposition carried as amended**

To consider a Report with Proposition from the Taxation Review (Special) Committee entitled 'Committee Mandate'.

Proposition:

That Chief Pleas approves the Mandate for the Taxation Review (Special) Committee, as attached to this report, as amended.

The Speaker: Right, we move to Item 11, which is a fairly straightforward Item: to consider a Report with Proposition from the Taxation Review (Special) Committee entitled 'Committee Mandate'. I would ask Conseiller Delaney to introduce the Report, please.

Conseiller Delaney: Thank you, Mr Speaker. I admire your optimism in using the word 'straightforward' and 'Conseiller Kevin Delaney', or the terms, in the same sentence.

I think it fair to say that you would be aware we have had some concerns in the Committee in terms of non-Chief Pleas Members, and we would like, just for this evening, to make a change to the Mandate, and I will guided to you as to whether we can do that. On the Mandate itself, we would like to strike out 'The Treasurer of Sark shall be an *ex officio* member' and I have not given you that verbatim, but I think you will take my point now. So firstly I ask for your guidance as to whether we can do that, and if we are able to do we would like to do that.

The Speaker: Yes, the Committee can certainly propose to amend its own Report, (**Conseiller Delaney:** Yes.) and we would then approve the Report as amended. So if we strike out ... You are proposing that 'The Treasurer of Sark shall be a member *ex officio*' be struck out? That is correct?

Conseiller Delaney: That is correct, and I do beg your pardon. That is correct, Mr Speaker.

The Speaker: Do you want to at the same time, because I know we had an email exchange about the number of non-voting members, because all Committees can have up to three (**Conseiller Delaney:** Yes.) non-voting members. Are you happy to stay with two for the time being?

Conseiller Delaney: No, I can confirm to the House, because of our concerns, and it is a technicality in the law, but we are determined that as we set out on this path, which we think is going to be a very substantial task, that we do get our ducks in a row, at the beginning. We do not want to run the risk of having operated slightly outside of the law. If we are wrong, we can of course come back at a later date and ask for the Treasurer to be voted on.

I would also confirm, and I hope you are happy for me to say, Mr Speaker, we are both aware that there have been some concerns from outside of the House, from the public, pointing out the role also of the Deputy Tax Assessor, who is sitting as a Member of the Committee and we are now, on our meeting on Monday evening, she very kindly agreed to resign that position. So both of these individuals, the Treasurer and the Deputy Tax Assessor, as they attend future meetings, and I think it is fair to say we would want them to attend future meetings, they will come as invitees to the meetings. I hope that is clear to the House.

Thank you.

950 **The Speaker:** Thank you.
So when we go to the Proposition, the Proposition will read, as attached to this Report, as amended.
Conseiller Delaney.

955 **Conseiller Delaney:** Yes, sorry, Mr Speaker. I think I missed a point that you were perhaps making. Were you suggesting we could change it to say up to three non-voting Members? (**The Speaker:** Yes –) I do beg your pardon.

The Speaker: We had the discussion where, if you wished to, you could have three non-Chief Pleas Members.
960

Conseiller Delaney: Absolutely, yes. I have not consulted with the Committee, but could we just do it –

965 **The Speaker:** You can come back at a later date, if you wish. Or –

Conseiller Delaney: I think we are getting nods anyway. We would be like to be able to do that, sir, if we may. Yes. Thank you.

970 **The Speaker:** So change the Mandate to up to three –

Conseiller Delaney: Up to three, yes please –

The Speaker: – non-voting members.

975 **Conseiller Delaney:** – if you would. Yes.
Thank you.

The Speaker: So the Mandate has been amended twice by removing ‘The Treasurer of Sark shall be a member *ex officio*’, and ‘Up to 3 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas’.

Right, any questions or debate? No.

In that case, we will go to the vote: that Chief Pleas approves the Mandate for the Development Control Law (Special) Committee, as attached to this Report, as amended.

985 **Conseiller Bougourd:** Taxation.

The Speaker: Sorry, stand up, please.

990 **Conseiller Bougourd:** Sorry, it is the Taxation Review, not the Development Control.

The Speaker: Sorry. Taxation Review, not Development Control Law. Absolute, well corrected. That Chief Pleas approves the Mandate for the Taxation Review (Special) Committee as attached in this Report, as amended. Yes, we nearly did something ... Yes, okay. Those in favour; those
995 against. **Carried.**

**12. Committee Mandate –
Development Control (Special) Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Development Control (Special) Committee entitled 'Committee Mandate'.

Proposition:

That Chief Pleas approves the Mandate for the Development Control Law (Special) Committee, as attached to this report.

The Speaker: We move to Agenda Item 12, to consider a Report with Proposition from the Development Control (Special) Committee entitled 'Committee Mandate', and I would ask Conseiller ... he is not here, Conseiller Couldridge. Who is going to take it instead of Conseiller Couldridge? *(Interjections)*

1000 Conseiller Couldridge was due to do this, he is not. Is another Member of the Committee happy to make the Proposition? *(Interjections and laughter)* You do not have to say anything, you just say 'I would like you to approve the Proposition'.

Conseiller McHugh: I would like you to approve the Proposition.

1005

A Conseiller: Please.

Conseiller McHugh: Please! Thank you. *(Laughter)*

1010 **The Speaker:** So Conseiller McHugh, as a Member of the Committee, is asking Chief Pleas to support the Proposition. Are there any comments or debate? No.

In that case, we will go to the Proposition: that Chief Pleas approves the Mandate for the Development Control Law (Special) Committee, as attached to this Report. Those in favour; those against. **Carried.**

1015 It is always good to see that the Committees are always well prepared! *(Laughter)*

**13. Committee Elections –
Agriculture, Environment and Sea Fisheries Committee, Conseiller T Le Lievre elected;
Education Committee, Conseiller F Turner elected;
Future Energy (Special) Committee, Conseiller T L Lievre elected;
Top Level Domain (Special) Committee, Conseillers F Turner and K Delaney elected**

To elect Conseillers to Committees as required.

The Speaker: Agenda Item 13, Committee Elections, to elect Conseillers to Committees as required, and I have the following Standing Committees with vacancies: the Agriculture, Environment and Sea Fisheries Committee, with one vacancy; and the Education Committee with one vacancy. Are there any proposals to fill those vacancies?

1020 Conseiller Plummer.

Conseiller Plummer: Thank you, sir.

I would like to propose, for the Agriculture, Environment and Sea Fisheries, Conseiller Tony Le Lievre, please.

1025

The Speaker: Conseiller Le Lievre.

Does anybody else from the floor wish to stand for that Committee? No.

In that case, Conseiller Le Lievre has been nominated as a Member of the Agriculture, Environment and Sea Fisheries Committee. Those in favour; those against. **Carried.**

1030 Congratulations, Conseiller Le Lievre. (**Conseiller Le Lievre:** Thank you.)

Education, one vacancy. Conseiller Sandra Williams.

Conseiller Sandra Williams: Thank you.

1035 As I had no fear that anybody would want to come on that Committee when I left home this evening, I did not pick up my Mandate, and I just wanted to see whether you could check for me whether we are allowed to have a parent of a child in school now on our Committee. I have a feeling there is something that stops us from doing that, but I do not have recollection in my crystal ball of whether it is ...

1040 **The Speaker:** One moment, I will have a quick look.

Conseiller Sandra Williams: Thank you.

The Speaker: Your constitution says:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman ...
- The Director of Education and the Chair of the Board ... shall be Members ex-officio.
- From time to time, as required ... and ... other teachers may be invited to attend meetings, as deemed relevant and necessary by the Committee.
- A quorum shall consist of three voting Members.

1045 That is it.

Conseiller Sandra Williams: I would like to propose Conseiller Fern Turner, please, to be on the Education Committee.

1050 **The Speaker:** Right, okay. (*Interjection*)

Right, so Conseiller Turner has been proposed by the Education Committee to join them. The only issue is of course one of conflict of interest, declarations of interest. I think it is highly unlikely, but if that were, then a person just removes themselves from the debate.

So anybody else wishing to stand on the Education Committee.

1055

Conseiller Sandra Williams: I was going to say, even though we are four, we really could do with being five, because it is a very intense Committee at the best of times and we really could do with a fifth Member.

1060 **The Speaker:** You would need to come back to Chief Pleas with a proposal in the future to change your Mandate and –

Conseiller Sandra Williams: I do not want to change it, sir, I would just like to encourage somebody else to stand up and come on it. Like, now. (*Laughter*)

1065

The Speaker: You have now got four –

Conseiller Sandra Williams: Yes, I would like five.

1070 **The Speaker:** Yes, but you have to make a formal proposal to Chief Pleas in a Report to change your Mandate.

Conseiller Sandra Williams: I thought I was five ... I thought five was ... Sorry. (**The Speaker:** Four.) Is it four? Okay, all right.

1075

The Speaker: It is four.

Conseiller Sandra Williams: We will settle the difference!

1080 **The Speaker:** It is four. If you wish to go to five, you need to come with a proposal to Chief Pleas in the future. (**Conseiller Sandra Williams:** Okay.)

So, Conseiller Turner has been proposed. Therefore I put it to the vote. Those of you in favour that Conseiller Turner be elected to the Education Committee. Those in favour; those against. **Carried.** Congratulations, Conseiller Turner, you are now a Member of the Education Committee.

1085 **Special Committees:** Future Energy has one vacancy and the Top Level Domain has two vacancies. We will start with Future Energy. Do you have a nomination to put forward, please?

Conseiller Guille: Yes, sir, I would like to propose Conseiller Le Lievre, please.

1090 **The Speaker:** Conseiller Le Lievre has been proposed for the Future Energy (Special) Committee. Anybody else wish to stand in opposition? No. Okay, those in favour that Conseiller Le Lievre be elected to the Future Energy Committee. Those in favour; those against. **Carried.** Congratulations, Conseiller Le Lievre – you are getting busier by the minute! (*Laughter*)

1095 **Top Level Domain,** two vacancies. I have had two nominations given to me, do they still remain, Conseillers Turner and Delaney. **Top Level Domain,** Conseiller?

Conseiller Le Lievre: Yes, Conseillers Delaney and Turner, (**The Speaker:** Yes.) as far as I know, are still willing to make up the numbers and I also have a non-Chief Pleas Member to replace. Do I talk about that now?

1100

The Speaker: We do that in the next Item.

Conseiller Le Lievre: Okay, (**The Speaker:** Yes.) thank you.

1105 **The Speaker:** Okay. Anybody else wishing to stand for the Top Level Domain (Special) Committee? No. Then two names have been put forward.

Yes, Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker.

1110 You may recall at the Easter Chief Pleas I suggested that I thought it would be a good idea, if people are coming on Committees that they might want to give some reasoning to the House, to the public, as to why they would go on there. I guess it is going to be a one-man trend and I do not think you will see me standing up doing much of this, because I have to say, to repeat what I said at the recent assembly, the best players are always in the stands. I am no longer in the stands,
1115 I am on the pitch, and I am absolutely amazed at the amount of work that is involved in being on Committees and Chairing Committees.

1120 So I had a very sparing approach to joining Committees, but I would like to join this one because I think I may be able to bring something to the table. I would like to assist the Chair in accelerating an evaluation, so we can get to a point where we can say, is it something we can go forward with or does it not have legs? I would hope that I would be of some assistance in that, given my commercial background.

Thank you, Mr Speaker.

The Speaker: Thank you.

1125 Okay, we have two nominations for the Committee, Conseillers Delaney and Turner. Those in favour; those against. **Carried.**

Thank you. You will know that Conseillers Turner and Delaney are now elected to the Top Level Domain (Special) Committee.

**14. Committee and Panel Elections –
Douzaine, Mr R Knight elected;
Top Level Domain (Special) Committee, Ms V Stamps elected**

To elect non-Chief Pleas Members and Panel Members to Committees and Panels as required.

1130 **The Speaker:** We move to Agenda Item 14, to Committee and Panel Elections, to elect non-Chief Pleas Members to Committees and Panels as necessary, and I believe the Douzaine have one nomination to be proposed and the Top Level Domain have one nomination to propose.
Douzaine.

1135 **Conseiller Drillot:** Thank you, Mr Speaker.
We would just like to add our Foreman. I do not know, do we have to do it by name –

The Speaker: You have to do it by ...

1140 **Conseiller Drillot:** – or can it just be the job title?

The Speaker: It is an election of a Member.

Conseiller Drillot: So it would have to be done if the Foreman changes? Okay.

1145 **The Speaker:** It has to be a person.

Conseiller Drillot: So yes, we would like Richard Knight to come on to our Committee as Foreman of Public Works.
Thank you.

1150 **The Speaker:** Right, the Douzaine have proposed that Mr Richard Knight become a non-Chief Pleas Member of the Douzaine. Those in favour; those against. **Carried.**
Top Level Domain.

1155 **Conseiller Le Lievre:** Thank you, sir.
Ms Victoria Stamps has very kindly put her name forward to replace Mr Nick Moloney, who has recently resigned from our Committee.

1160 **The Speaker:** Thank you. He still has not resigned to me, by the way.

Conseiller Le Lievre: Okay, well I will address that.

The Speaker: Yes, okay.

1165 So the Top Level Domain have nominated Victoria Stamps as the non-Chief Pleas Member. Those in favour; those against. **Carried.** So Victoria Stamps has been elected to the Top Level Domain (Special) Committee.

Are there any Panel or Tribunal nominations to come forward? Nobody has contacted me. No? We will take that as a no.

Regulations laid before Chief Pleas –
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) (Amendment) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021;
The Road Traffic Committee (part of the Douzaine) Seasonal Regulation No. 2;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 6) (Bailiwick of Guernsey) Regulations, 2021

1170 **The Speaker:** Right, let us move to the Regulations laid before on the Agenda, and there are a number of Coronavirus Regulations. They have all been superseded now. The one that is still there for us is the Road Traffic Committee Seasonal Regulation No. 2, but that is going to be superseded by the Regulation on the Addendum.

I have had no proposals to annul any of those Regulations, so as far as they go, they are extant.

15. Free Trade Agreements –
Policy & Finance Committee Report considered –
Propositions carried

To consider a Report from the Policy & Finance Committee entitled 'Free Trade Agreements'.

Proposition 1:

That Chief Pleas agree that Sark's participation in any Free Trade Agreement ('FTA') (or other trade arrangement) should:

(a) meet Sark's needs, while respecting the constitutional relationship with the UK through the Crown and Sark's domestic autonomy; and,

(b) be underpinned by the principles of relevance, proportionality, and practicality, taking into account the island nature of Sark, its size and population, and unique needs arising out of the same.

Proposition 2:

That Chief Pleas note the intention to establish a process to enable effective consultation between the Bailiwick authorities in relation to participation in any FTA (or other trade arrangement).

Proposition 3:

That Chief Pleas authorise the Policy & Resources Committee of the States of Deliberation to maintain efforts on behalf of Sark to ensure that Sark's interests (and those of the wider Bailiwick) continue to be represented to the UK during negotiations in relation to any FTA (or other trade arrangement).

Proposition 4:

That Chief Pleas authorise the Policy & Resources Committee of the States of Deliberation to agree to Sark's participation in UK FTAs (or other trade arrangements) and signal that agreement to HM Government.

Proposition 5:

That Chief Pleas endorse the process and approach as set out in the relevant paras of the Policy Letter regarding Sark's (and the wider Bailiwick's) participation in UK FTAs (or other trade arrangements).

Proposition 6:

That Chief Pleas agree that there shall be implemented such measures (including legislative measures) as the Policy & Finance Committee thinks fit for the purpose of ensuring that Sark may comply and remain in compliance with obligations that arise from participation in any UK FTA (or other trade arrangement).

Proposition 7:

That Chief Pleas direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The Speaker: So we now move to the Addendum, and there was a new Item brought into the Agenda, Agenda Item 15, to consider a Report from the Policy & Finance Committee entitled 'Free Trade Agreements'. This was a very late application to come in, but it is an important one. It is Brexit-related and therefore I have given consent for it to be debated. I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, sir.

In December 2020, Chief Pleas agreed to authorise the Policy & Resources Committee in Guernsey to represent Sark in future negotiations, following the UK's exit from the European Union. The Policy Letter accompanying this Report and its Propositions have been submitted to the States of Deliberation by the States Policy & Resources Committee, and that it will be considered at the September 2021 meeting of the States.

Policy & Finance have consulted with Guernsey officials to ensure that Sark is consulted when Bailiwick free trade agreements are under discussion, and have requested, together with Guernsey, that where possible our jurisdictions are given sufficient time to consider the proposed agreements.

The Letter sets out recommendations for Guernsey and the wider Bailiwick, including Sark, for participation in the free trade agreements and other trade agreements, which the UK is negotiating post-Brexit, and that the Chief Pleas are asked to approve the Propositions to enable Sark to participate in the process.

Essentially the UK are in a very busy process at the moment of negotiating free trade and trade agreements with many other jurisdictions around the world. I know from our colleagues in Guernsey that the States of Guernsey are given very short notice on these negotiations, and I would say so far they have done a sterling job on our behalf. I think this can be evidenced with the current fishing situation, where our fishermen affected under the Bailiwick of Guernsey

1200 negotiating team, when their season started in March, were able to land to France without any significant problems, whereas, unfortunately, the fishermen from Jersey did not fare so well.

I think the vast majority of these trade agreements will not affect day-to-day life or businesses on Sark, but it is also perhaps, in a lot of cases, beyond the capacity of our Government and Civil Service to analyse these documents, as they come at very short notice from the UK, and I have got the utmost faith in the exceptional team in Guernsey that are dealing with this, and we were very clear that we are to be consulted and, where possible, they will produce a supplementary one-sheet explanation of the trade agreements that we can put before Conseillers and they will consult with us wherever possible and appropriate.

1210 I would like to encourage Conseillers to support this, because although they might not affect us specifically in a lot of these circumstances, it is certainly better to be in with a lot of these agreements rather than sitting on the outside and falling behind.

Thank you.

The Speaker: Thank you.
Any questions or debate?

1215

Conseiller Makepeace: Yes, sir.

The Speaker: Yes. Conseiller Makepeace.

1220 **Conseiller Makepeace:** I would just like to say that I will be voting for the proposal and I think, Conseiller Guille, it is something that we do not have the capacity, or maybe the experience to deal with something like this.

1225 All I am going to ask is I understand that Sark will be consulted, but I would be concerned that we do not delay the process at all, that we can just get things moving, because I understand the urgency between the UK and Guernsey. So hopefully having to wait for us will not delay things, that is all.

Thanks.

1230 **The Speaker:** I think on this occasion we are actually ahead of the States of Guernsey, because these proposals are coming to them in a subsequent meeting. So we are ahead of the game.

Conseiller Delaney.

1235 **Conseiller Delaney:** Thank you, Mr Speaker, and I am obliged to the Chair of P&F for being so candid when he says that we must put our faith in Guernsey when it comes to this. I go back to proportionality.

1240 I have not read the document, I would be the first one to condemn someone for voting for something if they had not read the document. Would I be capable of understanding every last word? Probably not. So my judgement has to be who are we supporting with this, do we have faith in Guernsey, and of course we do. I think in instances such as this, it is important not to be obstructionist and we just have to put our faith in the good folk of Guernsey and their government, and support documents such as this.

Thank you.

1245 **The Speaker:** Thank you.
Conseiller Sandra Williams.

1250 **Conseiller Sandra Williams:** It probably is not the perfect time, but it is my only opportunity to get on my feet and say how disappointed I was in Guernsey and Jersey when I received a phone call this morning to tell me that the Sark to Jersey race was happening on Saturday. There was no consultation with Sark, nobody contacted the PEC, nobody contacted anybody, the Constables

were not contacted. But the race is going ahead, they promised us that they will not have anybody on the beach, they will go from the foreshore, but this is one prime example of where things have not worked. We have tried our best, utmost, to keep Sark free from ... and I am astounded that Jersey and Guernsey, apparently, have allowed and have given permission for this event to take place on Saturday.

1255

So I just want as many people here to be aware that you may see the boats out rowing and you may see boats from Jersey, but I just want you all to be clear that no permission was sought from Sark and no permission was granted from Sark, and we just hope that they will keep their COVID off of Sark as well.

1260

Thank you.

The Speaker: I just remind Conseillers that a debate must be relevant to the subject –

Conseiller Sandra Williams: It was. It was about relating with Guernsey and keeping us in the know.

1265

The Speaker: We will let you get away with that one! *(Laughter)* You now know that the Sark to Jersey race is going ahead on Saturday.

1270

A Conseiller: Yes.

Conseiller Sandra Williams: Without consultation.

The Speaker: Okay.

1275

If there is nothing else, we will go to the Propositions. There are lengthy Propositions. If I read them all out, are you happy that we vote on them all in one once I have read them out, Conseiller Guille? Yes. Save us doing them in turn. Okay.

So we will vote at the end. The Proposition 1 reads that Chief Pleas agree that Sark's participation in any free trade agreement (FTA) (or other trade arrangement) should: (a) meet Sark's needs, while respecting the constitutional relationship within the UK through the Crown and Sark's domestic autonomy; and (b) be underpinned by the principles of relevance, proportionality, and practicality, taking into account the island nature of Sark, its size and population, and unique needs arising out of the same.

1280

Proposition 2: that Chief Pleas note the intention to establish a process to enable effective consultation between the Bailiwick authorities in relation to participation in any FTA (or other trade arrangement).

1285

Proposition 3: that Chief Pleas authorises the Policy & Resources Committee of the States of Deliberation to maintain efforts on behalf of Sark to ensure that Sark's interests (and those of the wider Bailiwick) continue to be represented to the UK during negotiation in relation to any FTA (or other trade arrangement).

1290

Proposition 4: that Chief Pleas authorise the Policy & Resources Committee of the States of Deliberation to agree to Sark's participation in UK FTAs (or other trade arrangements) and signal that agreement to HM Government.

Proposition 5: that Chief Pleas endorse the process and approach as set out in the relevant paras of the Policy Letter regarding Sark's (and the wider Bailiwick's) participation in UK FTAs (or other trade arrangements).

1295

Proposition 6: that Chief Pleas agree that there shall be implemented such measures (including legislative measures) as the Policy & Finance Committee thinks fit for the purpose of ensuring that Sark may comply and remain in compliance with obligations that arise from participation in any UK FTA (or other trade arrangement).

1300

And the final Proposition, Proposition 7: that Chief Pleas direct the preparation of such legislation as may be necessary to give effect to the above decisions.

Those in favour; those against. **Carried.**

**Items laid before Chief Pleas –
The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark)
(Amendment) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey)(No. 7) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 7)
(Bailiwick of Guernsey) Regulations, 2021**

1305 **The Speaker:** The laid before Items are the Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) (Amendment) Regulations, 2021, and that came into operation on 18th June 2021, and then the two latest Coronavirus Regulations that are in force as at now: the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2021, that came into operation on 18th June 2021; and the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 7) (Bailiwick of Guernsey) Regulations, 2021, and that came into operation on 18th
1310 June 2021. There have been no motions to annul, therefore they remain extant, and the Road Traffic Offences Motor Vehicle Regulation in the Addendum repeals and replaces the No. 2 Regulation that was on the Agenda laid before Items.

**Resignation of the Deputy Seneschal –
Statement by the Seigneur**

The Speaker: Seigneur, you wish to make a closing statement.

1315 **The Seigneur:** I received a letter from the Deputy Seneschal yesterday, which reads, I am just going to paraphrase the first sentence: 'It is with great regret that I have to inform you of my resignation as Deputy Seneschal of Sark.'

So the process for searching for a new Deputy Seneschal will start as soon as practical. The Deputy Seneschal has given me a finish date of 30th September. So before then we will endeavour
1320 to elect or interview and seek a new Deputy Seneschal.

Thank you.

The Speaker: Thank you.

Greffier.

PRAYER
The Greffier

Chief Pleas closed at 6.49 p.m.