



OFFICIAL REPORT

OF THE

EXTRAORDINARY MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Tuesday, 21st December 2021

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

Volume 7, No. 8

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

Lt. Col. R J Guille, MBE Esq.

Prévôt

K N Adams

Greffier

T J Hamon

Deputy Treasurer

L Higgins

Assistant Constable

C Branson

Conseillers:

Helen Plummer
John Guille
Simon Couldridge
Nichola McHugh
Edric Baker MBE
Tony Le Lievre

Frank Makepeace
Sandra Williams
Vaughan Bougourd
Kevin Delaney
Joseph Donovan
Pippa Donovan

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Extraordinary Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

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

The Speaker: We are quorate.

Apologies received

5 **The Speaker:** I have received apologies from Conseillers Drillot and Turner.

Tribute to the late Lt. Gen. Sir Alexander Boswell, former Lieutenant Governor of the Bailiwick of Guernsey

10 **The Speaker:** I shall start this Meeting with a tribute to the death of a former Lieutenant Governor, and I pay tribute to the late Lt. Gen. Sir Alexander Boswell, known as Sandy to many, who died on 13th November this year. He had a distinguished army career, being commissioned into the Argyll and Sutherland Highlanders in 1948. He ended his military career as the general officer commanding in Scotland. He then applied for, and was successful in, being appointed as the Lieutenant Governor of the Bailiwick of Guernsey in 1985, retiring in 1990.

Some of the more venerable Members of this Assembly will have good memories of him attending Chief Pleas and other ceremonial occasions on Sark.

Would you please stand for a silence in his memory.

Members stood in silence.

15 **The Speaker:** Thank you.

Valedictories to Conseillers Natalie Craik and William Raymond

The Speaker: I now wish to record the service of two late Members of Chief Pleas for Conseillers Natalie Craik and William Raymond.

20 Natalie resigned to me from the role of Conseiller on 11th November, she having left Sark and moved to Edinburgh to live. Natalie was elected at an uncontested by-election called for 19th August 2020 and served on the P&F Committee, being elected on 15th January 2021, and then Deputy Chairman of that Committee on 14th April 2021. She also served on: Tourism, 15th January 2021; Medical, 14th April 2021. Her special Committees were Land Reform and the Protection of Vulnerable Adults, elected to those both on 15th January 2021.

25 Natalie was a thoughtful and clear-thinking Conseiller, and on your behalf I would wish her success in her new venture.

30 William Raymond: William resigned to me from the role of Conseiller on 18th November. William has had a lengthy involvement with Chief Pleas, having become a Tenant Member in May 2002, taking his seat at Chief Pleas at the Extraordinary Meeting held on 20th June that year. Ahead of his becoming a Member of Chief Pleas, he was co-opted to the Taxation Committee, developing the 2002 taxation Law. As a Tenant Member, he helped the change, with the loss of congé and treizième by the Seigneur, to developing the Property Tax Law of 2007. He was to become a non-executive director of Sark Shipping and heavily involved in the purchase of the *Sark Viking*, and when the Drakes left the company, he became an executive director for a short time. He was a Member of the Taxation Committee and the GP&A Committee. The budgetary system we have now was heavily influenced by William.

35 He stood for election in the seismic 2008 General Election but was unsuccessful. He stood again in the 2014 General Election, after which he was elected to the Finance and Resources Committee and to Chair the Land Reform Committee. The task of Land Reform was arduously completed this year with the disbanding of the Special Committee. After the resignation *en masse* of the P&R Committee in 2018, William took the lead for the Treasury function in the P&F Committee until his resignation from that Committee in April this year.

I want to thank William on your behalf for his 14 years of public service to Sark.

**Procedural –
Electronic devices**

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

**Procedural –
Error on the Agenda**

The Speaker: Before we move on to the first Item, if you look at your Agenda, for Item 2 the approval of the Projet de Loi reads 'The Compulsory Purchase (Electricity) Law, 2001'. Between '(Electricity)' and 'Law', there should be inserted '(Sark)'. So the correct title is the Compulsory Purchase (Electricity) (Sark) Law, 2001'. (*Interjections*)

50 Did I say ...? (**A Member:** 2001.) 2021! I got the '2021' bit right on the Agenda.

Business of the Day

1. Matters arising from the Midsummer Meeting held on 6th October 2021

The Speaker: We now move to Agenda Item 1, which is matters arising from the Michaelmas Meeting of Chief Pleas of the Island of Sark.

Before we move and I ask you if you have got any comments, I wish to point out a couple of things in that *Hansard*.

55 On page 47, at line 1811, it was said that permission was sought from ‘the President’ for the additional Meeting; the ‘President’ of course should be ‘Speaker’.

If you turn to page 51, we had a whole list of Regulations laid before Chief Pleas, but somehow *Hansard*, nor the Resolutions, recorded the fact that the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2021 was laid before. The Greffier
60 will be amending the Resolution sheet to include that, because they were on the Agenda, they were read out, and this is the formal amendment to *Hansard* to insert that No. 10 Regulation.

Does anybody wish to raise any other matters arising from those minutes? No. Okay.

2. The Compulsory Purchase (Electricity) (Sark) Law, 2021 – Policy and Finance Committee Report considered – Proposition carried

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘Compulsory Purchase of Electricity Infrastructure’ and to Approve the Projet de Loi entitled ‘The Compulsory Purchase (Electricity) (Sark) Law, 2021’.

Proposition

That Chief Pleas approve the Projet de Loi entitled ‘The Compulsory Purchase (Electricity) (Sark) Law, 2021’.

The Speaker: We move to Agenda Item 2, to consider a Report with Proposition from the Policy and Finance Committee entitled ‘Compulsory Purchase of Electricity Infrastructure’ and to
65 approve the Projet de Loi entitled ‘The Compulsory Purchase (Electricity) (Sark) Law, 2021’. I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, sir.

70 During the Emergency Chief Pleas Meeting held on 21st June 2021, Chief Pleas agreed to request the Law Officers of the Crown to prepare a Projet de Loi enabling the compulsory purchase of Sark Electricity Ltd (SEL) or Sark Electricity Holdings Ltd (SEHL) and/or assets owned by SEL/SEHL and/or any other plants and/or equipment located on Sark and which is used for the Island-wide generation and/or distribution and/or supply of electricity. At the Extraordinary Meeting held on 17th November 2021, the consultation draft Projet de Loi entitled ‘Compulsory Purchase
75 (Electricity) (Sark) Law, 2021’ was presented. Today, the Policy and Finance Committee bring the Projet de Loi for approval.

80 There are three minor changes from the consultation draft that went before Chief Pleas in November. First, the clarificatory words ‘under and within the meaning of Schedule 2’ have been inserted into section 4(3)(b) after the words ‘relevant assets and interests’. Second, the provision in respect of the service of notices under the Law at section 6(1)(a) has been amended to provide

that the service of notices on Sark Electricity should be at its principle place of business in Sark or such other address as it may indicate, as opposed to at its registered office. Third, an erroneous reference to the Court of the Seneschal in paragraph 6(3) of Schedule 2 has been changed to a reference to the Royal Court.

85 The Committee is of the view that this Projet is in the interest of the community in Sark and it is proportionate to the current threat with regard to electricity supply that the Island faces. If these powers are needed at short notice, it is expedient and in the public interest that these powers are enacted as soon as possible. This will ensure there are a range of options to deal with any cessation of supply, as well as to provide all possible pathways toward the acquisition of
90 SEL/SEHL or relevant assets. Having this legislation enacted will provide confidence for the community that there will be continuity of supply, particularly those concerned as we head into the winter months. It is for these reasons that the legislation is being placed before Chief Pleas at this Extraordinary Meeting with a very strong recommendation of approval.

95 I do not wish to add much more to this, except the Projet was sent out to Sark Electricity Ltd through the defined consultation period in November and we received no comments back. I would like to take any questions from the floor and very much encourage fellow Conseillers to vote for this Proposition.

The Speaker: Are there any comments and debate from the floor?
100 Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.
I would just like to say that I shall be voting in favour of the Proposition tonight. However, I am a little uncomfortable with the fact that we do not really have a lot of information of the source
105 for the funding to purchase the company. I think it is very casual. Either the States of Guernsey or private ... because we are going to commit the Island and future residents to a quite substantial burden of debt which will have to be paid back. So I think we could probably do with a little bit more information as to the source of the financing.

110 Thank you.

The Speaker: Conseiller Plummer.

Conseiller Plummer: Thank you, but Conseiller Makepeace voiced what I was going to ask.
115 Thank you.

The Speaker: Thank you.
Anybody else? Conseiller Baker, followed by Conseiller McHugh.

120 **Conseiller Baker MBE:** Yes, sir. I was wondering how many years were left on the lease for the power station, if anybody has that information?

The Speaker: Conseiller McHugh.

125 **Conseiller McHugh:** Thank you, Mr Speaker.
I would like to ask John Guille if he could please clarify –

The Speaker: *Conseiller* Guille, please.

130 **Conseiller McHugh:** Did I not say *Conseiller* Guille?

The Speaker: No –

135 **Conseiller McHugh:** I am sorry. Conseiller Guille, if he could please clarify what exactly we are approving today. The legislation states that once the Projet has received Royal Assent, it 'shall have force of law in Sark'. Now, the legislation describes a sequence of events and once it has been enacted, as I understand it, the actions will start to take place and the clock will begin to tick, but I am not clear what is actually going to trigger this process that is outlined in the legislation. Will this legislation be returned to the House before it is enacted or is that what we are doing now? I can see no reference to any commencement Ordinance. Will an Ordinance be required to commence it?

140 So what I am asking is how will this legislation become triggered and by whom?
Thank you.

The Speaker: Thank you.
145 Yes, I will refer you to section 10 of the Law where it says 'Commencement':

This Law shall come into force on the day appointed by regulations made by the Committee; and different dates may be appointed for different provisions and for different purposes.

So that section is the commencement. It is not being commenced by Ordinance, it is going to be commenced by a regulation and that regulation will be brought to Chief Pleas for approval. So you will have to approve the regulation that is made under the Law.

150 Conseiller Guille.

Conseiller Guille: Thank you, Mr Speaker.

I will go to Conseiller McHugh's comment first, which I think the Speaker has covered off entirely. Yes; will come back to the House for approval to commence this if it is voted into Law. As a bit of an update, we are in very early stages of negotiation finally with Sark Electricity through Andrew Ozanne acting as a mediator, but these are very early days in those negotiations. Of course, as we have always stated, it has always been the wish to try and bring this to a resolution by negotiation, so obviously will not be coming back to the House to commence compulsory purchase until all avenues of negotiation have been exhausted.

160 Conseiller Baker, I believe it is around 10 years left on the lease at the power station site.

Conseiller Makepeace, it is a chicken and an egg question. We have been assured that there is sufficient resources from the States to cover us for a purchase of Sark Electricity, but it absolutely depends, the best option to go through for financing, on how much you are borrowing. So until we have been able to do, either through the process of negotiation or, if it comes to it, through the process of compulsory purchase, once we have been able to do a sensible and reliable valuation of the company, to some accepted standards which would give us confidence to commit public money to it, one we have a figure back off any such valuation, then we can look into much more detail as to what the best options would be to finance this purchase. But there is no concern ultimately; we are backed up with this with adequate resources, certainly from Guernsey at a first point of call.

170 Okay. Thank you.

The Speaker: Any other questions? No.

Let me just be absolutely certain. There have been a number of versions of the Projet de Loi bouncing back between Guernsey and Sark, and the pristine one I have in my hand now is the one that is going to be going for Royal Assent? There was a small typographical error in Regulation 7(2) where it said regulations under this Law should be laid before 'a Meeting of Chief Pleas before a Meeting of Chief Pleas'. It was repeated twice; your copy should not have that in. So there should only be one reference to a Meeting of Chief Pleas in Regulation 7(2). And in the interpretation section, where it says 'the Committee', one of the versions that was circulated had 'means the Policy and Resources Committee of Chief Pleas'. It is of course the Policy and Finance Committee.
180 Both those typographical changes have been made in the version I have and they should be in the

version you have. But I just wanted to be absolutely certain that you have the correct version in front of you.

185 Right, if there is nothing further, then I will put the Proposition that Chief Pleas approves the Projet de Loi entitled 'The Compulsory Purchase Electricity (Sark) Law, 2021'. Those in favour; those against. **Carried** unanimously.

Regulations laid before Chief Pleas –
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) (Amendment) Regulations, 2021; and
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) (Amendment) (No. 2) Regulations, 2021

190 **The Speaker:** Regulations laid before this Meeting are the Emergency Powers Coronavirus (General Provision) (Bailiwick of Guernsey) (No. 13) Regulations, 2021, which came into operation on 24th November 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) (Amendment) Regulations, 2021, and these came into operation on 1st December 2021; and then, in the Addendum, the laid before Regulation, is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) (Amendment) (No. 2) Regulations, 2021, and that came into operation on 17th December 2021.

195 They are duly laid before. There was no motions to annul any of them, therefore, they remain extant.

Happy Christmas and New Year from the Speaker and the Seigneur

The Speaker: Before closing, I would wish everyone here a happy and peaceful Christmas, and a less frantic schedule of Chief Pleas Meeting in 2022, having had eight this year. Seigneur.

200 **The Seigneur:** Sir, on behalf of the whole of Chief Pleas, to the wider population of Sark, all seven of you representing the wider population of Sark, we wish you a very Merry Christmas and a happy new year, and I am happy to tell you there is a carol singing at home in about an hour. You are very welcome; I hope to see you there.

205 Thank you.

The Speaker: Greffier.

PRAYER
The Greffier

Chief Pleas closed at 5.24 p.m.