



**OFFICIAL REPORT**

**OF THE**

**EXTRAORDINARY MEETING**

**OF CHIEF PLEAS**

**OF THE**

**ISLAND OF SARK**

**HANSARD**

**Assembly Room, Sark, Thursday, 25th April 2024**

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official Island of Sark Chief Pleas website [www.sarkgov.co.uk](http://www.sarkgov.co.uk)*

**Volume 10, No. 3**

**Present:**

**Seigneur**

Maj. C M Beaumont Esq.

**Speaker of Chief Pleas**

P M Armorgie Esq.

**Deputy Prévôt**

J Godwin

**Greffier**

T J Hamon

**Deputy Treasurer**

L Higgins

**Constable**

P Burgess

**Conseillers:**

Frank Makepeace  
Paul Williams  
Sandra Williams  
Kevin Delaney  
John Guille

Christopher Kennedy-Barnard  
Helen Plummer  
Marcus Barker  
Christopher Bateson

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

**The Speaker:** Thank you, Greffier.

5 Just for the avoidance of doubt, to be quorate, we actually need seven or more people. There was some dispute as to whether it was nine or seven. We checked the Reform Law this afternoon, and it was changed in 2021 to seven Conseillers. So we are *just* quorate. Thank you very much. I will say a few words in a moment.

### Apologies received

10 **The Speaker:** I have received apologies from His Excellency the Lieutenant Governor of the Bailiwick, as he now likes to be referred to. He sent his apologies for not being able to attend this evening at short notice.

I also have received apologies from Conseillers Baker, Donovan, Le Lievre and Sullivan, who are not available this evening.

15 I would just like to go on and say thank you very much indeed to all Conseillers and officers who, at very short notice, have taken the trouble to turn up this evening. We really do appreciate it. Thank you very much indeed. It is a request, as you will gather, when we get to the Agenda Item. It is an Item ... Conseiller Williams is joining the Meeting.

20 **A Member:** We're even more quorate!

**The Speaker:** So for the purposes of *Hansard*, Conseiller Paul Williams is joining the Meeting. That give us –

25 **The Greffier:** Thank you, sir. There are now nine Conseillers present.

**The Speaker:** Thank you.

Yes, so thank you for attending at very short notice. We do appreciate it. And as we will hear shortly, when we get to the Agenda Item, we have been requested to complete this Meeting urgently, because of some legislation that is required by tomorrow.

**By election –  
Personal statement by the Speaker**

30 **The Speaker:** I would just like to make a quick personal statement, and those of you who were at the Easter Meeting have heard this before, but it bears repeating in my opinion. I would like to remind everyone that the electoral roll closes tomorrow, 26th April, and will remain closed until after the completion of the by election on 15th May 2024.

35 Nomination forms can be presented in person by any of the persons named on the nomination forms to the Speaker's Office between 10 a.m. and 12 noon, and between 1 p.m. and 3 p.m. from next Monday, 29th April, through to and including Thursday, 2nd May, and they can also be returned or presented between 10 a.m. and 12 noon on Friday, 3rd May.

No nominations can be accepted after 12 noon on Friday, 3rd May. I sincerely hope, for everyone's benefit, that we have a contested election, but we shall see what develops next week.

**Procedural –  
Electronic devices**

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

Thank you.

## Business of the Day

### 1. The Transfer of Funds (Sark) (Amendment) Ordinance, 2024 – Policy and Finance Committee Report considered – Proposition carried

*To consider a Report with Ordinance and Proposition from the Policy and Finance Committee entitled 'The Transfer of Funds (Sark) (Amendment) Ordinance, 2024'.*

*Proposition:*

*That Chief Pleas approves 'The Transfer of Funds (Sark) (Amendment) Ordinance, 2024'*

45 **The Speaker:** And without further ado, we will move immediately to Agenda Item 1, which is to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Transfer of Funds (Sark) (Amendment) Ordinance, 2024' and to approve the Ordinance entitled the Transfer of Funds (Sark) (Amendment) Ordinance, 2024. And I would ask Conseiller Guille to introduce the Report, please.

Thank you.

50

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

The Ordinance amends the Transfer of Funds (Sark) Ordinance, 2017, for the purposes of ensuring that the way in which the Ordinance gives effect to the EU regulation on information accompanying transfer of funds – Council Regulation (EU) 2015/847 – in Sark continues fully to reflect the current international standards. It addresses comments made by the Moneyval evaluation team in respect of the Ordinance, on review of the technical submission made to Moneyval prior to the evaluation.

60 Similar Transfer of Funds Ordinances are in place in Guernsey and Alderney, and similar amending Ordinances have been prepared for those Islands for enactment this week. The amendments make a very minor change to the financial threshold for requiring certain information to accompany the transfer of funds. The EU Regulation imposes the requirements in respect of transfers exceeding €1,000, but the FATF criterion 16.4 specifies €1,000 or above. The Ordinance addresses this very minor discrepancy.

65 The Ordinance also imposes an additional reporting requirement in any country affected by suspicious wire transfers in certain circumstances, FATF criterion 16.7. His Majesty's Comptroller has certified that under the provisions of section 41 of the Reform (Sark) Law, 2008, it is his opinion immediate enactment of the Ordinance ... Sorry, that is irrelevant, the last ... Immediate enactment of the Ordinance by the Policy and Finance Committee is necessary and expedient in the public interest. We have not actually gone down the section 41 route. We have gone straight to a full and proper Meeting of Chief Pleas, which we felt was more appropriate in the timescale.

70 So I would encourage Conseillers to support this sensible piece of housekeeping in order for Sark and the wider Bailiwick's good reputation financially throughout the world.

Thank you.

75 **The Speaker:** Thank you, Conseiller Guille.

Are there any questions or debate from the floor before we move to the Proposition which you have before you? Any questions or debate for Conseiller Guille on this Agenda Item? It is all – Yes, Conseiller Delaney; thank you.

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

I will make some comments, just so we are not a nodding dog parliament; a nodding head parliament. I just wonder what would be the implications ...? I am just looking for a general view now: were we to have problems with this, what would be the implications were we not to vote it through? I wonder if the Chair of P&F could just give his views on that. I am not saying we are not  
85 going to, but I just wonder what ... We are exercising a right of this parliament to either vote it through or not, I would just be interested in any thoughts on that.

Thank you.

**The Speaker:** Thank you, Conseiller Delaney.  
90 Conseiller Guille, would you like to respond?

**Conseiller Guille:** Yes. If we were to not vote it through, we would be ... These little loopholes and discrepancies have been identified as part of, you might say, the hyper-focus of the Moneyval evaluation process. They have identified weaknesses in the regulations across the Islands of the  
95 Bailiwick and I think to keep Sark and the Bailiwick as a whole, and keep our reputation well maintained financially, it is good practice for Sark and the rest of the Bailiwick, if we tighten up.

It might seem very minor, and we have had to call a Meeting of Chief Pleas for literally amending a few lines of Law, but these things can have very large repercussions internationally and reputation-wise. A lot of work has been done in the last decade or more to improve the  
100 Islands' – and I mean all of the Islands, the Bailiwick of Guernsey and Jersey – to improve their reputation internationally and I think it is a sensible path to continue upon.

Thank you.

**The Speaker:** Thank you, Conseiller Guille.  
105 Are there any further questions to P&F regarding the legislation that you see before you?  
Conseiller Delaney again; thank you.

**Conseiller Delaney:** Yes, thank you, Mr Speaker; and I am grateful to the Chair of P&F for his answers on that.

110 I will vote it through. I will be voting it through on the basis of the credibility that I give the Chair of P&F that he has a far greater understanding of the matter than I do. It would be no secret, Mr Speaker, I come from Irish Catholic stock and up to when I was about seven or eight years old I would attend mass and the entire service would be in Latin. Did not have a clue what was being said up on the altar, we nodded away; and talk about a blind faith situation.

115 I think this is one of the easier things that have been put before us to get to understand, but I do go back to a point that I made several Chief Pleas ago that when we were being asked to vote more complex matters through, for the benefit of the Bailiwick, I feel it would be very helpful if prior to Chief Pleas a member of the law office in Guernsey came over, gave us a good briefing.

I think I make my point being that I do not like blind faith. I will run with it this evening, but  
120 I would very much appreciate if we got good briefings from the Law Officers. I am sure they would have constructive comments from us we would be very grateful to hear from, so we knew when we come to Chief Pleas and we were voting these things through, we were making considered judgements based on the evidence that the law office would lay before us.

So thank you for that.

125 **The Speaker:** Thank you, Conseiller Delaney.  
Would you like to respond to that, Conseiller Guille?

**Conseiller Guille:** Yes. I absolutely support that. Definitely, where we have got some more, not  
130 substantive – where we have got bigger items that run into many pages to consider, absolutely a briefing for all Members of Chief Pleas, by the Law Officers or maybe other appropriate officers or representatives from Guernsey's financial industry would absolutely be appropriate.

135 Again, the two pieces in this are ... the first one is just a correction of it used to say a sum over  
€1,000 and the correction is to now say a sum of €1,000 or over. So you have captured the €1,000,  
there. And the other change – if I can expand on it any more – made by the Ordinance, which is in  
respect of the duty to make a suspicious activity report about transfers.

140 Currently such reports are filed with the Financial Intelligence Unit in Guernsey. The change  
provides that where a money transfer service controls both the sending and receiving side of a  
transfer, such a Report should also be filed in the other jurisdiction as well as locally. Again, this is  
to clamp down on international money-laundering and the funding of terrorism and such things  
like that. And where they are attaching to reports about other transfers, it is transfers that may ...  
some of them may drop in below a threshold for reporting, but they could still be suspicious.

145 So it is putting the onus on people involved in such businesses within the Bailiwick to keep a  
keener eye so the Bailiwick does not get inadvertently involved in international money-laundering  
and such things.

But yes, absolutely, where appropriate, we will request briefings from relevant officers or  
persons for Chief Pleas Members, because I very much appreciate these are complex subjects,  
which I do not think is normal business for any of us here today.

Thank you.

150

**The Speaker:** Thank you for that context and clarity, Conseiller Guille.  
Conseiller Makepeace; thank you.

155 **Conseiller Makepeace:** Yes. It is important to add as well that there is an excellent financial  
crime investigation unit in Guernsey, which operates solely, I think, on tip offs, you may call it, and  
information from the public, if they are suspicious of any activities. And that is always something  
that if someone thought that something was untoward, could use the services of.

Thank you.

160 **The Speaker:** Thank you, Conseiller Makepeace.

I am not allowed to pass comment on such issues, but I would concur with what  
Conseiller Guille has said: we would all have preferred to have more notice about this. The thought  
of doing legislation on the hoof is a big concern, certainly to Chief Pleas as a body. And this,  
unfortunately, if it was more complex than it is, would be a major issue to have to consider within  
165 a two-day period.

So I concur entirely with what has been said, while I am not expressing any particular political  
view, but in terms of the way in which Chief Pleas is given time to consider, I think it is very  
important that that is respected and Conseiller Guille has made that quite clear. That is the  
message from this Assembly, as I see it. So thank you for making those points.

170 At that point, I shall get back in my seat. Are there any other questions before we go to the  
vote on the Proposition?

Conseiller Plummer; thank you.

**Conseiller Plummer:** Thank you.

175 I would just like to say that I have read it through, in my own simple mind, and it would be very  
dangerous if we did not pass this through. We would be a standing target for any of the terrorists  
or people who are dishonest to use us. Just to make that comment.

180 **The Speaker:** Yes. Thank you, Conseiller Plummer. Thank you very much. Are there any other  
comments or questions for P&F before we go to the vote on the Proposition? No.

Well, in which case, thank you. We will go to the Proposition, which reads as follows: that Chief  
Pleas approves the Transfer of Funds (Sark) (Amendment) Ordinance, 2024. Those in favour?  
Thank you. Those against? **Carried.**

Thank you very much indeed.



**2. Appointment of Assistant Constable –  
Verbal Report from the Douzaine considered –  
Mr J Burton appointed**

*To consider a Verbal Report from the Douzaine entitled ‘Appointment of Assistant Constable’.*

185 **The Speaker:** Moving on to Agenda Item 2, and it is a Verbal Report from the Douzaine entitled ‘Appointment of Assistant Constable’. I would like to ask Conseiller Bateson to present the Verbal Report.

Thank you.

190 **Conseiller Bateson:** Yes. It is my understanding that at the last Chief Pleas, when the announcement of the appointment of the new Assistant Constable was made, we should have taken a vote on the matter, and we did not do. So tonight I think it is intended that we are going to have a vote. Is that correct?

195 **The Speaker:** Yes, Conseiller Bateson. *(Interjection by Conseiller Bateson)*

Can I just give some clarity to that. We got to that Agenda Item late at the Easter Meeting, after a fairly long and lengthy Meeting and I was ... Remiss of me, as Speaker, I should have asked for it to go to the vote. So given the opportunity tonight, I asked Conseiller Bateson effectively to re-present it, and therefore it is, if you could please, Conseiller Bateson, give the name again, and I will go to the vote on it, please.

200 **Conseiller Bateson** Yes. Just to remind you, it would be the newly appointed Assistant Constable is Mr Jordan Burton.

205 **The Speaker:** Very good. **(Conseiller Bateson: Yes.)** Thank you.

So therefore, those in favour of Jordan Burton becoming the new Assistant Constable, please could you raise your hands? Thank you. Those against? **Approved.** Thank you.

It is a piece of housekeeping, so I am very grateful to the Douzaine for coming back so promptly with that. Therefore I confirm that Jordan Burton is appointed the new Assistant Constable.

**Regulations laid before Chief Pleas –  
The Charities and Non Profit Organisations (Sark) Exemption Regulations, 2024**

210 **The Speaker:** Before we close the Meeting, there is just one further Item which I would just like to say a few words on. It is a laid before and it is the Charities and Non Profit Organisations (Sark) Exemption Regulations, 2024.

215 Again, I would not ordinarily pass comment about this, but this arrived at very short notice and I was intending to bring this as a laid before Item at the Midsummer Meeting. But once we knew that this Meeting today was happening, I thought I would take the opportunity just to say that these Regulations have been made by the P&F Committee under Charities and Non Profit Organisations (Registration) (Sark) (Amendment) Ordinance, 2024, and will stand unless annulled by Chief Pleas. This is advice that we have been given via the Law Officers in Guernsey. It is a question of whether Sark Chief Pleas approves it or annuls it.

220 If I could take a simple vote on whether anyone ... Conseiller Guille, would you like to say something? Thank you. *(Interjection by Conseiller Guille)* Yes.

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

225 So at the Easter Chief Pleas Meeting, the Charities and Non Profit Organisations (Registration)  
(Sark) (Amendment) Ordinance was approved. This was necessary to show we have adequate  
controls over the activities of charities and specifically those that are deemed to be international.  
An organisation is international if it is raising significant sums from overseas or sending money  
overseas. 'Overseas' in this context means outside the Bailiwick.

230 For nearly all our charities and NPOs, this has no bearing. However, one in particular, being the  
Sark branch of the Royal British Legion, remits funds from the Poppy Day Appeal to its UK parent  
charity. So as not to burden this well-established and well-known local charity, or any of the other  
currently registered charities which might be doing something similar, P&F passed subsequent  
Regulations to exempt such existing organisations from being treated as international under the  
Law. I would therefore recommend Chief Pleas to allow the Regulations to stand.

235

**The Speaker:** Thank you, Conseiller Guille.

I would just point out this is not an Agenda Item. So it is really an Information Report that had  
no request to annul it, even though, again, I know you have only been given 24, 48 hours to  
consider it, but there have been no requests to annul it. In my opinion, it falls into this  
240 lastminute.com facility and an obligation on behalf of Chief Pleas, but it says it is not an Agenda  
Item. It is not something we can actually vote on, I have taken advice on this, but it is just really  
for your information that this is something which has been laid before Chief Pleas.

It has a date on it, again, of tomorrow. So it is again something that is been presented to us at  
very short notice and what Conseiller Guille has just said summarises it, but it is not something we  
245 can vote on, because it is not an Agenda Item. It is for your information. So I share that with you  
based on those facts and I am sorry there is not more clarity behind it than that. Again, it is not a  
complicated piece of legislation, but it is nonetheless a laid before piece of legislation.

So I just wanted to add that: there is no vote on that, it is for information purposes only. I am  
very grateful for Conseiller Guille for giving us some background on that.

**Midsummer Meeting deadline –  
Statement by the Speaker**

250 **The Speaker:** Just one closing statement from me, if I may. Please once again be aware that  
the Midsummer Meeting of Chief Pleas is on Wednesday, 3rd July and that the Agenda closes for  
that Meeting on Wednesday, 5th June 2024. Please ensure that you get your Reports in in good  
time. And with that, it being 22 minutes past five, I would ask the Greffier to say the closing grace.  
Thank you.

**PRAYER**  
*The Greffier*

*Chief Pleas closed at 5.24 p.m.*