

ISLAND OF SARK

CHRISTMAS MEETING of the CHIEF PLEAS to be held on the 19th JANUARY 2022

At 5.00 PM in the ASSEMBLY ROOM

AGENDA

1. MATTERS ARISING from the Extraordinary Meeting held on the 17th November 2021.
2. QUESTIONS Not Related to the Business of the Day.
3. To CONSIDER a Report with Proposition from THE POLICY and FINANCE COMMITTEE entitled "**The Capacity (Bailiwick of Guernsey) Law, 2020 Commencement Ordinance, 2022**" and to APPROVE the Ordinance entitled "**The Capacity (Bailiwick of Guernsey) Law, 2020 (Commencement) (Sark) Ordinance, 2022**" (copies enclosed).
4. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**By-Election**" and to APPROVE the Ordinance entitled "**The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance 2022**" (copies enclosed).
5. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Census Ordinance**" And to APPROVE the Ordinance entitled "**The Census (Sark) Ordinance, 2022** (copies enclosed).
6. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Transfer of Functions Ordinance**" and to APPROVE the Ordinance entitled "**The Child Protection (Transfer of Functions) (Sark) Ordinance, 2022** (copies enclosed).
7. To CONSIDER a Report with Proposition from the EDUCATION COMMITTEE entitled "**Changes to the Education Mandate**" (copy enclosed).
8. To CONSIDER a Report with Proposition from the MEDICAL & EMERGENCY SERVICES COMMITTEE entitled "**Change of Mandate**" (copy enclosed).
9. To CONSIDER an Information Report from the AGRICULTURE, ENVIRONMENT and SEA FISHERIES COMMITTEE entitled "**Annual Information Report**" (copy enclosed).
10. To CONSIDER an Information Report from the TOP LEVEL DOMAIN (SPECIAL) COMMITTEE entitled "**Informational Report**" (copy enclosed).
11. To CONSIDER an Information Report from the DOUZAINÉ entitled "**Seasonal Regulation No. 2**" (copy enclosed).

12. To CONSIDER an Information Report from the DOUZAINÉ entitled “**Seasonal Regulation No. 4 - 2022**” (copy enclosed).
13. COMMITTEE ELECTIONS: To Elect Conseillers to Committees, are required.
14. COMMITTEE and PANEL ELECTIONS: To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels, as required:

Lt Col RJ Guille MBE
Speaker of Chief Pleas

17th December 2021

NOTES:

1. Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday to Friday, 11 am to 3 pm; copies may be obtained from the Committee Office. The Agenda, Reports and Supporting Papers may also be seen on the Sark Government Website at: www.sarkgov.co.uk

MEDICAL & EMERGENCY SERVICES COMMITTEE

Report with proposition to Christmas Chief Pleas, 19th January 2022

**CAPACITY (BAILIWICK OF GUERNSEY) LAW, 2020
COMMENCEMENT ORDINANCE 2022**

At the Midsummer Meeting held on 8th July, 2020, Chief Pleas approved the Projet de Loi entitled "The Capacity (Bailiwick of Guernsey) Law, 2020".

Today, the Medical and Emergency Services Committee request that Chief Pleas approve the Ordinance for Commencement of this Law, entitled "The Capacity (Bailiwick of Guernsey) Law, 2020 (Commencement) (Sark) Ordinance, 2022".

Proposition: -

That Chief Pleas approves the Ordinance entitled, "The Capacity (Bailiwick of Guernsey) Law, 2020 (Commencement) (Sark) Ordinance, 2022".

Conseiller Helen Plummer
Chairman, Medical & Emergency Services Committee

The Capacity (Bailiwick of Guernsey) Law, 2020

(Commencement) (Sark) Ordinance, 2022

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by section 85(1)(b) of the Capacity (Bailiwick of Guernsey) Law, 2020^a, and all other powers enabling them in that behalf, hereby order:-

Commencement of Law.

1. The following provisions of the Capacity (Bailiwick of Guernsey) Law, 2020 shall come into force on 1st March, 2022 -

- (a) only to the extent necessary for the bringing into force, and operation, of Part 4 -
 - (i) Parts 1 and 2,
 - (ii) Part 3 (except sections 17 to 20), and
 - (iii) section 77,
- (b) Part 4, and
- (c) sections 78 to 85.

Citation.

2. This Ordinance may be cited as the Capacity (Bailiwick of Guernsey)

^a Order in Council No. II of 2021.

Law, 2020 (Commencement) (Sark) Ordinance, 2022.

POLICY & FINANCE COMMITTEE

Report with Proposition to Christmas Chief Pleas, 19th January 2022

BY - ELECTION

This report covers the requirement for a by-election to replace Conseillers who have resigned from Chief Pleas. Section 23A (1) of The Reform Law provides that, ‘... upon the occurrence of a casual vacancy amongst Conseillers, a by-election shall be held on such date, not later than six months after the occurrence of the vacancy, as the Chief Pleas shall by Ordinance appoint.’

The vacancies created by the resignation of former Conseiller Ms Natalie Craik and former Conseiller Mr William Raymond triggers the mechanism required for a by-election to take place. There is also a vacancy outstanding which was not filled at the By-Election in August. Following discussions with the Returning Officer as to a suitable date, the Committee comes to this meeting with an Ordinance already prepared and which is attached to this report.

23rd March, 2022 has been selected as the date of the By-Election and the Returning Officer’s timetable is attached to this report.

Proposition: –

That Chief Pleas approves “The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2022”.

Conseiller John Guille
Chairman, Policy & Finance Committee

TIMETABLE FOR BY-ELECTION OF CONSEILLERS – 23rd MARCH 2022

Fri 11 Feb 22	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of forthcoming election. Notice gives date and time when final nominations are to be received etc.</p> <p>Nomination forms will be available for collection from the Speaker's office, prior to nominations opening during published office hours. When completed, but not before 1 pm on Tue 22 Feb, the forms are to be delivered by one of the persons named on the form to the Speaker of Chief Pleas (Returning Officer) between 1pm and 3pm Tue, Wed & Fri, ending on Fri 11 Mar between 10am and 12 noon.</p>
Fri 18 Feb 22	<p>Electoral Register closes and remains closed until election process is complete.</p>
Tue 22 Feb 22	<p>Nominations open at 1 pm.</p> <p>A daily list of nominations received will be posted in Sark Gazette Officielle and St Peter's Church Notice Box; nominations will be listed in the order received.</p>
Fri 11 Mar 22	<p>Nominations to close at 12 noon. [Thereafter the Returning Officer will post Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes; application for these functions to close at 3pm on Fri 18 Mar.]</p> <p>Notice in Sark Gazette Officielle and St Peter's Church Notice Box of Candidates with Proposers and Seconders.</p> <p>Notice sent to the printers with the List of Candidates for the printing of Voting Papers.</p>
Wed 23 Mar 22	<p>By-Election polling from 10am until 6.00pm – Polling Station in Toplis Room, Island Hall – the Count in Main Room. (The Count will begin as soon as is possible after polling closes.)</p>
Thur 24 Mar 22	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of Result.</p>
<p>In the event of a 'tie' between two candidates, when the addition of one vote would have caused a person to be elected, a second election is to be held. (New Voting Papers are to be produced for the tied candidates and Notices of the second election are to be published in Sark Gazette Officielle and St. Peter's Church Notice Box - venues, as for Wed 23 Mar 22.)</p>	
Wed 13 Apr 22	<p>By-Election re-run, only for candidates tied at 23 Mar 22. (No other nominations allowed.)</p>
Thur 14 Apr 22	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of tied election Result.</p>

Lt Col RJ Guille MBE
Returning Officer

17 December 2021

The Reform (Election of Conseillers) (By-Election)

(Sark) Ordinance, 2022

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by sections 23A, 25(5) and 29(6) of the Reform (Sark) Law, 2008^a, and all other powers enabling them in that behalf, hereby order:-

Date fixed for by-election.

1. (1) A by-election for the purpose of filling such number of casual vacancies in the office of Conseiller –

(a) existing as at the date when this Ordinance is made, and

(b) occurring, for any reason, on or before Friday 18th February, 2022,

shall be held on Wednesday 23rd March, 2022.

(2) In the event of two or more candidates at the said election securing an equal number of votes, and by reason thereof a further election being required to be held in pursuance of the provisions of section 25(5) of the Reform (Sark) Law, 2008, in respect of such candidates only, without further nomination, such further election shall be held on Wednesday 13th April, 2022.

^a Order in Council No. V of 2008. This enactment has been amended.

Date of closure of register.

2. The Register of Electors shall close, pursuant to section 29(6) of the Reform (Sark) Law, 2008, on Friday 18th February, 2022.

Citation.

3. This Ordinance may be cited as the Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2022.

POLICY & FINANCE COMMITTEE

Report with Proposition to Christmas Chief Pleas, 19th January 2022

CENSUS ORDINANCE

Following the approval of the Projet de Loi at the Midsummer Chief Pleas meeting held on the 7th July 2021, the Law has received Royal Sanction and was registered at the Royal Court in Guernsey on the 18th October 2021.

The Law requires an Ordinance to be enacted setting out the details of a forthcoming census, including the date when the census will be held and the procedural arrangements necessary for the carrying out of the census.

At the Extraordinary Meeting of Chief Pleas held on 17th November 2021, Chief Pleas authorised the Policy & Finance Committee to instruct the Law Officers of the Crown to prepare the aforementioned Ordinance. Today, the Committee append to this report draft of this Ordinance for Chief Pleas' approval.

Proposition: –

That Chief Pleas approves the Ordinance Entitled “The Census (Sark) Ordinance, 2022”.

Conseiller John Guille
Chairman, Policy & Finance Committee.

The Census (Sark) Ordinance, 2022

ARRANGEMENT OF SECTIONS

1. Taking of census.
2. Forms.
3. Persons to make returns in respect of private dwellings.
4. Persons to make returns in respect of other residential establishments.
5. Particulars in returns.
6. Confidential returns.
7. Division of census area.
8. Census officers and enumerators.
9. Duties of Registrar and enumerators.
10. Information and delivery of return to enumerator.
11. Collection of returns.
12. Duties of enumerators after collection.
13. Duties of Registrar.
14. Instructions and directions to census officers and enumerators.
15. Replacement of census officer or enumerator.
16. Declaration on completion of duties.
17. Access to documents.
18. Custody of documents.
19. Interpretation.
20. Citation and commencement.

SCHEDULE 1: Persons in respect of whom returns are to be made.

SCHEDULE 2: Particulars to be stated in returns.

The Census (Sark) Ordinance, 2022

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the 14th April, 2021 and the 17th November, 2021, and in exercise of the powers conferred on them by section 1 of the Census (Sark) Law, 2021^a, and all other powers enabling them in that behalf, hereby order:

Taking of census.

1. A Census shall be taken for the Census Area at midnight ending census day, and for that purpose returns shall be made by the prescribed persons in accordance with the Law and this Ordinance with respect to all living persons specified in column (2) of Schedule 1.

Forms.

2. The forms to be used in connection with the Census shall be such as shall be issued by the Registrar.

Persons to make returns in respect of private dwellings.

3. (1) Subject to subsections (2), (3) and (4) –
- (a) the householder, or joint householders, or
 - (b) in the absence of any such person capable of making a return, any person authorised to act on behalf of the householder or joint householders,

^a Order in Council No. X of 2021.

of each household occupying any dwelling to which column (1) of Group I in Schedule 1 applies shall make a return with respect to every person specified in column (2) of that Group.

(2) Where the obligation falls on more than one person, any one of those persons may make the return on behalf of the other persons on whom the obligation falls.

(3) Where the household consists of one person, that person shall make a return with respect to that household.

(4) Any person ("A") who is entitled under section 6 to make a confidential return, and who claims to do so in the manner prescribed by that section, shall, subject to the conditions so prescribed, be deemed to be the person by whom the return is to be made with respect to A.

Persons to make returns in respect of other residential establishments.

4. (1) Subject to subsections (2) and (3), every person ("A") specified in column (2) of Groups II or III in Schedule 1 shall make a return in respect of A.

(2) Where A is, for any reason, incapable of completing the form of return –

(a) if A is a person included in column (2) of Group II, the person in charge of the premises or vessel concerned shall make a return with respect to A, or in the case of a hotel, boarding house or lodging house may instead arrange for the return to be made by any relative or other person accompanying A,

- (b) if A is a person specified in column (2) of Group III, the return may be made with respect to A by any other person capable of doing so on A's behalf.

(3) In the case of any premises or vessel mentioned in column (1) of Group II in Schedule 1, the person for the time being in charge of the premises or vessel shall make a return on the form issued by the Registrar in relation to the premises or vessel and shall state in that return the particulars contained in section 5(4).

Particulars in returns.

5. (1) A return made under section 3 shall state the particulars specified in Part I of Schedule 2 in addition to the particulars required in respect of each person under subsection (2).

(2) Subject to subsection (3), a return made under section 3 or section 4(1) shall state with respect to each person, other than a person making a confidential return under section 6, the particulars specified in Part II of Schedule 2.

(3) In the case of a visitor, the return need only state that the person is a visitor and the person's full name.

(4) The following particulars shall be stated in a return made under section 4(3) in relation to any premises or vessel mentioned in column (1) of Group II in Schedule 1 –

- (a) in the case of premises, the names of all persons specified in column (2) of that Group and the number of usual residents, the address and nature of the premises, and the number of rooms in the premises,

- (b) in the case of a vessel, the names of all persons specified in column (2) of that Group, the number of usual residents, the name of the vessel, and its position at midnight ending census day.

Confidential returns.

6. (1) Any person aged 15 years or over on census day, who is not a prescribed person nor a person who lacks capacity within the meaning of the Capacity (Bailiwick of Guernsey) Law, 2020^b, may make a confidential return if that person fulfils the conditions in this section in so far as they are applicable.

(2) A person wishing to make a confidential return ("**the applicant**"), or a person acting on the applicant's behalf, shall apply for a separate form of return –

- (a) to the enumerator when the enumerator attends to deliver the form of return to the person who would otherwise be required to make a return in respect of the applicant, or
- (b) if the applicant cannot reasonably obtain a form of return elsewhere, to the Registrar in person, not later than two days before census day.

(3) The enumerator or Registrar shall in that event issue a separate form of return and, if so requested, give any reasonably necessary explanation to enable the applicant to make a proper return.

^b Order in Council No. II of 2021.

- (4) The applicant shall enter on the separate form of return –
 - (a) the required particulars in respect of the applicant specified in Part II of Schedule 2, and
 - (b) the address of the premises at which the applicant was present on census night,

and shall comply with any instruction contained in that form and applicable to the applicant.

(5) Where a person has elected to make a confidential return under this section but for any reason is incapable of making a return, then the return may be made on that person's behalf by any other person capable of doing so.

(6) The prescribed person shall enter on the form of return in respect of the applicant no particulars other than the applicant's name and the relationship of the applicant to the prescribed person.

Division of census area.

7. The Registrar shall divide the Census Area into enumeration districts.

Census officers and enumerators.

8. For the purpose of the Census –
- (a) the Registrar, with the approval of the Committee -
 - (i) may appoint one or more census officers to assist in the performance of the Registrar's duties, and

- (ii) shall appoint, for each enumeration district, a person who shall perform in that enumeration district the duties of an enumerator under this Ordinance, and
- (b) every census officer, enumerator and every person assisting the Registrar or an enumerator in the performance of their duties shall, before acting or performing any duties as such, sign an undertaking in such form as the Registrar may direct faithfully to perform the duties of census officer, enumerator or such person (as the case may be) under this Ordinance.

Duties of Registrar and enumerators.

9. (1) The Registrar shall enter in the enumeration books provided for the purpose of the Census such particulars as the Registrar considers appropriate, and shall furnish every enumerator with an enumeration book and sufficient forms.

(2) Every enumerator shall, within such period as may be directed by the Registrar, deliver to each prescribed person in the relevant enumeration district, or to a responsible person acting on behalf of such prescribed person, the appropriate form of return, and shall, upon so delivering the form, enter thereon and in the enumeration book such particulars as the Registrar may require.

(3) Every enumerator shall, if so requested, give any reasonably necessary explanation to enable a prescribed person to make a proper return.

Information and delivery of return to enumerator.

10. (1) Every prescribed person shall give to the enumerator such information as the enumerator may reasonably require for the performance of the enumerator's duties under this Ordinance; and every other person in respect of whom it is the duty of a prescribed person to make a return shall give to that prescribed person such information as the prescribed person shall reasonably require for that purpose.

(2) Every prescribed person, and every person who has elected to make a confidential return under section 6, shall –

(a) deliver the completed form of return to the enumerator, or

(b) place the completed form of return in the reply envelope provided and send it to the Registrar by post.

(3) A person sending a form of return by post under subsection (2)(b) must do so on the day after census day, or as soon as reasonably practicable thereafter (not being later than the date specified in the return).

Collection of returns.

11. (1) Subject to subsection (2), the enumerator shall, as soon as may be after census day, collect all forms of return delivered by the enumerator, or obtained by an applicant within the enumerator's enumeration district under section 6.

(2) Where a prescribed person or a person who has elected to make a confidential return under section 6, as the case may be, has sent the form of return by post under section 10(2)(b), or expresses an intention to do so, the

enumerator shall note that fact in the enumeration book.

Duties of enumerators after collection.

12. The enumerator shall –

- (a) enter in the enumeration book and in all forms of return collected by the enumerator such particulars as may be required by the Registrar, and
- (b) deliver to the Registrar the enumeration book and all forms of return duly completed and collected by the enumerator,

and shall do such other things relating to the census enumeration in the enumerator's district as may be required by the Registrar under this Ordinance.

Duties of Registrar.

13. The Registrar shall examine the enumeration books and the returns delivered to the Registrar, and where it appears that –

- (a) a return in respect of any private dwelling or other residential establishment has not been received,
- (b) any book or return is incomplete, or
- (c) any entry on a form of return is insufficient or is inconsistent with any other entry,

the Registrar may require the enumerator to ensure, by enquiry of any prescribed person or otherwise, the completion or correction of the book or return, within a

specified period, or the Registrar may make such enquiries of any prescribed person or otherwise, or may make such other arrangements as the Registrar thinks fit, for the purpose of obtaining the particulars which are required in order to comply with the Law and this Ordinance.

Instructions and directions to census officers and enumerators.

14. The Registrar may give instructions or directions, whether particular or general, for the due performance by the census officers or enumerators of their duties under this Ordinance, and any such instructions or directions shall be complied with by any census officer or enumerator to whom they are given.

Replacement of census officer or enumerator.

15. If it appears to the Registrar that a census officer or enumerator is unfit to perform the duties of census officer or enumerator, as the case may be, under this Ordinance, the Registrar may with the approval of the Committee appoint a replacement to perform those duties.

Declaration on completion of duties.

16. The Registrar may require a census officer or enumerator to make a declaration in writing that the declarant has properly and sufficiently performed the duties of the declarant under this Ordinance.

Access to documents.

17. A person having the custody of any forms of return, enumeration books or other confidential documents relating to the Census shall keep such forms, books and other documents in such manner as to prevent any unauthorised person having access thereto.

Custody of documents.

18. As soon as practicable after the preparation of the census report in

accordance with section 3(2) of the Law, the Registrar shall transmit to the Royal Court for preservation and secure storage all forms of return, enumeration books and other confidential documents relating to the Census.

Interpretation.

19. (1) In this Ordinance -

"**the Census**" means the census taken in accordance with the Law and this Ordinance,

"**the Census Area**" means the Island of Sark excluding the Island of Brecqhou,

"**census day**" means 27th April, 2022,

"**census night**" means the night of 27th April into 28th April, 2022,

"**the Committee**" means the Policy & Finance Committee of the Chief Pleas,

"**documents**" includes information recorded in any form (including, without limitation, information in an electronic communication and data held in electronic form),

"**dwelling**" includes any building or part of any building capable of use as living accommodation, and any tent, caravan, boat, vehicle, shed or other structure so used, and includes part of a dwelling,

"**enumerator**" means a person appointed under section 8 or 15,

"**householder**" in relation to a dwelling means a person who is usually

resident in that dwelling and either –

- (a) owns or rents the dwelling, or
- (b) is responsible for paying household bills and expenses there,

or both, and "**joint householder**" is to be interpreted accordingly,

"**the Law**" means the Census (Sark) Law, 2021,

"**prescribed person**" means a person required by section 3 to make a return in accordance with this Ordinance,

"**the Registrar**" means the person appointed as such under section 3(1) of the Law,

"**return**" means a form issued by the Registrar under section 2 for the purpose of making a return under this Ordinance,

"**visitor**" means a person whose usual place of residence is outside the Census Area and who is visiting the Census Area for the purpose of a holiday of less than three months, or for the purpose of working for, or seeking work of a duration, less than three months,

and other expressions shall have the same meaning as in the Law.

(2) For the purpose of this Ordinance, but without limitation, a person is regarded as usually resident in a dwelling in the Census Area (notwithstanding that the person also has a residence outside the Census Area) if the person has been resident in the Census Area for an average of, or exceeding, a period

of three months per year since the person first arrived in the Census Area.

Citation and commencement.

20. This Ordinance may be cited as the Census (Sark) Ordinance, 2022 and shall come into force on the day of its registration on the records of Sark.

SCHEDULE 1

PERSONS IN RESPECT OF WHOM RETURNS ARE TO BE MADE

Sections 3 and 4

(1)	(2)
Premises, vessel or other place in the Census Area	Persons
GROUP I	
Any dwelling occupied by a private household (whether consisting of one or more persons)	<p>(a) Every person who is usually resident in the dwelling,</p> <p>(b) every person, not usually resident in the dwelling, who spends census night in the dwelling,</p> <p>(c) every person who arrives at the dwelling at any time after midnight ending census day but before the returns with respect to the persons in the dwelling are collected, and who has not been included as present in any other return.</p>
GROUP II	
Any hotel, boarding house, lodging house, prison or other place of detention; any residential establishment not mentioned elsewhere in this Schedule;	Every person spending census night in the premises or vessel, and any other person who arrives at the premises or vessel after midnight on census day but before the returns with respect to the

and any vessel.	persons in the premises or vessel are collected, and who has not been included as present in any other return.
GROUP III	
Any other place not included in the above groups.	Every person spending census night in any such place.

SCHEDULE 2
PARTICULARS TO BE STATED IN RETURNS

Sections 5 and 10

PART I

1. The type of accommodation occupied by the household.
2. Whether the accommodation is owner-occupied or rented; if owner-occupied, whether it is owned outright or subject to a loan; if rented, the length of the lease and the period remaining and whether it is rented from a charitable trust, the employer of a household member, a relative or friend or other private landlord.
3. The name of each person in respect of whom a return is to be made under this Ordinance, and whether each such person is usually resident in the household or not usually resident but present on census night.

PART II

1. Full name.
2. Date of birth.
3. Sex.
4. Whereabouts on census night.
5. Educational and vocational qualifications.
6. Details of employment or self-employment or other occupation, whether full or part time.
7. Place of birth.
8. Date of first arrival in Census Area and total period of time spent there during previous five years.
9. Length of residence at current address.

10. Ethnicity.
11. Marital status.
12. Relationship to prescribed person.
13. General state of health and whether person has any physical or mental health conditions or illnesses lasting, or expected to last, for a period exceeding 12 months.
14. Whether any such conditions or illnesses limit daily activities.
15. Whether the person is involved in the care of another person other than a dependent child, and for how many hours per week.
16. Whether the person has private health insurance.

ITEM 06

POLICY & FINANCE COMMITTEE

Report with Proposition to Christmas Chief Pleas, 19th January 2022

TRANSFER OF FUNCTIONS ORDINANCE

At the Michaelmas Meeting of Chief Pleas held on 6th October 2021, Chief Pleas agreed to the transfer of the safeguarding function from the Education Committee to the Medical & Emergency Services Committee. In order for this transfer to occur, an Ordinance is necessary.

Today, the Policy and Finance Committee append to this report the draft Ordinance entitled, “The Child Protection (Transfer of Functions) (Sark) Ordinance, 2022” for approval.

Proposition: –

That Chief Pleas approves the Ordinance Entitled “The Child Protection (Transfer of Functions) (Sark) Ordinance, 2022”.

Conseiller John Guille
Chairman, Policy & Finance Committee.

The Child Protection (Transfer of Functions) (Sark)

Ordinance, 2022

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 6th October, 2021, and in exercise of the powers conferred on them by section 1 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^a, and all other powers enabling them in that behalf, hereby order:-

Transfer of functions.

1. The functions, rights and liabilities of the Education Committee and of its Chairman arising under or by virtue of –

- (a) the Child Protection (Sark) Law, 2020^b ("**the Law**"),
- (b) the Child Protection (Sark) Ordinance, 2021^c ("**the Ordinance**"), and
- (c) the Child Protection (Sark) Regulations, 2021^d ("**the Regulations**"),

^a Ordres en Conseil Vol. XXXIII, p. 478; amended by Ordinance No. XXXIII of 2003; and No. IX of 2016.

^b Order in Council No. XIII of 2020.

^c Sark Ordinance No. V of 2021.

^d Sark S.I. No. 4 of 2021.

are transferred to and vested in, respectively, the Medical & Emergency Services Committee and its Chairman.

Consequential amendments.

2. (1) In section 87(1) of the Law and in section 30 of the Ordinance, for the definition of "**the Committee**" in each case substitute –

""**the Committee**" means the Medical & Emergency Services Committee of the Chief Pleas,".

(2) In regulation 8(1) of the Regulations, after the definition of "**child's representative**", insert –

""**the Committee**" means the Medical & Emergency Services Committee of the Chief Pleas,".

Savings and transitional provisions.

3. Anything done under the Law, the Ordinance or the Regulations before the date of commencement of this Ordinance, or in the process of being done on that date, by or in relation to the Education Committee or its Chairman shall have effect as if done, or (as the case may be) may be continued, by or in relation to the Medical & Emergency Services Committee or (as the case may be) its Chairman.

Interpretation.

4. (1) In this Ordinance -

"Education Committee" means the Education Committee of the Chief Pleas established under the Education (Sark) Ordinance, 2003^e,

"the Law": see section 1(a),

"Medical & Emergency Services Committee" means the Medical & Emergency Services Committee of the Chief Pleas,

"the Ordinance": see section 1(b),

"the Regulations": see section 1(c).

Citation.

5. This Ordinance may be cited as the Child Protection (Transfer of Functions) (Sark) Ordinance, 2022.

Commencement.

6. This Ordinance shall come into force on 20th January, 2022.

^e As amended by Ordinance No. IX of 2018.

EDUCATION COMMITTEE

Report with proposition to Christmas Chief Pleas 19th January 2022

CHANGES TO THE EDUCATION MANDATE

At the Michaelmas Meeting, held on 6th October, 2021, Chief Pleas agreed to transfer the function of Safeguarding from the Education Committee to the Medical and Emergency Services Committee. At the same meeting, Chief Pleas also approved the following proposition: *that the Education Committee is increased to a total of five members, no more than two who can be parents of school aged children currently being educated through the Sark Education Committee.*

This necessitates a change in the Mandate of the Committee. The Education Committee requests approval of the following changes to its Mandate:

Constitution:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.

This will be changed to:

- **Five** members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.

The following point will be added:

- No more than two members shall be parents of school age children currently being educated in the Sark system.

Mandate:

The following two points will be removed:

1. Present to Chief Pleas the names of person(s) appointed as the Island Safeguarding Officer and those nominated as the Designated Safeguarding Leads for the Sark Multi-Agency Safeguarding Hub.
2. Work with the Island Safeguarding Officer, Sark Multi-Agency Safeguarding Hub and other agencies to ensure the protection and safeguarding of all children in the community and to liaise with the Finance and Resources Committee over funding for any work undertaken by Health & Social Care in Guernsey.

A copy of the amended Mandate is appended to this report.

Proposition –

That Chief Pleas approves the change of Mandate as detailed in this report.

**Conseiller Nichola McHugh
Chairman, Education Committee**

EDUCATION COMMITTEE

MANDATE

CONSTITUTION:

- Five members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- No more than two members shall be parents of school age children currently being educated in the Sark system.
- The Director of Education and the Chair of the Board of Education shall be members ex-officio.
- From time to time, as required, the Head of School and/or other teachers may be invited to attend meetings, as deemed relevant and necessary by the Committee.
- A quorum shall consist of three voting members.

MANDATE:

1. Establish a statutory system of public education for the children of Sark, in accordance with the Education (Sark) Ordinance, 2003 that is of high quality*.
2. Appoint a Board of Education, representative of the community of Sark and constituted in accordance with their terms of reference.
3. To present to Chief Pleas the name of the person nominated as the Director of Education (in accordance with the recommendations of the Education Review 2017).
4. Receive information from the Director of Education and the Board of Education in sufficient depth and with regularity so as to enable the Committee to fulfil their role.
5. Approve and champion the Education Policy for Sark and agree the Development Plan for Education on an annual basis, commending the plan and expenditure to Chief Pleas.
6. Commission an independent inspection of Education for the children of Sark at suitable intervals (at least once in every three years); and ensure that actions are taken to implement recommendations in a timely fashion so as to rectify any deficits.
7. Provide and maintain a school and its equipment, and the facilities for education, physical education and recreation.
8. Approve the appointment, definition of conditions of service and salary, appraisal and pay progression, disciplining and the dismissal of staff at Sark school and roles which fall under the remit of the Education Committee, following recommendation from the Board of Education and/or Director of Education.
9. The funding of education (on Sark and elsewhere) within the constraints of Island finances, including the provision of education for children with special needs.
10. Uphold the behaviour expectations and disciplinary measures when necessary, including decisions at appeal for the temporary and/or permanent exclusion of unruly children from school.
11. Monitor complaints regarding the Education, Welfare or Safety of a child and act as the final body of appeal in accordance with the published complaints procedure.
12. Report on education matters to Chief Pleas.

** high quality education that is at least as good as one they would receive in the UK, whether it is provided on Sark or elsewhere.*

20th January 2022

MEDICAL & EMERGENCY SERVICES COMMITTEE
Report with proposition to Christmas Chief Pleas, 19th January, 2022

CHANGE OF MANDATE

At the Michaelmas Meeting, held on 6th October, 2021, Chief Pleas agreed to transfer the function of Safeguarding from the Education Committee to the Medical and Emergency Services Committee.

This necessitates an amendment to the Medical and Emergency Services Committee Mandate. The following additions are proposed:

'2. Present to Chief Pleas the name(s) of person(s) nominated to be appointed by resolution of Chief Pleas as the Island Safeguarding Officer, when an appointment is needed, and those appointed or approved by the relevant bodies as the Safeguarding Leads for the Sark Multi-Agency Safeguarding Hub.

3. Work with the Island Safeguarding Officer, Sark Multi-Agency Safeguarding Hub and other agencies to ensure the protection and safeguarding of all children and vulnerable adults in the community and to liaise with the Policy & Finance Committee over funding for any work undertaken by Health & Social Care in Guernsey.'

The Mandate with these amendments is appended to this report.

Proposition –

That Chief Pleas approves the change of Mandate as detailed in this report.

Conseiller Helen Plummer
Chairman, Medical & Emergency Services Committee

MEDICAL & EMERGENCY SERVICES COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Sark Medical Officer, the Chief Fire Officer, the Chief Ambulance Officer, the Officer in Charge Special Constables, the Sark Constables and the Senior Harbourmaster, shall be members *ex-officio*.
- Up to 2 non-voting persons who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

1. To advise Chief Pleas on the appointment of the Island Doctor/M.O.H. and matters relating to his/her appointment.
2. Present to Chief Pleas the name(s) of person(s) nominated to be appointed by resolution of Chief Pleas as the Island Safeguarding Officer, when an appointment is needed, and those appointed or approved by the relevant bodies as the Safeguarding Leads for the Sark Multi-Agency Safeguarding Hub.
3. Work with the Island Safeguarding Officer, Sark Multi-Agency Safeguarding Hub and other agencies to ensure the protection and safeguarding of all children and vulnerable adults in the community and to liaise with the Policy & Finance Committee over funding for any work undertaken by Health & Social Care in Guernsey.
4. To advise Chief Pleas and the people of Sark on Health Insurance and appoint a Broker to obtain the best terms for an Island Health Insurance Scheme.
5. To appoint annually a registered medical practitioner or registered pharmacist of its choice to undertake an annual audit of the use and record keeping of dangerous drugs.

6. To advise the Policy Development Group on matters raised by or on behalf of Health & Social Care in Guernsey and on other health related matters.
7. To organise and ensure the efficient running of the Sark Fire & Rescue Service and to present its annual accounts to Chief Pleas.
8. To apply to Chief Pleas for the annual budget for the Fire and Rescue Service.
9. To plan for, and react to, any civil emergency and to co-operate with, and maintain contacts with, other Islands' emergency services.

LEGISLATION

See **Appendix 1**

Appendix 1

Laws

- The Medicines (Human and Veterinary)(Bailiwick of Guernsey) Law, 2008
- The Mental Health (Bailiwick of Guernsey) Law, 2010
- The Civil Contingencies (Bailiwick of Guernsey) Law, 2012
- The Child Protection (Sark) Law, 2020

Ordinances

- The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009
- The Sale and Supply of Tobacco Products (Sark) Ordinance, 2011
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- The Smoking in Regulated Premises (Sark) Ordinance, 2011
- The Mental Health (Miscellaneous Provisions) (Sark) Ordinance, 2013
- The Sale and Supply of Tobacco Products (Sark) Ordinance, 2015 (No. II/2015)

- The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Sark) Ordinance, 2014 (No. IV/2014)
- The European Communities (Implementation of Food Supplements Directive) (Sark) Ordinance, 2014 (No. V/2014)
- The Child Protection (Sark) Ordinance, 2021

Conventions

Agreements

- Adoption – UN/UK/EU (P&F lead)
- International Convention Affecting Children, Young Persons and their families (P&F lead), Education)
 - Council of Europe Convention on Contact Concerning Children (P&F lead)
 - World Health Organisation Convention on Tobacco (Not extended to Sark)

20th January 2022

AGRICULTURE, ENVIRONMENT & SEA FISHERIES COMMITTEE
Information Report to Christmas Chief Pleas, 19th January 2022

ANNUAL INFORMATION REPORT

Each year the Committee submits a report to Chief Pleas outlining the significant events to have happened over the previous twelve months. Reports are submitted by the Committee members for their particular field. This year there are three reports.

Sea Fisheries

Due to the closure of Sark Fishing Club we cannot provide the usual data of species caught in our area, although reports are still good at the variety fish being caught around our shores, with sights of blue tuna in the area. Sea Angling is still a big attraction for tourists in Sark all year round. The Committee is joining forces with Société Sercquaise to put a monitoring station, provided by the Fish Intel project, in Sark waters to identify tagged fishing our waters. This will give us the information to base legislation in the future.

Thanks to Elizabeth Dewe for providing angling records over the years.

Sark lobster and crab fishermen have had mountains to climb this year what with Covid, coming out of Europe, plus all the paperwork that was involved in exporting to France, they have done reasonably well despite of this. Thanks must go to John Guille, Hollie Davies for helping with preparing paperwork and customs clearance for exporting stock to France, Guernsey Fisheries Department and Guernsey States who have been speaking regularly with our French counterparts to iron out licensing issue with the French. The fleet has shrunk over the years with three main potters and a few part-timers remaining.

Sadly, we have lost Dick and Bas Adams last year along with Alfie Adams earlier. Their contributions to fishing on Sark and in the formulating of our present-day ordinances along with passing on their valuable knowledge to next generation. They will be sorely missed. Hopefully D. Wakley, as the older statesman now will be seen around the harbour after taking time out to look after his mum and dad in France. Good news 'Fishkey' is coming back under the captaincy of a young Sark lad.

The Committee is in discussions with the potters over setting dates, so they gain the prices at Easter markets.

The scallop returns are down on last year due to Covid limiting days at sea. Hopefully 2022 season will improve as there is great demand for scallops along with wet fish.

The Committee has been approached by another company wishing to seaweed farm in our waters. So that we are ahead of the game we need to have in place some draft law, hence request to Chief Pleas for permission to approach the Law Officers.

Thanks go to Ben Perrée and Sam La Trobe-Bateman for their excellent services as Sea Fisheries Officers.

Looking forward to a new season with increased visitor numbers and more eating establishments opening up. Working in Harmony with our neighbours across the water.

Fish Intel

Sark was approached by Guernsey's Agriculture, Countryside and Land Management department to ask whether we would join them in participating in a scheme to monitor key tagged species in Sark waters. The project, Fish Intel, is part of a cross-Channel partnership, which includes France and the UK, and would entail funding an innovative underwater acoustic receiver to record tagged species of bass, pollack, bream, crawfish and Atlantic blue fin tuna as well as cetaceans over a three-year period. The project is being led in the Channel Islands by the Jersey Marine Resources Unit who will deploy and monitor the receiver which will be sited on the East Coast. Sue Daly has volunteered to assist and the findings will be reported to the Chief Pleas.

The receiver will cost £1,174 per annum for the 3-year project and the Société Sercquaise has committed to fund half of this; The Fisheries' commitment will be £587 per annum for three years. This is felt by the Committee to be very supportive of Sark's generally positive fisheries policies, and a very important source of data to help retain the sustainability of our fish stocks.

Asian Hornets

Volunteers were again very helpful in our spring Queen trapping project and between 5th April and 4th June, 9 queen hornets were trapped in Sark. 8 were caught in the south-east of Sark and one in a house in the Seigneurie Road. 2 were spotted by visitors in April in the centre of the island but not caught. They have been sent to Guernsey where they will form part of the Bailiwick report.

We have had no confirmed sightings of hornets since then though several false alarms were investigated so it seems that the public is aware that they should remain vigilant in looking out for Asian hornets. We do not think this means that there are no Asian hornets in Sark but it does highlight the need to continue with the spring queen trapping program in 2022.

This year the States Asian Hornet team destroyed 3 nests in Guernsey, 2 in Herm and 2 in Alderney. Jersey destroyed 49 nests and we know there are a huge number of Asian hornets on the adjacent coast of France.

Once again we are extremely grateful for the public's involvement both as volunteer trappers and reporters of hornets. Also, thanks are due to Chief Pleas for funding the bait used in the trapping (we already had supplies this year left over from 2020) and also to Guernsey Asian Hornet Team for their continued help and support.

The partial report below is taken from the annual review by States of Guernsey Environment & Infrastructure Committee for their continued help and support via their Agriculture Countryside and Land Management Services (ACLMS) (with their permission).

Sightings

2021 has been the best year for reported sightings via email/phone/Facebook. Total number of reported sightings = 365 (incl. Sark & Herm)

- Asian hornet = 43 (12%)*
- Hornet mimic hoverfly = 81 (22%)*
- Wasp, bees, Eur. hornet = 241 (66%)*

The first confirmed hornet sighting was on Sark April 5th, while on Guernsey it was April 21st

Secondary nests treated – located and treated = 5

- Hornet sightings were scarce all summer followed by a flurry of activity in late autumn*
- Guernsey = 3 nests (St Sampson's, Vale-2)*

- *Sark = no nests detected*
- *Herm = 2 nests (above Belvoir beach)*
- *Alderney = 2 nests*
- *(Jersey = 49 nests)*

Conclusion

The integrated management approach of trapping queens in the spring followed by prompt and effective control of secondary nests in summer/autumn months has prevented the establishment of self-sustaining populations of Asian hornet on Guernsey. No secondary nests were found in 2020, and only two were destroyed in 2019. Section 5.3 of the Strategy - Population Control (p.20) states, "We aim to limit the number of secondary nests becoming established to less than 10 in any one year." However, there is no room for complacency as Asian hornet queens will continue to arrive in our islands from France (and possibly other islands) every spring.

Conseiller Helen Plummer

Chairman, Agriculture, Environment & Sea Fisheries Committee

TOP LEVEL DOMAIN (SPECIAL) COMMITTEE
Information Report to Christmas Chief Pleas, 19th January 2022

INFORMATION REPORT

Introduction

The concept of a Sark Country Code came from Mike Locke (one-time Sark-resident) in 1999. This was discussed with both industry and, more importantly, with the then Seigneur who gave approval as Chairman of General Purposes & Advisory Committee for this to be done. Once achieved, a financial proposal was to be brought back to Chief Pleas for approval.

The process of getting Sark recognised as an independent jurisdiction which qualified for inclusion in the ISO list, and hence being able to apply for a ccTLD has taken over 20 years. It's now been achieved, and we can start to use this to bolster the reputation of Sark and build an online identity worldwide. There are now many types of TLD ("Top Level Domain") but a Country Code TLD ("ccTLD") is one of the most authoritative and only ever delegated to organisations operating for Countries or self-governing dependent areas or areas of particular geopolitical interest.

The ISO is the International Standards Organisation (ISO) which maintains the list of Country Codes recognised internationally. The BSI (British Standards Institute) is one of the first national standards bodies, a founder member of the ISO and the national standards body for Sark. The BSI has been extremely supportive over the years culminating with the appeal prepared by them and Mike Locke.

The long-winded and bureaucratically convoluted navigation of international standards has been reported on to Chief Pleas over the years with the most recent detailed report by the TLC Committee was Agenda Item 10 at Easter Chief Pleas 22 Apr 20.

ISO has now assigned a code to Sark on the ISO-3166 List formally titled "Codes for the representation of names of countries and their subdivisions". ISO has "exceptionally reserved" the alpha codes of CQ and CRQ along with the numeric code of 680.

Potential

Work can now begin to get these codes used to support the identity of Sark. For example, in shipping destinations from online shops; listings such as Ebay, TripAdvisor etc; official sites such as VAT reclaim, HMRC Customs declarations, Export documentation and many other spheres.

This Country Code also opens up the opportunity of establishing Sark's identity in cyberspace. This benefits all tourism and produce businesses promoting themselves and finding customers on the internet. This requires a successful application for the Top Level Domain now made possible by the ISO Country Code allocation. It means that Sark would be able to be itself on the internet rather than look like a UK company or mixed up with organizations from all over the place located nowhere in particular (eg .com .org etc).

This would help pave the way to other benefits such as encouraging local digital business, attracting digital entrepreneurs and opening up a digital sector for the local economy and community.

Tasks So Far

Members of the TLD Committee have been liaising with project personnel both online and with face-to-face meetings. The most recent formal meeting was in the Assembly Rooms on 28th August 2021 with Mike Locke for an update on status and the proposals. Minutes are available.

What's Next?

We are fortunate in having a number of industry experts supporting this work and interested in taking it forward.

- Mike Locke, one-time Sark washer-upper and tractor driver who has been in the internet sector since 1992. He came up with this idea and approached the Seigneur in 1999.
- Nigel Roberts is the owner and CEO of Island Networks who applied for .gg (Guernsey) and .je (Jersey) in 1996. Island Networks is based in Alderney and operates .gg and .je in a similar way to that proposed for Sark's TLD. The legislatures of both Bailiwicks appreciate the way Island Networks operate the domains to protect and enhance the reputations of the Bailiwicks. The same is intended for Sark's.
- CentralNic is a global player based (and regulated) in the UK and operates Domains for several countries as well as many other TLDs.
- Raedene McGary led this process while at CentralNic and has visited Sark to give briefings to the TLD Committee members over the years. She is now with UNR (another global player) which has just been acquired by Tucows (a respected internet organisation dating back to 1993).

Mike has been doing the work necessary, reporting to the TLD Committee, working with the BSI, preparing ISO submissions, liaising with commercial organisations (CentralNic, UNR and others). Nigel has been giving the members of the TLD the benefit of his experience running neighbouring Domains.

We are planning an extensive period of consultation and engagement with our community with local information, meetings and presentations to give every resident the information and response the wish for any questions they have.

The key benefit to the island is the boost to the island's profile in many areas. The world depends on the internet and online services. The point to establishing Sark's online identity is to have the island appear in all those areas from which it is currently hidden or lumped in with Guernsey or the UK. We mentioned some of the areas earlier in this report and this includes shipping destinations for online shops, listings sites and official tax / export documentation.

Next is the support to the community and businesses. Helping the island make better use of the internet is good for the economy and can bring new opportunities to those in the community. The priorities will be set by the community in the consultations.

This work to protect and enhance Sark's identity and support the community will require resource. It doesn't just happen on its own and it can't be funded from the already stretched island budget. Which is where the financial proposals come in. The income from the TLD will both fund this work and provide a revenue stream for the island.

CentralNic and UNR have each submitted a financial proposal to cover the work needed to apply for and launch Sark's TLD. We need this expertise to prepare the detailed technical and administrative documentation required by the internet bodies and to progress the application through the many stages.

Summary of Proposals

The internet scene has changed greatly since this concept was introduced. Now, the two proposals are based on a small number of domain rentals at reasonable price and are similar to that achieved by Island Networks for Guernsey and Jersey. They cover an initial period of 5 – 6 years from when IANA “delegates” the ccTLD.

Domains are rented for 1 – 10 years with an annual charge of a few pounds or more depending on the marketing strategy. The end users rent from online retailers who in turn rent from wholesalers who in turn ultimately rent from the TLD organization. The prices and routes to market (“channel”) are balanced to get the best results while keeping control of a manageable market.

In brief, the proposals forecast between 7,000 and 22,000 domains rented by the end of the first 5 years. This is of the same sort of size as Guernsey and Jersey as operated by Island Networks (some 20,000 in total) and at the same sort of prices £10 - £20 to the rest of the channel.

The revenue depends on the business plan and costs, and this should be thoroughly reviewed by P&F before selecting the preferred bidder. However, somewhere between £150k and £400k over the first 5 years is realistic. This will support the profile priorities set and the revenue required.

	CentralNic			Tucows / UNR	
	Total Domains	Net Revenue opt 1 £	Net Revenue opt 2 £	Total Domains	Net Revenue £ (converted from \$)
		£10/domain	£20/domain		£14.52 / \$20 USD
Y1	5,000	30,000	80,000	0	(57,750)
Y2	6,250	37,500	92,000	4,110	15,650
Y3	6,688	40,125	91,800	9,096	13,700
Y4	7,016	42,094	91,670	18,656	30,900
Y5	7,262	43,570	91,586	22,386	71,500
Y6				24,081	91,900
Total		5y 193,289	5y 447,056		6y 165,810

In comparison, Island Networks operate some 5,759 .je domains and 15,274 .gg domains.

These initial “order of magnitude” estimates are just that: estimates. They will depend to a large extent on the policies yet to be decided and the market strategies to be decided and the state of the internet in the future. The policies and strategies will be discussed collaboratively with the community, keeping the reputation of Sark front and centre.

Further, it may be decided to use a portion of this resource directly to support local businesses, education and community groups in the digital field, also to enhance Sark’s profile on the internet.

The two proposals have different bases and timescales. Further work is needed to clarify and compare the two plus estimate local organisational costs (which should not be large). There are two important take-outs:

1. The overall number of domains appears realistic and within an order of magnitude of actual
2. There is potential revenue for Sark

It should be noted that no investment is required from Sark as both organizations are willing to proceed at their own cost and risk. There is, therefore, no financial risk for Sark.

We propose to present these two proposals for discussion with Policy & Finance to look at them in detail, agree any outstanding info desired and get this from the organizations for a further report.

This will also give the opportunity to cover the protections built-in to the process for Sark's reputation and community. Other key areas are governance, both local and internet, organisation structure, and community benefit whether upskilling, business support, education or revenue.

Once Policy & Finance have given their opinion, Law Officers will be asked to review and comment before bringing a Report with Proposal for Chief Pleas consideration.

Summary

Our work so far has confirmed that there is a real opportunity for Sark to promote its identity globally, to protect and enhance reputation at no risk and to gain some revenue – also with no risk.

Conseiller Tony Le Lievre
Chairman, Top Level Domain (Special) Committee

DOUZAINE

Information Report to Christmas Chief Pleas, 19th January 2022

SEASONAL REGULATION N° 2

The Seasonal Traffic Regulation N° 2 was *laid before* at the Midsummer Meeting of Chief Pleas, 7th July 2021, having come into force 1st May 2021, and is still in effect.

This Regulation does not need to come before Chief Pleas each year, however, for information purposes, a copy of the 'The Seasonal Regulation N° 2', as is distributed to all tractor owners each year, is attached to this report.

**Conseiller Christopher Drillot
Chairman, Douzaine**



The Government of Sark
ROAD TRAFFIC COMMITTEE
(part of the Douzaine)

SEASONAL REGULATION N° 2

The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013 (as amended) allows the Road Traffic Committee to make Regulations.

1. Section 15(2) of the above Law provides as follows:

*"It is an offence to drive or attempt to drive a ****motor vehicle** on or along such of the public roads or any part thereof as may, from time to time, be specified by the Committee by regulations otherwise than:-*

- (a) in such direction, and*
- (b) during such hours on any day, as may be specified therein."*

******The Road Traffic Committee, specifically excludes **invalid carriages** [as defined in Section 44 of The Motor Vehicles (Sark) Law, 2013] from the following regulations -

2. From the **1st April** until further notice, or failing such notice until (and including) the **30th September**, The Avenue and the direct road from the Post Office to St. Peters Church will be closed to tractors between **11.00 am and 5.00 pm**.

[For the purposes of this Regulation, The Avenue is defined as being that stretch of road from La Collinette to the junction outside the Post Office].

3. The only exceptions to the above restriction are that –

- (a) a person may access his or her home by tractor,
- (b) a person may access premises by tractor for the purpose of making commercial deliveries, and
- (c) a person may access premises by tractor for the purpose of making purchases from the Gallery Stores, the transport of which necessitates the use of a tractor.

*[When a person accesses premises on The Avenue by tractor for any of these purposes, he or she must travel in an **East to West direction only**].*

4. From the **1st April** until further notice, or failing such notice until (and including) the **30th September**, parking is not allowed between the Power Station and the Visitor's Centre or the Church along the line of The Avenue, between 11.00 am and 5.00 pm.

5. This Regulation shall not apply to emergency services personnel responding to an emergency.

6. Any person who breaches the terms of this Regulation commits a criminal offence under the terms of the Ordinance.

Conseiller Christopher Drillot - Chairman, Douzaine

DOUZAINE

Information Report to Christmas Chief Pleas, 19th January 2022

SEASONAL REGULATION N° 4 - 2022

Section 16A of the Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance, 1968 (*as amended*) permits the Road Traffic Committee to 'make regulations concerning the driving, use and parking on the public roads of horse-drawn vehicles'.

Attached to this report, and for information purposes, is a copy of the 'The Seasonal Regulation N° 4 – 2022'.

**Conseiller Christopher Drillot
Chairman, Douzaine**



ROAD TRAFFIC COMMITTEE
(part of the Douzaine)
SEASONAL REGULATION No 4 - 2022

**REGULATIONS MADE PURSUANT TO SECTION 16A OF THE ROAD TRAFFIC
(HORSE-DRAWN VEHICLES)(SARK) ORDINANCE, 1968 (AS AMENDED)**

The Road Traffic Committee, in exercise of the powers conferred on it by section 16A of the Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance, 1968 (as amended)^a, hereby makes the following Regulations.

1. In these Regulations, "**carriage driver**" means a person in charge of a horse-drawn vehicle, and "**drive**" and related expressions shall be construed accordingly. The Interpretation (Guernsey) Law, 1948^b shall apply to these Regulations.
2. **From the 1st April 2022** until further notice, or failing such notice until (and including) the **30th September 2022**, between 11am and 5pm it is an offence for a carriage driver to -
 - (a) drive along The Avenue in an east to west direction,
 - (b) park on The Avenue,
 - (c) stop for the purpose of procuring, boarding or disembarking passengers on The Avenue,and, for the purposes of this Regulation only, "**The Avenue**" means the stretch of road from the junction outside the Post Office to La Collinette Junction.
3. Because of the danger of overturning created by the camber of the road, it is an offence for a carriage driver driving on the direct road between the Church and the Visitors' Centre to turn left outside the Visitors' Centre back towards The Avenue.
4. **Unless traffic conditions require otherwise**, it is an offence for a carriage driver to drive faster than walking pace -
 - (a) on La Coupee, from the top of the hill, down to the flat concrete surface,
 - (b) from St. Peter's Church to La Collinette, via The Avenue,
 - (c) when navigating the following crossroads: La Collinette, Le Carrefour, Clos à Jaôn, and La Vauroque,
 - (d) when navigating the following blind corners: from Maison Pommier to La Grand Fort turning area, and from the top of Rosebud Hill to La Collinette in either west to east or east to west direction.

^a As amended by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2012; there are other amendments not relevant to these Regulations.

^b Ordres en Conseil Vol. XIII, p. 355.

5. Subject to clause 6 of this regulation, a carriage driver in charge of a parked horse-drawn vehicle must -
 - (a) sit on the vehicle holding the horse's reins, or
 - (b) stand within arm's reach of the horse's head.
6. A carriage driver in charge of a parked horse-drawn vehicle may leave that vehicle unattended for a period of no more than ten minutes only if during that period the horse is under the control of an adult who is able to control it, and who is not in charge of any other horse.
7. It is an offence for a carriage driver who holds a provisional horse-drawn carriage driving licence to drive on a public road unless accompanied by a person who -
 - a) has held a full horse-drawn carriage driving licence for 12 months or more, and
 - b) has driven a horse-drawn carriage on at least 5 days during the previous 12 months.
8. It is an offence for a carriage driver to park at La Collinette **prior to 9.00am** unless he is fulfilling a previously-made agreement to collect from there a specific passenger at a specific time.
9. Save in a case where special dispensation has been obtained in advance from the Constable, **from the 1st April 2022** until further notice, or failing such notice **until (and including) the 30th September 2022**, it is an offence for a carriage driver to -
 - (a) park between the Power Station and La Collinette lay-by, other than for the purpose of collecting passengers from The Aval du Creux Hotel,
 - (b) park or procure or board passengers other than in La Collinette lay-by, or, if there is no space in La Collinette lay-by, on the roadway opposite the NatWest Bank, and
 - (c) park on the roadway opposite the NatWest Bank leaving the carriage facing any direction other than north.
10. It is an offence for a person in charge of a dog to allow it to run free while he is driving a horse-drawn vehicle.
11. A person who breaches clauses 5 or 6 of this Regulation commits a criminal offence under the terms of the Ordinance.

Conseiller Christopher Drillot
Chairman, The Douzaine