

ISLAND OF SARK

CHRISTMAS MEETING of the CHIEF PLEAS to be held on WEDNESDAY
22nd JANUARY 2020 at 10.00 AM in the ASSEMBLY ROOM.

AGENDA

1. QUESTIONS Not Related to the Business of the Day.
2. Updates of Committee Workstreams.
3. To CONSIDER a Report with Proposition from the SAFEGUARDING SPECIAL COMMITTEE entitled "**The Child Protection (Sark) Law, 2020**" and approve a Projet de Loi entitled "**The Child Protection (Sark) Law, 2020**" (copies enclosed).
4. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled "**Renewal of the Service Level Agreement – St James' Chambers**" (copy enclosed).
5. To CONSIDER a Report with three Propositions from the POLICY & FINANCE COMMITTEE entitled "**The Re-Appointment of Non-Executive Directors for the Isle of Sark Shipping Company Limited**" (copy enclosed).
6. COMMITTEE ELECTIONS: To ELECT Conseillers to Committees, as required.
7. COMMITTEE and PANEL ELECTIONS: To ELECT Non-Chief Pleas Members to Committees and Panels, as required.
8. To CONSIDER an Information Report from THE AGRICULTURE ENVIRONMENTAL & SEA FISHERIES COMMITTEE entitled "**Asian Hornet Nest - Found, Destroyed and Removed**" (copy enclosed).
9. To CONSIDER an Information Report from THE AGRICULTURE ENVIRONMENTAL & SEA FISHERIES COMMITTEE entitled "**Annual Sea Fisheries Report**" (copy enclosed).
10. To CONSIDER an Information Report from the TOURISM (INCLUDES PUBLIC HEALTH) COMMITTEE entitled "**Sark Tourism Report 2019 - November 2019**" (copy enclosed).
11. To CONSIDER an Information Report from the DOUZAINÉ entitled "**Seasonal Regulation N° 2**" (copy enclosed).
12. To CONSIDER an Information Report from the DOUZAINÉ entitled "**Seasonal Regulation N° 4 - 2020**" (copy enclosed).

Regulation Laid Before Chief Pleas

“The European Communities (Food and Feed Controls) (Guernsey, Alderney and Sark) Regulations, 2019”

17th December 2019

Arthur Rolfe
Speaker of Chief Pleas

Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday to Friday, 10.30 - 12.30 and 2 - 4.30 and at other times when the offices are open; 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.gov.sark.gg

SAFEGUARDING SPECIAL COMMITTEE

Report with proposition to Christmas Chief Pleas, 22nd January 2020

THE CHILD PROTECTION (SARK) LAW, 2020

The Safeguarding Special Committee places before you this Law for your approval.

The Children's Law was implemented in 2016. Alongside this, there needed to be a Child Protection Law for any child that may be "at risk" or "at harm."

This Law has taken many months to develop; many Conseillers past and present have worked tirelessly to get this Law in place. The Committee would like to say a huge thank you to all those people who have been involved during this process.

The Child Protection Law is necessary for the protection of vulnerable children living on Sark. The child's welfare and needs must always be the priority and centre of any issues involving a child. It should be noted that parents and carers are defined as having responsibilities for the child. This Law deals with services and support for children and families where children may be deemed to be "in need" or "in risk" and with children requiring care, protection, guidance or control.

Sark has implemented Safeguarding to the Island over the past couple of years with an Island Safeguarding Officer and a School Safeguarding Lead; this is to protect vulnerable children on Sark.

This has often brought resentment among some residents. What was deemed acceptable in previous years, is now not acceptable in today's society. But it is of the utmost importance that the understanding of Safeguarding is for the child's welfare the child's needs and the child's safety. In this Law before you there are guidelines and recommendations for the protection of children.

Sark has established, in line with UK and other Bailiwick Islands, a M.A.S.H (Multi-Agency Safeguarding Hub).

This Panel consists of local representatives from various Island positions, who have all undergone Safeguarding training and comprises the following:

Island Safeguarding Officer
Methodist Church representative
Anglican Church representative
Constable
Procureur
Sark Doctor
Director of Education
School Safeguarding Lead

These members, with the assistance when necessary from Guernsey Health and Social Services, will have suitable provisions to protect children from harm or risk, when this Law becomes available to them.

Therefore, the Committee asks that you approve this Law to protect and care for any child who may be at risk while living on Sark.

Proposition –

That Chief Pleas approves the Projet de Loi entitled The Child Protection (Sark) Law, 2020.

**Conseiller Amanda de Carteret
Chairman, Safeguarding Special Committee**

PROJET DE LOI

ENTITLED

The Child Protection (Sark) Law, 2020

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

1. Purpose and objects.
2. Welfare of the child and the child welfare principles.
3. The child welfare checklist.

PART II SERVICES AND SUPPORT FOR CHILDREN AND FAMILIES

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5. Ordinance may require Chief Pleas to provide services.
6. Duty to provide accommodation for children.
7. Duty to children and others in the care of MASH.
8. Duty to share information and work together.
9. Establishment and functions of the Multi-Agency Safeguarding Hub.

PART III CHILDREN REQUIRING CARE, PROTECTION, GUIDANCE OR CONTROL

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10. Compulsory intervention.

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11. Notification and referral of matters to MASH.
12. Investigation by MASH.
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14. Disclosure orders.
15. Meaning of "information" for purposes of sections 13 and 14.
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17. Action after investigation by MASH.

Care requirement

18. Meaning and purpose of a care requirement.
19. Further provisions in respect of a care requirement.
20. Obligations of MASH under a care requirement.
21. Duration of a care requirement.
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23. Meaning and purpose of a community parenting order.
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25. Contact with a child subject to a community parenting order and special contact orders.
26. Effect of community parenting order on parental responsibility.
27. Duration and discharge of community parenting order.
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Powers of police officers

39. Powers of police officers where child is suffering harm or at risk.
40. Powers of police officers to recover children for whom MASH is responsible.
41. Offence of impeding or obstructing police officer exercising powers under this Law.
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- 74. Duty of confidentiality.
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- 79. Restriction on exercise of court's customary law jurisdiction.
- 80. Power to amend Law by Ordinance.
- 81. Power to make Ordinances relating to child minders and day care providers.
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- 83. Regulations to be laid before Chief Pleas.
- 84. Publication of written guidance.
- 85. Power to make rules of court.
- 86. General provisions as to Ordinances.
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- 88. Amendments to the Children Law.
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SCHEDULE 1: Constitution of MASH

SCHEDULE 2: Amendments to the Children (Sark) Law, 2016

PROJET DE LOI

ENTITLED

The Child Protection (Sark) Law, 2020

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 3rd October, 2018, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in Sark.

PART I

PRELIMINARY

Purpose and objects.

1. (1) The principal purpose of this Law is to make suitable provision to protect children from harm.

(2) Without limiting the generality of the principal purpose under subsection (1), this Law has the following objects –

- (a) the creation of obligations, powers and functions in relation to children in need and children who require care, protection, guidance or control, and
- (b) the constitution of the Multi-Agency Safeguarding Hub ("MASH") for the purposes of this Law.

Welfare of the child and the child welfare principles.

2. (1) Subject to subsection (3), when a public authority carries out, in respect of a child, any function under this Law, that authority must –

- (a) take into consideration such of the child welfare principles set out in subsection (2) as may be relevant to the circumstances or matter in relation to which the function is being carried out, and
- (b) having taken those principles into account, carry out the function, having regard to the overriding principle that the child's welfare is the paramount consideration.

(2) The principles (the "**child welfare principles**") for the purpose of subsection (1) are –

- (a) that a child's welfare is normally best served by being brought up within the child's own family and community,
- (b) that, where it is not possible for a child to be brought up within the child's own family or community, the child's welfare is normally best served by maintenance of regular contact with the child's family and community,
- (c) that no compulsory intervention is to be made in respect of a child, unless it is necessary for the effective provision to the child of care, protection, guidance or control,
- (d) that any delay in determining a question about a child's upbringing is likely to be prejudicial to the child's welfare,
- (e) that irrespective of age, development or ability, a child should be given an opportunity to express the child's wishes, feelings and views in all matters affecting the child,

- (f) that, except where it is shown to the contrary, it is presumed that a child is capable of forming a considered view from the age of 12 years,
- (g) that a child in the care of a public authority is entitled to be provided with, and may expect to be subject to, insofar as is practicable, similar levels of care, protection, guidance and control as would be expected to be provided or exercised in respect of a child by reasonable parents,
- (h) that in any case involving criminal activity, or the risk of criminal activity, by a child, the primary purpose of any compulsory intervention is the prevention of such activity in both the short and long terms,
- (i) that it is expected that parents and any others responsible for a child's welfare will consult and cooperate with one another, and where possible resolve matters by agreement, in an atmosphere of openness and non-confrontation, with recourse to formal judicial proceedings only as a last resort,
- (j) that it is normally in the best interests of a child to have ongoing contact with both parents and it is the responsibility of the parents and any public authority to take reasonable steps to promote such contact, and
- (k) that in determining any issue under this Law there is to be no discrimination by any public authority on the grounds of gender, marital status, ethnic or cultural origin, religion, disability, age or sexual orientation.

- (3) Subsection (1) does not apply –
- (a) where the carrying out of a function in accordance with subsection (1) is likely to cause an immediate risk to the health and safety of any person, in which case the public authority by whom the function may be carried out, must carry out the function, in such manner, as appears to the authority in question to be reasonable in all the circumstances, having regard to –
 - (i) the requirements of subsection (1), and
 - (ii) the need to minimise that immediate risk, or
 - (b) where the function is a decision relating to the prosecution of any criminal offence.

The child welfare checklist.

3. (1) When determining any issue concerning –
- (a) the upbringing of a child under this Law, or
 - (b) the application of the child welfare principles,

a public authority must, in particular, have regard to the matters set out in subsection (2) (the "**child welfare checklist**").

- (2) The matters for the purposes of subsection (1) are –
- (a) the child's wishes and feelings (in the context of the child's age and understanding),

- (b) the age, gender, ethnicity, cultural background, language, religion and any other relevant characteristics of the child,
- (c) any harm the child has suffered or is at risk of suffering,
- (d) the child's physical, emotional and educational needs,
- (e) how capable each of the parents (or any other person looking after or having parental responsibility for the child) is of meeting the child's needs,
- (f) the importance and likely effect of contact between the child and the child's parents, siblings, relatives and any other people significant to the child, and
- (g) the effect or likely effect of any change in the child's circumstances, including the effect of the child's removal from Sark.

PART II

SERVICES AND SUPPORT FOR CHILDREN AND FAMILIES

Meaning of "children in need" and "children at risk".

- 4. (1) For the purposes of this Part –
 - (a) a child is in need if –
 - (i) the child or the child's family requires the provision of additional services to enable that child to achieve or maintain a reasonable standard of health or

development,

(ii) the child's health or development is likely to be significantly impaired, or further impaired, without the provision of additional services,

(iii) the child is disabled, or

(iv) the child is, or is likely to be, adversely affected by the disability or illness of a parent or another member of the child's family without the provision of additional services, and

(b) a child is at risk if there is reasonable cause to believe that grounds exist in respect of that child for compulsory intervention under Part III.

(2) For the purposes of subsection (1), "**additional services**" means services which are additional to any health, social, child care and educational services normally provided by the Chief Pleas to, or in respect of, any family or child.

Ordinance may require Chief Pleas to provide services.

5. (1) The Chief Pleas may make an Ordinance to impose a duty on itself, acting through any committee of the Chief Pleas, MASH, or any other person funded by the Chief Pleas, to provide services to any children of Sark who are in need, so as to—

(a) promote the upbringing of the child by the child's family, and

(b) prevent the child becoming a child at risk.

(2) An Ordinance under subsection (1) may prescribe –

- (a) the extent of the duty,
- (b) the person who is to be responsible for discharging the duty on behalf of the Chief Pleas, and
- (c) the nature and extent of the services to be provided in relation to the duty, including without limitation –
 - (i) conditions to which the discharge of the duty may be subject,
 - (ii) limitations upon the duty, and
 - (iii) the types of services including, without limitation, services involving the provision of financial assistance.

(3) Where a duty imposed by an Ordinance under subsection (1) conflicts with another duty imposed under any other enactment, the duty imposed by the Ordinance is subject to the requirements and obligations imposed by that other duty.

Duty to provide accommodation for children.

6. (1) MASH must arrange for and monitor the provision of accommodation for any child for whom accommodation is required under or for the purposes of this Law.

(2) The Committee may make regulations to prescribe how the duty under subsection (1) is to be discharged.

(3) Without prejudice to the generality of the power under subsection (2), regulations under that subsection may make provision for, or concerning –

- (a) the circumstances in which, and the children in relation to whom, the duty under subsection (1) arises,
- (b) conditions to which the discharge of the duty may be subject,
- (c) limitations upon the duty,
- (d) the type and standard of accommodation to be provided, and
- (e) any arrangements for the provision of accommodation which may be made, including, without limitation, arrangements involving accommodation –
 - (i) with foster carers,
 - (ii) in any residential establishment, and
 - (iii) by way of placement of any child with the child's parent or any other person.

Duty to children and others in the care of MASH.

7. (1) The Committee may make regulations to require MASH to arrange for and monitor the provision of services for –

- (a) any child who is in the care of MASH, or
- (b) any person who has been in the care of MASH.

(2) MASH must arrange for and monitor the provision of those services in accordance with any regulations made under subsection (1).

(3) Without prejudice to the generality of the power under subsection (1), regulations under that subsection may make provision for or concerning –

- (a) the circumstances in which, and the individuals in relation to whom, the duty under subsection (2) arises,
- (b) conditions to which the discharge of that duty may be subject,
- (c) limitations upon that duty,
- (d) the types of services to be provided including, without limitation, services involving the provision of financial assistance and other benefits or support, and
- (e) the duties of MASH –
 - (i) to consult with a relevant individual who is being, or has been, in the care of MASH, and that individual's family,
 - (ii) to promote the educational achievement of a relevant individual,
 - (iii) to place a relevant individual with members of that individual's family, and
 - (iv) to review arrangements it has made in respect of any relevant individual in the performance of its duties.

(4) For the purposes of this section –

"**relevant individual**" means, subject to the provisions of any regulations under subsection (1), a person mentioned in that subsection, and

a child is "**in the care of MASH**" where –

- (a) the child is provided with accommodation by or on behalf of MASH for a continuous period of more than 24 hours,
- (b) the child is subject to –
 - (i) a care requirement,
 - (ii) a community parenting order,
 - (iii) a secure accommodation order, or
 - (iv) an emergency child protection order, or
- (c) the child falls within such other class or description of children as regulations under subsection (1) may specify.

Duty to share information and work together.

- 8. (1) This section applies where –
 - (a) a designated official or any other person ("A") reasonably believes that a child is in need or at risk, and A is required to take an action specified in subsection (2) to discharge a duty under this Law in relation to the child, or
 - (b) a child is the subject of an investigation by MASH or any

decision to be made by MASH, and a designated official ("A") –

- (i) believes that it would be relevant and helpful to the investigation or the making of the decision to take an action specified in subsection (2), or
- (ii) is aware of facts that would lead a reasonable person to form the opinion that taking an action specified in subsection (2) would be relevant and helpful to the investigation or the making of the decision.

(2) The action is –

- (a) disclosing to MASH information relating to the child or any other person (collectively "B"), or
- (b) retaining or otherwise dealing with information relating to the child or any other person (collectively "B").

(3) Where this section applies and A takes the action referred to in subsection (1)(a) or (b), that action is lawful and does not infringe any enactment, rule of law or rule of professional conduct relating to the disclosure or retention of, or other dealing with, information relating to B if –

- (a) A took that action in good faith, and
- (b) that action was taken in accordance with any applicable provisions of this Law and any regulations made, or guidance issued, by the Committee for the purposes of this section.

(4) Without limiting any other provision of this Law, where subsection (1)(b) applies, the designated official must take the action referred to in that subsection.

Establishment and functions of the Multi-Agency Safeguarding Hub.

9. (1) Schedule 1 has effect –

(a) to constitute MASH, and

(b) otherwise in relation to MASH and its members.

(2) The functions of MASH are –

(a) on request by the Committee or the Chief Pleas, to provide any advice, recommendation or report requested by the Committee or (as the case may be) the Chief Pleas,

(b) to carry out any prescribed function, and

(c) to carry out any other function conferred on it by this Law or any other enactment.

(3) In carrying out its functions, MASH must have regard to any policy direction of a general nature that is both –

(a) given to it by Resolution of the Chief Pleas, and

(b) published.

(4) The Chief Pleas must allocate sufficient monies from its general revenue account to enable MASH to discharge its functions properly and effectually.

PART III
CHILDREN REQUIRING CARE, PROTECTION, GUIDANCE OR CONTROL

Compulsory intervention

Compulsory intervention.

10. (1) The question of whether compulsory intervention may be needed in respect of a child arises only if –

- (a) there is, or appears to be, no person able and willing to exercise parental responsibility in such a manner as to provide the child with adequate care, protection, guidance or control, and
- (b) at least one of the conditions set out in subsection (2) is satisfied, in respect of that child.

(2) The conditions referred to in subsection (1)(b) are, that on a balance of probabilities –

- (a) the child has suffered, or is likely to suffer, significant impairment to the child's health or development,
- (b) the child has suffered, or is likely to suffer, sexual or physical abuse,
- (c) the child has –
 - (i) misused drugs or alcohol, or
 - (ii) deliberately inhaled a volatile substance,

- (d) the child –
 - (i) has displayed violent or destructive behaviour and is likely to become a danger, to the child, or others, or
 - (ii) is otherwise beyond parental control,
- (e) the child, being 12 years of age or older, has committed –
 - (i) a criminal offence, or
 - (ii) what would be a criminal offence if the child had the necessary capacity, or
- (f) the child (being under the upper limit of the compulsory school age) is failing to attend school without good reason.

Notification and referral to and investigations by MASH

Notification and referral of matters to MASH.

- 11. (1) Any person who believes –
 - (a) that the question of compulsory intervention arises under section 10, and
 - (b) that compulsory intervention may be necessary to ensure the provision of adequate care, protection, guidance or control for a child,

may refer the matter to MASH.

(2) Without prejudice to subsection (1), an Ordinance may require any person specified in the Ordinance to notify the matters in subsection (3) to MASH in the manner and form specified in the Ordinance.

(3) The matters for the purpose of subsection (2) are –

(a) the detention of a child by –

(i) a police officer, or

(ii) a customs officer,

(b) a proposal to place a child out of the jurisdiction under Part VI,

(c) the detention of a child under the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990^a,

(d) an application for an adoption order, and

(e) any other matter specified in the Ordinance.

(4) A notification, or referral, made in good faith under this section to MASH is not to be taken to breach any information restriction.

Investigation by MASH.

12. Where a matter is notified or referred to MASH under section 11(1) or (2), MASH must –

^a Ordres en Conseil Vol. XXXII, p. 106; amended by Order in Council No. III of 2012; Ordinance No. XXXIII of 2003; No. XXIX of 2013; No. IX of 2016.

- (a) make any prescribed investigation, and
- (b) take any prescribed action.

Disclosure of information.

13. (1) Where MASH reasonably believes that a person holds information that is relevant to an investigation MASH is carrying out under this Law, MASH may, by written notice served upon that person identifying the matter in respect of which MASH requires the information, request the person to disclose to MASH that information within a reasonable period specified in the notice.

(2) Subject to section 14, a person who receives a notice under subsection (1) is under a duty to disclose to MASH, within the period specified, all information which the person holds relating to the matter identified in the notice.

(3) The duty under subsection (2) overrides any information restriction to which a person, who receives a notice under subsection (1), may be subject.

Disclosure orders.

14. (1) Where a person fails to comply with a notice served under section 13(1), MASH may apply to the relevant court for a disclosure order, being an order requiring the person to comply, within such period as the court may determine, with –

- (a) the terms of the notice, or
- (b) any other requirement to disclose information that the court thinks fit in the circumstances.

(2) A relevant court must make a disclosure order where it is satisfied that it is appropriate to do so, unless there are special circumstances which, in the opinion of the court, override the duty arising under section 13(2).

Meaning of "information" for purposes of sections 13 and 14.

15. (1) For the purposes of sections 13 and 14, **"information"** includes documents.

(2) For the purposes of subsection (1) **"documents"** includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its disclosure include references to producing a copy of the information in legible form.

Offences of making false statement etc. and failure to comply with requirement.

16. (1) A person who, in purported discharge of or compliance with a duty or requirement to disclose information under section 13(2) or 14 –

- (a) makes a statement which the person knows to be false or misleading in a material particular, or
- (b) recklessly makes a statement which is false or misleading in a material particular,

is guilty of an offence.

(2) A person who, without reasonable excuse, fails to comply with a requirement imposed on the person by a disclosure order is guilty of an offence.

(3) A person guilty of an offence under subsection (1) or (2) is liable–

- (a) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or

- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

Referral to the Court

Action after investigation by MASH.

17. (1) Where it appears to MASH that compulsory intervention may be necessary to ensure the provision of adequate care, protection, guidance or control for a child, MASH must refer the matter to the Court for consideration and determination.

(2) If MASH refers a matter to the Court under subsection (1), MASH must cause a meeting to be convened prior to the first occasion on which the Court proposes to sit to consider the matter, between prescribed persons, and for the purpose of determining prescribed issues, except where–

- (a) it is impracticable, or
- (b) the matter is so urgent that it is not possible,

to cause such a meeting to be convened prior to that first occasion.

(3) Where any person of a class or description prescribed under subsection (2) ("**a prescribed person**") does not accept any –

- (a) condition for referral (under section 10(2)) stated by MASH, or
- (b) statement of fact made by MASH in support of a condition referred to in paragraph (a),

MASH must, unless MASH withdraws the relevant condition or statement, refer the matter

for determination by the Court.

(4) Where the Court has begun to consider a case referred to it under subsection (1) and is satisfied that a prescribed person does not accept any –

(a) condition for referral (under section 10(2)) stated by MASH,
or

(b) statement of fact made by MASH in support of a condition referred to in paragraph (a),

the Court must, unless MASH withdraws the relevant condition or statement, determine the matter.

(5) Where MASH has conducted an investigation under this Part and decides that compulsory intervention is not necessary, MASH –

(a) must give prescribed notice of the decision to the prescribed persons, and

(b) may refer the matter to the Committee, or any other person, if MASH determines that the child is, or may be, a child in need as defined in section 4(1)(a).

(6) Where MASH has referred a matter under subsection (5)(b), MASH may make any investigation it thinks fit in order to establish what measures have been taken further to the referral.

Care requirement

Meaning and purpose of a care requirement.

18. (1) A care requirement is an order made by the Court placing a child under the supervisory care of the Chief Pleas.

(2) The purpose of a care requirement is –

- (a) to protect the child from harm and promote the child's proper and adequate health, welfare and development, and
- (b) to assist the parent, or any other person who is for the time being caring for the child, to provide adequate care, protection, guidance and control for the child.

Further provisions in respect of a care requirement.

19. (1) A care requirement may only be made in respect of a child where –

- (a) after consideration of the child's case, the Court is satisfied that –
 - (i) the question of whether compulsory intervention may be needed arises under section 10,
 - (ii) compulsory intervention is necessary to ensure the provision of adequate care, protection, guidance or control for the child,
 - (iii) the provisions of subsection (4) are met, and

- (b) the Court has approved a plan for the child ("**a child's plan**") which includes any arrangements for the child specified by rules of the Court.

(2) A care requirement may be made on an interim basis, for a period of not more than 28 days at any one time where the Court –

- (a) is not in a position to make a final care requirement, and

- (b) either –

- (i) the condition for referral –

- (A) has been accepted by the prescribed persons, or

- (B) has been determined by the Court under section 17(3) or (4), or

- (ii) the condition has not been accepted or determined under subparagraph (i), but the Court is satisfied that the welfare of the child requires immediate compulsory intervention to ensure the provision of adequate care, protection, guidance or control.

(3) A care requirement may be made subject to any conditions that the Court considers to be necessary including, without limitation, conditions concerning or relating to –

- (a) where the child is or is not to live,

- (b) the persons with whom the child is or is not to live,
- (c) the persons with whom the child is or is not to have contact,
- (d) the circumstances in which a person may have contact with the child, and
- (e) placement of the child out of the jurisdiction.

(4) Except in an emergency (and then only on an interim basis under subsection (2)), a care requirement may only be made where the Court is satisfied that MASH and any other person who, or which, the Court believes may have an interest, have taken all reasonable steps to assess the needs of the child and provide services on a voluntary basis, and either –

- (a) voluntary provision has not been sufficient, or
- (b) there is no reasonable prospect that voluntary provision will be sufficient,

to provide adequate care, protection, guidance or control for the child.

Obligations of MASH under a care requirement.

20. Where a child is subject to a care requirement, MASH and any other person referred to in the child's plan must give effect to the requirement by –

- (a) the provision of such supervision, support and services as the child requires for that child's adequate care, protection, guidance and control, and

- (b) the taking of any steps necessary to ensure that any conditions to which a care requirement is subject are observed.

Duration of a care requirement.

21. (1) No child may be subject to a care requirement for longer than is necessary to provide the child with adequate care, protection, guidance or control.

(2) Subject to any variation, continuation or revocation, no care requirement is to remain in force for a period in excess of one year from the date of the final determination.

(3) Where an application is made for a community parenting order or an interim community parenting order in respect of a child who is subject to a care requirement, the duration of the care requirement must, unless the care requirement is discharged under section 29, be extended for a period equivalent to the period commencing on the date of the application for the order and expiring on the date upon which the application is finally determined or withdrawn.

(4) A care requirement ceases to have effect –

- (a) upon the making of an adoption order (unless the relevant court orders otherwise),
- (b) when the child attains the age of 18 years,
- (c) if discharged under section 29, or
- (d) in the case of an interim care requirement, if the Court discharges the child's case.

Review, continuation, variation and revocation of a care requirement.

22. (1) A care requirement must be reviewed by the Court in accordance with any Ordinance upon the application of –

- (a) MASH,
- (b) the child, or
- (c) any other prescribed person.

(2) Upon a review the Court may continue, vary, or revoke a care requirement.

Community parenting order

Meaning and purpose of a community parenting order.

23. (1) A community parenting order is an order made by a relevant court granting MASH parental responsibility for a child.

(2) The purpose of a community parenting order is –

- (a) to protect the child from harm and promote the child's proper and adequate health, welfare and development, and
- (b) to enable MASH to make plans for the care of the child until –
 - (i) the child attains the age of 18,
 - (ii) where appropriate and in accordance with regulations made under section 7(1), the child has completed any

course of study or training upon which that child is engaged after that child has attained the age of 18, or

- (iii) in the case of an interim community parenting order, the order expires.

(2) An application for a community parenting order may be made only by MASH.

Circumstances in which a community parenting order may be made.

24. (1) A relevant court must not make a community parenting order in respect of a child, unless –

- (a) it has first approved the contents of a child's plan for the child, and
- (b) the circumstances specified in subsection (2)(a) or (b) apply.

(2) The circumstances referred to in subsection (1)(b) are –

- (a) where –
 - (i) at least one of the conditions set out in section 10(2) is satisfied, and
 - (ii) there is no reasonable prospect of –
 - (A) the child's parents, or
 - (B) any other member of the child's family,

being able and willing to provide adequate care, protection, guidance and control for the child, or

(b) where, in respect of every person who has parental responsibility for the child –

(i) that person consents to the making of the order, or

(ii) that person is not known, cannot be found or is incapable of giving consent.

Contact with a child subject to a community parenting order and special contact orders.

25. (1) Subject to subsections (4) and (5), MASH must arrange for a child who is subject to a community parenting order to have reasonable contact with any person who, immediately prior to the making of the order –

(a) had parental responsibility for the child,

(b) was a person in whose favour a contact order, in respect of the child, was in force,

(c) was a person entitled to have the child residing with the person under an order of a relevant court, or

(d) as a condition of a care requirement, was a person with whom the child –

(i) had contact, or

(ii) lived.

(2) A relevant court may, upon the application of any person of a class or description specified by rules of court, make a special contact order in respect of a child who is subject to a community parenting order.

(3) A special contact order is an order –

- (a) requiring MASH to allow a child to visit, or stay with, the person named in the order, or
- (b) requiring the child named in the order and that person otherwise to have contact with one another.

(4) A relevant court may make an order authorising MASH to refuse to allow contact between the child and any person –

- (a) who is –
 - (i) mentioned in subsection (1)(a) to (c), or
 - (ii) named in a special contact order, and
- (b) who is named in the order under this subsection.

(5) MASH may, for a period not exceeding 7 days, refuse to allow the contact that would otherwise be required under subsection (1) or (2) if –

- (a) MASH is satisfied that it is urgently necessary to ensure that contact is denied in order to safeguard or promote the child's welfare, and

- (b) it gives notice to the person who is denied contact as soon as reasonably practicable.
- (6) An order made under this section –
 - (a) may be made subject to such conditions as the relevant court thinks fit, and
 - (b) may be varied or discharged upon the application of –
 - (i) MASH,
 - (ii) the child, or
 - (iii) the person named in the order.

Effect of community parenting order on parental responsibility.

26. (1) Subject to subsection (2), where a child is subject to a community parenting order, MASH may determine to what extent, if any –

- (a) a parent, or
- (b) any other person,

having parental responsibility in respect of the child, must perform the duties and may exercise the right under section 4 of the Children Law in respect of that child.

- (2) Unless it has obtained –
 - (a) the consent of all persons having parental responsibility in respect of the child, or

- (b) leave from a relevant court,

a determination of MASH under subsection (1) has no effect in relation to the issues specified in subsection (3).

- (3) The issues referred to in subsection (2) are –

- (a) naming, or changing the name of, the child,
- (b) subject to Part V, removing the child out of the jurisdiction of Sark,
- (c) placing the child out of the jurisdiction of Sark,
- (d) placing the child for adoption,
- (e) choosing the religion in which the child is to be brought up,
- (f) giving consent to the marriage of the child, and
- (g) any other issue specified in an Ordinance.

- (4) A community parenting order does not give MASH the power–

- (a) to give valid consent or refuse to consent to adoption,
- (b) to appoint a guardian for the child under Part III of the Children Law.

Duration and discharge of community parenting order.

27. (1) Subject to any enactment or order of a relevant court to the contrary, a community parenting order has effect until –

(a) the child who is subject to the order –

(i) attains the age of 18 years, or

(ii) marries prior to attaining that age, or

(b) in the case of an interim community parenting order, the order expires.

(2) A community parenting order may be discharged upon the application of –

(a) MASH,

(b) the child, or

(c) any other class or description of persons specified in rules of court.

Power to make an interim community parenting order.

28. (1) Where the conditions in section 24(1) are satisfied, a relevant court may, upon application made by MASH, make an interim community parenting order.

(2) An interim community parenting order has the same effect as a community parenting order for any period (not exceeding 3 months) ordered by the relevant court.

(3) When making an interim community parenting order, a relevant court may exercise all the powers that are exercisable upon the making of a community parenting order.

(4) An interim community parenting order may be made subject to any conditions that the relevant court thinks fit.

(5) Any conditions attached to an interim community parenting order may be varied or discharged upon the application of any person specified in section 27(2).

Power to discharge care requirement upon disposal of application for community parenting order.

29. Upon disposal of an application for a community parenting order a relevant court may discharge a care requirement if it is satisfied that, in all the circumstances of the matter, the care requirement would no longer serve any useful purpose.

Protection of children in an emergency

Making of an emergency child protection order.

30. (1) Where a relevant court is satisfied, on the application of MASH, that a child is -

(a) suffering, or

(b) at imminent risk of suffering,

serious harm, it may make an emergency child protection order.

(2) For the avoidance of doubt, an application under subsection (1) may be made *ex parte*.

Effect of emergency child protection order.

31. (1) Except where its terms otherwise provide, an emergency child protection order operates as –

(a) a direction –

- (i) to any person, who is in a position to do so, to comply with a request to produce the child to MASH, and
- (ii) to a police officer to take such steps as are necessary, including entry onto private premises, to assist in giving effect to the order, and

(b) lawful authority –

- (i) subject to subsection (2), for any person approved by MASH –
 - (A) to take the child to accommodation approved by MASH, and
 - (B) to keep the child there, and
- (ii) for a police officer to discharge any duty to which the officer is subject under paragraph (a)(ii).

(2) An emergency child protection order may prohibit the removal of the child from any place in which the child was being accommodated immediately prior to the making of the order.

Duration of emergency child protection order.

32. (1) An emergency child protection order remains in force for a maximum period of 8 days unless it is terminated before the expiration of that period under subsection (2).

(2) An emergency child protection order ceases to have effect upon the occurrence of any of the following events -

- (a) the expiration of a period of 24 hours from the making of the order, in circumstances where MASH has not, within that period, taken any steps to implement the order,
- (b) a relevant court discharges the order, or
- (c) the Court first sits to consider the case of the child.

Application for discharge or variation of emergency child protection order.

33. (1) Any of the following may apply to a relevant court for the discharge or variation of an emergency child protection order –

- (a) the child,
- (b) a parent of the child,
- (c) a person, other than a parent, who has parental responsibility for the child,
- (d) any person with whom the child was living immediately before the making of the order,
- (e) MASH, or

- (f) any other person authorised to do so by rules of court.

(2) An application for the discharge, or variation, of an emergency child protection order must be heard by the court within 48 hours of service of notice of the application upon all parties who must be served with such notice in accordance with rules of court.

Exclusion order.

34. (1) Where a relevant court is satisfied, on the application of MASH, that–

(a) a child is –

(i) suffering, or

(ii) at imminent risk of suffering,

serious harm, and

(b) the child will be safeguarded from that harm, if –

(i) the person named as respondent in the application is excluded from the child's family home,

(ii) there is a person specified in the order who is –

(A) residing in the family home, and

(B) capable of taking responsibility for the care and protection of the child, and

- (iii) an exclusion order would better safeguard the welfare of the child than removing the child from the family home,

it may make an exclusion order in relation to the person named in the order.

(2) No application for an exclusion order may be finally determined unless the person named as respondent in the application has been afforded an opportunity of being heard by the court.

(3) For the avoidance of doubt, an application under subsection (1) for an exclusion order may be made *ex parte*.

(4) On any adjournment of the hearing of an application under subsection (1), the relevant court may make an interim exclusion order.

Effect of exclusion order.

35. An exclusion order, or an interim exclusion order –

- (a) suspends the right of the person against whom the order is made from occupying or visiting the family home to which it relates, or
- (b) where the order is made against a person who does not have a right to occupy or visit the family home, prohibits that person from occupying or visiting that home,

except in accordance with the terms and conditions of any written permission granted by –

- (i) the court which made the order, or

- (ii) the Committee.

Power to make orders ancillary to an exclusion order.

36. (1) Upon the making of an exclusion order or an interim exclusion order, and at any time whilst the order remains in force, a relevant court may, upon application of MASH or of its own motion, make an ancillary order.

- (2) For the purposes of subsection (1), an ancillary order is an order –
- (a) requiring the person against whom the order is made to leave the family home by a specific time and date,
 - (b) prohibiting the person against whom the order is made from returning to the family home,
 - (c) excluding the person against whom the order is made from a defined area within which the family home is situated,
 - (d) prohibiting the person against whom the order is made from removing from the family home any item specified in the order,
 - (e) prohibiting the person against whom the order is made from taking any specified step in relation to any child specified in the order,
 - (f) regulating (including by way of prohibition) contact between the person against whom the order is made and any child specified in the order,

- (g) requiring the person against whom the order is made to make payments in respect of outgoings incurred in respect of the family home, or
- (h) preserving possessions of the person against whom the order is made which are located within, or upon, the family home.

Power of arrest for breach of an exclusion order or ancillary order.

37. (1) Where a relevant court makes an exclusion order or an interim exclusion order (with or without also making an ancillary order), it may attach a power of arrest to that order and any ancillary order which it has made.

(2) A police officer may arrest without warrant a person against whom an exclusion order, an interim exclusion order or an ancillary order has been made, if –

- (a) a power of arrest is attached to the order, and
- (b) the police officer has reasonable cause to suspect that that person –
 - (i) has had notice of the making of the order, and
 - (ii) is in breach of the order.

(3) A person arrested under subsection (2) –

- (a) must be brought before the relevant court within 24 hours of the person's arrest, and
- (b) must not be released within that period except by direction of the court;

but nothing in this subsection authorises the person's detention beyond that period.

(4) In reckoning a period of 24 hours for the purposes of subsection (3), no account is to be taken of -

(a) a Saturday, Sunday, Good Friday or Christmas Day, or

(b) any public holiday (within the meaning of section 1 of the Public Holidays (Sark) Ordinance, 2017^b)

Duration and other provisions in respect of exclusion and ancillary orders.

38. (1) Subject to subsections (2) and (3), an exclusion order, an interim exclusion order and any order ancillary to it, has effect for any period that the relevant court thinks fit.

(2) An exclusion order, an interim exclusion order and any order ancillary to it which suspends the right of any person against whom the order is made from occupying or visiting the family home to which it relates must not have effect for a period in excess of 12 months.

(3) An exclusion order made upon an application made *ex parte* has effect for any period not exceeding 5 days that the relevant court thinks fit.

Powers of police officers

Powers of police officers where child is suffering harm or at risk.

39. (1) Where a police officer has reasonable cause to believe that a child is suffering, or is imminently likely to suffer, serious harm the officer may –

^b Sark Ordinance No. XIII of 2017.

- (a) without warrant –
 - (i) enter any premises, upon which the officer reasonably suspects the child to be, for the purposes of searching for that child,
 - (ii) remove the child to a place of safety, or
 - (iii) both, or
- (b) take any reasonable steps to prevent the child's removal from any hospital or other place in which the child is for the time being accommodated, or
- (c) otherwise remove the child from the control or supervision of–
 - (i) a parent,
 - (ii) a person with parental responsibility, or
 - (iii) any other person with whom the child may be.

(2) For the purposes of this Law, a child with respect to whom a police officer has exercised the officer's powers under this section is referred to as having been taken into police protection.

Powers of police officers to recover children for whom MASH is responsible.

40. (1) Subsection (2) applies –

- (a) in relation to a child in respect of whom –

- (i) a care requirement,
- (ii) a community parenting order,
- (iii) an emergency child protection order, or
- (iv) a secure accommodation order,

has been made, and

- (b) where the child –

- (i) has been unlawfully taken away or is being unlawfully kept away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in paragraph (a),

- (ii) has run away or is staying away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in paragraph (a), or

- (iii) is missing, and

- (c) where MASH has requested a police officer to assist in the recovery of the child.

- (2) A police officer may recover the child –

- (a) by requiring any person who has information as to the child's whereabouts to disclose that information,
- (b) by directing any person who is in a position to do so to produce the child,
- (c) by entering without warrant any premises upon which the officer reasonably suspects the child to be for the purposes of searching for the child,
- (d) by removing the child to any place requested by MASH,
- (e) by requiring any person to deliver the child to MASH.

(3) No person is excused from complying with any requirement made under subsection (2)(a) on the ground that complying with it might incriminate the person or the person's spouse of an offence but a statement or admission made in complying with the requirement is not admissible in evidence against either of them in proceedings for an offence other than perjury.

Offence of impeding or obstructing police officer exercising powers under this Law.

41. (1) A person who wilfully impedes or obstructs a police officer, whilst that officer is exercising any power or performing any duty under section 31(1), 39 or 40 is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

- (a) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or

- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(3) For the purposes of this section, a "**person**" does not include the child in respect of whom the police officer is exercising any power or performing any duty under section 31(1), 39 or 40.

Duration of police protection and power to make regulations concerning children taken into police protection.

42. (1) A child who has been taken into police protection under section 39 may be kept in police protection for a continuous period not in excess of 72 hours.

(2) The Committee may by regulations make any provision it thinks fit concerning children who are taken into police protection.

(3) Without prejudice to the generality of the power under subsection (2), regulations made under this section may make provision for, or concerning –

- (a) the measures and procedures which must be taken and observed in respect of a child in police protection, and
- (b) the persons who must take and observe such measures and procedures.

PART IV

SECURE ACCOMMODATION

Meaning of "secure accommodation".

43. For the purposes of this Part "**secure accommodation**" means accommodation, provided for the purpose of restricting the liberty of a child, which–

- (a) in the case of accommodation in Sark –
 - (i) has been designated by MASH in accordance with, and
 - (ii) meets standards and conditions specified by,

any Ordinance, and
- (b) in the case of accommodation in Guernsey –
 - (i) has been designated by the States of Guernsey Committee *for* Health & Social Care in accordance with,

and
 - (ii) meets standards and conditions prescribed by,

regulations made under section 68 of the Children (Guernsey and Alderney) Law, 2008^c, and
- (c) in the case of accommodation in any other country or territory–
 - (i) has been designated in accordance with, and
 - (ii) meets standards and conditions prescribed by,

any statutory provisions having effect in the country or territory concerned.

^c Order in Council No. XIV of 2009; No. IV of 2018; Ordinance Nos. XI and XLVIII of 2009; No. XX of 2016; No. IX of 2016; No. VI of 2017.

Prohibition on use of secure accommodation otherwise than under court order.

44. (1) Subject to section 46, a child may not be placed, and, if placed, may not be kept, in secure accommodation otherwise than pursuant to an order authorising the use of secure accommodation (a "**secure accommodation order**") made by the Court under this section, upon application made by MASH.

(2) The Court must make a secure accommodation order in respect of a child if it is satisfied that –

(a) the child –

(i) has a history of absconding and is likely to abscond from accommodation which is not secure accommodation, and

(ii) if the child absconds, is likely to suffer significant harm,
or

(b) if the child is kept in any accommodation which is not secure accommodation, the child is likely to injure himself or herself or other persons.

(3) A secure accommodation order for MASH to place and keep a child in secure accommodation may authorise or require the child to be detained and kept in custody for any period and in any premises (including vehicle, vessel or aircraft) reasonably necessary in order to escort the child to the secure accommodation.

(4) When making a secure accommodation order the Court must specify the period for which the order is to have effect and that period must not be longer than the period specified by any Ordinance.

(5) On any adjournment of the hearing of an application under this section, the Court may make an interim secure accommodation order permitting a child to be kept in secure accommodation during the period of the adjournment but the period for which this interim order is to have effect must not exceed the shorter of –

(a) any period determined by the Court, or

(b) any period specified by an Ordinance.

(6) The Chief Pleas must by Ordinance made under this section –

(a) specify periods for the purposes of subsections (4) and (5), and

(b) provide for circumstances in which any periods specified under paragraph (a) may be extended by order of the Court.

Legal representation.

45. The Court must not exercise its powers under section 44 in respect of a child who is not represented by an Advocate, unless the child has –

(a) been informed of the child's right to representation,

(b) been given the opportunity to request such representation, and

(c) refused to be represented or failed to make any request to be represented.

Power of MASH to detain a child in secure accommodation.

46. (1) Subject to subsection (2), MASH may detain a child in secure accommodation for a period not exceeding 72 hours.

(2) The power to detain under subsection (1) must be exercised in accordance with any Ordinance which specifies –

- (a) the circumstances and manner in which the power may be exercised, and
- (b) the limitations upon the exercise of that power.

Effect of secure accommodation order.

47. (1) A secure accommodation order, whilst it has effect –

- (a) authorises (but, for the avoidance of doubt, does not require) MASH to place and keep a child to whom the order relates in secure accommodation,
- (b) may authorise or require the child to be detained and kept in custody, in accordance with section 44(3), and
- (c) gives MASH parental responsibility in respect of the child to which the order relates in accordance with section 7(aa) of the Children Law.

(2) For the purposes of subsection (1), a secure accommodation order includes an interim secure accommodation order made under section 44(5).

Reviews.

48. (1) MASH must review the need to keep a child in secure accommodation in accordance with requirements specified by any Ordinance.

(2) An Ordinance under this section may make all such provision concerning the review requirement under subsection (1) as the Chief Pleas thinks reasonably

necessary, including (without limitation) the action to be taken by MASH to implement the results of a review of that kind.

PART V
REMOVAL OF CHILDREN OUT OF JURISDICTION

Offence of abduction of a child out of the jurisdiction.

49. (1) Subject to –
- (a) subsection (3),
 - (b) section 50, and
 - (c) any other enactment,

any person who takes or sends a child under the age of 16 out of the jurisdiction of Sark, without the appropriate consent, commits an offence.

(2) In subsection (1) "**the appropriate consent**" in relation to a child means –

- (a) the consent of –
 - (i) every person with parental responsibility in respect of the child, and
 - (ii) where the child is subject to a care requirement, MASH, or
- (b) the leave of a relevant court granted under this paragraph.

(3) A person does not commit an offence under this section if the person can show on the balance of probabilities that –

- (a) the person reasonably believed that any other person required to consent had so consented,
- (b) the person reasonably believed that any other person required to consent would have so consented if that other person had been aware of all the relevant circumstances, or
- (c) the person had taken all reasonable steps to communicate with any other person required to consent but was unable to communicate with that other person.

(4) A person guilty of an offence under subsection (1) is liable –

- (a) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(5) A police officer or a customs officer may arrest without warrant any person, who the officer has reasonable cause to suspect is committing or is about to commit an offence under subsection (1).

Circumstances in which consent not necessary.

50. (1) For the purposes of this Part, "**consent**" means the consent in –

- (a) section 8(1)(b) of the Children Law (section 8 relates to shared parental responsibility),
 - (b) section 26(2)(a) of this Law but only in respect of the issue in section 26(3)(b) (section 26 relates to the effect of a community parenting order on parental responsibility), and
 - (c) section 49(1) of this Law (section 49 relates to the offence of abduction of a child out of the jurisdiction).
- (2) Subject to subsection (3), consent need not be obtained where –
 - (a) it is proposed that the child would be out of the jurisdiction for a period not exceeding 28 days, and
 - (b) one of the conditions specified in subsection (3) applies.
- (3) The conditions referred to in subsection (2)(b) are –
 - (a) the person sending or taking the child out of the jurisdiction of Sark has a residence order (within the meaning of section 16(1)(a) of the Children Law) relating to the child in that person's favour,
 - (b) a community parenting order has been made in respect of the child and MASH has arranged, or consents, to the sending or taking,
 - (c) the child is subject to a care requirement and MASH has arranged, or consents, to the sending or taking, or

- (d) the child is being removed from, or kept out of, the jurisdiction for the purposes of receiving medical treatment.

Construction of references to taking, sending and jurisdiction of Sark for purposes of sections 49 and 50.

51. For the purposes of sections 49 and 50 –

- (a) a person must be regarded as taking a child if the person causes or induces the child to accompany that person or any other person or causes the child to be taken,
- (b) a person must be regarded as sending a child if the person causes the child to be sent, and
- (c) for the avoidance of doubt, "**the jurisdiction of Sark**" includes the territorial waters adjacent to Sark.

Application of Part V.

52. This Part does not apply in respect of the placement of a child out of the jurisdiction under Part VI.

PART VI

PLACEMENT OF CHILDREN OUT OF THE JURISDICTION

Definitions and interpretation for the purposes of Part VI.

53. (1) For the purposes of this Law, unless the context requires otherwise –

a child is "**placed out of the jurisdiction**" where (otherwise than for short-term medical treatment or solely recreational purposes) a placement agency makes arrangements (whether alone or in conjunction with any other person) for the child

to live (whether for a fixed or indeterminate period of time) otherwise than within Sark, and

"a placement agency" means –

- (a) the Chief Pleas or any committee of the Chief Pleas,
 - (b) MASH, or
 - (c) any other person prescribed by regulations made by the Committee.
- (2) A child –
- (a) who has been placed out of the jurisdiction under this Part, and
 - (b) who, immediately prior to being so placed, was ordinarily resident in Sark,

must, for the purposes of the Housing (Control of Occupation) (Sark) Law, 2011^d, be treated as being ordinarily resident in Sark for the period of any placement.

Placement out of the jurisdiction of a child who is not subject to a care requirement or order of relevant court.

54. (1) A child, other than a child to whom section 56 relates, must not be placed out of the jurisdiction unless –

- (a) a relevant court has granted permission, or

^d Order in Council No. IV of 2013; as amended by No. II of 2014 and No. IV of 2015.

(b) the following conditions are satisfied –

- (i) the child's parents consent to the placement,
- (ii) where a person other than, or in addition to, the child's parents has parental responsibility in respect of the child, that person consents to the placement, and
- (iii) the child has been given an opportunity to express the child's wishes, feelings and views about the placement.

(2) Where it appears to MASH –

- (a) that one or more of the conditions referred to in subsection (1)(b)(i), (ii) and (iii) may not be met, or
- (b) that the proposed placement may not be in the best interests of the child,

MASH must refer the case of the child to the Court for consideration and determination under section 55.

Referrals to the Court under section 54(2).

55. (1) The Court must consider the case of a child which has been referred to it under section 54(2) and determine whether or not the proposal to place the child out of the jurisdiction is in the best interests of the child concerned.

(2) Where the Court is satisfied that the proposal is in the best interests of the child, it may grant permission for the placement to take place, subject to any terms and conditions (including terms and conditions concerning contact with the child) it thinks fit.

(3) A permission under subsection (2) –

- (a) has effect for a period (not exceeding 12 months) determined by the Court,
- (b) may be renewed by the Court for a period, or periods (in each and every case not exceeding 12 months), determined by the Court, and
- (c) constitutes lawful authority for the placement agency to take all steps that are reasonably necessary (subject to any terms and conditions upon which the permission is granted) to give effect to the proposed placement.

(4) Where the Court is not satisfied that the proposal is in the best interests of the child it must not grant permission for the placement to take place, and it may–

- (a) request the placement agency to revise any proposals for the placement and reconsider the matter in the light of the revised proposals,
- (b) refuse to consider the matter further,
- (c) adjourn the matter,
- (d) grant interim permission for the placement to take place subject to any terms and conditions that the Court thinks fit, or
- (e) take any other steps it thinks fit.

Placement out of the jurisdiction of a child who is subject to a care requirement or order of relevant court.

56. (1) A child who is subject to a care requirement must not be placed out of the jurisdiction contrary to any condition made under section 19(3)(e).

(2) A child who is subject to -

(a) a community parenting order,

(b) a secure accommodation order, or

(c) any other order prescribed by regulations made by the Committee,

must not be placed out of the jurisdiction except in accordance with leave granted by the relevant court.

(3) Leave granted under subsection (2) may be granted subject to any terms and conditions (including terms and conditions concerning contact with the child) the relevant court thinks fit.

Power to make Ordinances for the purpose of Part VI.

57. (1) The Chief Pleas may by Ordinance make any provision it thinks fit for the purpose of giving effect to this Part and such other Parts of this Law as relate to or concern this Part.

(2) Without prejudice to the generality of the power under subsection (1), but subject to subsection (3), an Ordinance made under subsection (1) may make provision for, or concerning –

- (a) the authorisation or establishment of a panel, committee or other body to approve, monitor or regulate the placement of children out of the jurisdiction,
- (b) assessment (including full multi-agency assessment) of the needs of any child who is being considered for placement out of the jurisdiction,
- (c) review (including the frequency of any review) by MASH or any other prescribed person of a decision or proposal to place a child out of the jurisdiction,
- (d) preparation of a child's plan prior to placement of any child out of the jurisdiction,
- (e) the obligation to agree the contents of a child's plan with the person responsible for the care of the child in the jurisdiction in which the child is to be placed,
- (f) notification of the placement to the prescribed persons in the area where the child is to live, and
- (g) the referral to the Court under section 54(2) of a proposal to place a child out of the jurisdiction.

(3) No Ordinance may be made under subsection (1) providing for the authorisation or establishment of a panel, committee or other body (other than MASH) to approve, monitor or regulate the placement of children out of the jurisdiction, except on the recommendation of MASH.

PART VII
ENFORCEMENT

Powers of enforcement to be in addition to any other powers.

58. For the avoidance of doubt, the powers of enforcement created under this Part are in addition to, and not in substitution for, any other powers available to a court enabling that court –

- (a) to enforce compliance with any order or judgment, or
- (b) to punish any person for contempt of court.

Penal notice.

59. (1) A relevant court may, where it thinks fit, attach a penal notice to any order which it has power to make under this Law.

(2) A person who, without reasonable excuse, fails to comply with the requirements of a penal notice is guilty of contempt of court.

(3) In this section, a "**penal notice**" means a notice addressed to a person –

- (a) requiring that person to comply with the provisions of the order insofar as they relate to that person, and
- (b) warning that person as to the consequences of any failure to comply.

Direction to disclose whereabouts.

60. (1) In any family proceedings, a relevant court may direct any person –

- (a) to disclose to the court –

(i) the whereabouts, and

(ii) any information that could lead to the discovery of the whereabouts,

of any child to whom the proceedings relate, and

(b) to attend before the court if so required.

(2) Where a relevant court is satisfied that a person, who has been given notice of a direction under subsection (1), has failed to disclose the whereabouts of the child, to attend before the court, or both, it may order a police officer –

(a) to arrest the person, and

(b) subject to subsection (3), to detain the person in custody until that person can be produced to the court.

(3) The relevant court may, at any time –

(a) revoke an order made under subsection (2), and

(b) order the discharge from custody of any person who has been detained.

(4) A person who, without reasonable excuse, fails to comply with a direction given to the person under subsection (1) is guilty of contempt of court.

(5) No person is excused from complying with a direction given to the person under subsection (1) on the ground that complying might incriminate that person or

that person's spouse of an offence but a statement or admission made in complying is not admissible in evidence against either of them in proceedings for any offence other than perjury.

Penalty for contempt of court and power of court to make compensation orders.

61. (1) A person guilty of contempt of court under section 59(2) or 60(4) is liable –

- (a) to be committed to custody for such period, not exceeding 3 months, as the court thinks fit, or
- (b) to have imposed upon the person a penalty (which for the purposes of enforcement is to be treated as if it were a fine imposed upon a conviction) not exceeding level 4 on the uniform scale,

or both.

(2) Where a person is guilty of contempt of court under section 59(2) or 60(4), a relevant court may in addition, or as an alternative, to imposing a penalty upon the person under subsection (1), make a compensation order, in an amount that the court thinks fit, in favour of any person who has suffered financial loss as a consequence of the contempt.

(3) A person ("A") in whose favour a compensation order is made under subsection (2) may recover the amount of compensation payable as a civil debt due to A from the person against whom the order is made.

Sureties and bonds.

62. (1) A relevant court may, when making any order in family proceedings, make it a condition of the order that –

- (a) a surety, who is acceptable to the court, is provided, or
- (b) a party to the proceedings enters into a bond, in a form that is acceptable to the court,

for the purpose of ensuring that a person performs any obligation to which the person is subject under the order.

(2) The court may –

- (a) fix –
 - (i) the amount in which a surety is to be bound, and
 - (ii) the amount of any bond,at such sum that it thinks fit, and
- (b) determine all matters that are necessary for the purpose of giving effect to the obligations of any surety, or party to a bond, under this section.

(3) Where any sum is paid in satisfaction of any obligation of a surety, or party to a bond, under this section the court may order that the whole of that sum, or such part as it may determine, must be paid to any person who has suffered financial loss as a result of the failure of any person to perform any obligation to which the person is subject under an order to which subsection (1) relates.

Orders relating to passports .

63. In any family proceedings a relevant court may make an order requiring any person to lodge one or both of the following -

- (a) the person's passport, and
- (b) the passport of any child to whom the proceedings relate,

with the court, or any other person that the court directs, upon any terms and subject to any conditions that the court thinks fit.

Recovery of children by MASH.

64. (1) This section applies to a child in respect of whom -

- (a) a care requirement,
- (b) a community parenting order,
- (c) an emergency child protection order, or
- (d) a secure accommodation order,

has been made.

(2) Where it appears to a relevant court that there is reason to believe that a child to whom this section applies –

- (a) has been unlawfully taken away or is being unlawfully kept away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in subsection (1),

- (b) has run away or is staying away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in subsection (1), or
- (c) is missing,

the court may make an order under this section ("**a recovery order**").

(3) A recovery order -

- (a) operates as a direction to any person who is in a position to do so to produce the child on request to any relevant person,
- (b) authorises the removal of the child by any relevant person,
- (c) requires any person who has information as to the child's whereabouts to disclose that information, if asked to do so, to a relevant person,
- (d) authorises –
 - (i) a relevant person to enter any premises specified in the order for the purposes of searching for the child, and
 - (ii) a police officer to use reasonable force to enter any premises specified in the order for the purposes of searching for the child, and
- (e) requires a relevant person to deliver the child to MASH.

(4) Unless the context requires otherwise, for the purposes of this section and section 66(3) a "**relevant person**" means -

- (a) any person specified by the relevant court,
- (b) any police officer, and
- (c) any person who is authorised, after the recovery order is made, by MASH.

(5) No person is excused from complying with any request made under subsection (3)(c) on the ground that complying with it might incriminate the person or the person's spouse of an offence but a statement or admission made in complying is not admissible in evidence against either of them in proceedings for an offence other than perjury.

Power to order recovery of child.

65. (1) Where, in any family proceedings –

- (a) a person is required by the order of a relevant court to give up a child to another person ("**the person concerned**"), and
- (b) the court which made the order imposing the requirement is satisfied that the child has not been given up in accordance with the order,

the court may make an order authorising any person specified by the court, or a police officer, to take charge of the child and deliver that child to the person concerned.

(2) The authority conferred by subsection (1) includes authority -

- (a) to enter and search any premises where the person acting in pursuance of the order has reason to believe the child may be found, and
- (b) to use any force that may be reasonably necessary to give effect to the purpose of the order.

(3) The power created under this section is without prejudice to any other power conferred on a court by or under any other enactment or rule of law.

Offences.

66. (1) A person who, in purported compliance with a direction given to the person under section 60(1)(a), intentionally or recklessly misleads the court as to the whereabouts of a child, commits an offence and is liable –

- (a) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both.

(2) A person who, knowingly and without lawful authority or reasonable excuse –

- (a) takes a child to whom section 64 applies away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in section 64(1),

- (b) keeps such a child away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in section 64(1), or
- (c) induces, assists or incites such a child to run away or stay away from a placement or place of accommodation required or ordered for that child under any requirement or order of a kind mentioned in section 64(1),

commits an offence and is liable –

- (i) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or
- (ii) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

(3) A person who intentionally obstructs –

- (a) a relevant person (within the meaning of section 64(4)) exercising any power under section 64(3) to remove a child, or
- (b) any person exercising any authority or power under section 65,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both.

PART VIII
JURISDICTION OF ROYAL COURT, POWER TO VARY TRUSTS, APPEALS AND
TRANSFERS

Powers of Royal Court to exercise powers of Court of the Seneschal.

67. The Royal Court may exercise in respect of any child in any family proceedings before the Royal Court, all the powers which are exercisable in respect of a child by the Court of the Seneschal under this Law.

Power to vary trusts.

68. (1) Where –

- (a) the a relevant court makes any order under this Law relating to a child, and
- (b) any person is entitled under any trust to receive any sum of money in respect of the maintenance of the child,

the relevant court may, if it thinks fit, make a variation order.

(2) For the purposes of subsection (1) a "**variation order**" is an order providing that the whole, or any part, of the sum of money payable in respect of the maintenance of the child –

- (a) is to be paid to the person named in the order, and
- (b) is to be applied by that person for the benefit of the child in such manner as, having regard to the terms of the trust, the relevant court may decide.

Appeals from decisions of Court of the Seneschal.

69. (1) An appeal from any decision of the Court of the Seneschal under this Law lies to the Royal Court.

(2) An appeal under this section must be instituted –

- (a) within a period of 21 days immediately following the date of the decision of the Court of the Seneschal, and
- (b) in any manner and upon any grounds provided by rules of court.

Powers of Royal Court when sitting in appellate capacity.

70. (1) Where the Royal Court is seised of any matter sitting in an appellate capacity under this Law, it may by order confirm, reverse, vary or substitute the decision of the Court of the Seneschal against which an appeal has been made, and –

- (a) remit the matter back to the Court of the Seneschal, or
- (b) make such other order in the matter as it thinks fit.

(2) For the avoidance of doubt and subject to any rules of court made under this Law, or any other provision of this Law, upon determination of an appeal the costs of and incidental to any appeal proceedings are in the discretion of the Royal Court.

Appeals from decisions of the Royal Court on point of law.

71. (1) An appeal on a question of law from any decision of the Royal Court under this Law (including, for the avoidance of doubt, a decision made in the exercise of any appellate jurisdiction, but excluding any decision made in exercise of any criminal jurisdiction), with leave of the Royal Court or Court of Appeal, lies to the Court of Appeal.

(2) An appeal under this section must be instituted -

- (a) within a period of 14 days immediately following the date of the decision of the Royal Court, and
- (b) in any manner provided by rules of court.

(3) Section 21 of the Court of Appeal (Guernsey) Law, 1961^e ("Powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under subsection (1) as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

Power to extend time within which appeal lies.

72. (1) Any court to which an appeal lies under this Part may, where it is satisfied that –

- (a) it was not reasonably practicable for the appeal to be instituted within the relevant time period, and
- (b) it is fair in all the circumstances,

extend the period within which the appeal may be instituted.

(2) For the purposes of subsection (1), the "**relevant time period**" means any time period stipulated under this Part within which an appeal must be instituted.

^e Ordres en Conseil Vol. XVIII, p. 315. There are amendments not relevant to this provision.

Powers to transfer.

73. (1) Where, in the opinion of the court, a transfer under this section is in the best interests of the child –

- (a) the Royal Court may transfer any matter concerning the child of which it is seised under this Law (other than in its appellate capacity) to the Court of the Seneschal in order that the Court of the Seneschal may deal with the matter, and
- (b) the Court of the Seneschal may, with the consent of the Royal Court, transfer any matter concerning the child of which it is seised under this Law to the Royal Court in order that the Royal Court may deal with the matter.

(2) When considering the exercise its powers under this section the court must, except where –

- (a) it is not reasonably practicable, or
- (b) there is an urgent need to exercise the power,

give the parties to proceedings in the matter an opportunity to be heard.

PART IX

GENERAL AND MISCELLANEOUS

Duty of confidentiality.

74. (1) This section applies where a designated official acquires any information from which a living individual ("**the identifiable person**") is identified or identifiable –

- (a) in the exercise or performance of any function under this Law, or otherwise under or for the purposes of this Law, or
- (b) directly or indirectly from any person who acquired the information –
 - (i) in the exercise or performance of any function under this Law, or
 - (ii) otherwise under or for the purposes of this Law.

(2) Except as authorised by section 75, the designated official must not, without the consent of the identifiable person –

- (a) use the information, or
- (b) disclose the information to any other person.

(3) The duty of a designated official in subsection (2) survives the expiry or termination of that official's office, employment, appointment or designation as a designated official.

(4) A person who fails to comply with or contravenes subsection (2) is guilty of an offence and liable –

- (a) on summary conviction, to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or to both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(5) Nothing in this section limits or otherwise affects any other duty of confidentiality imposed by any other provision of this Law.

Exceptions to confidentiality.

75. (1) A designated official may use, or disclose to another person, the information mentioned in section 74(1) where –

- (a) at the time of use or disclosure, the information is or has already been made public (other than through an act or omission of the official),
- (b) the information used or disclosed is in the form of a summary or collection so framed as not to enable information relating to any identifiable person to be ascertained from it,
- (c) the use or disclosure is necessary for the purpose of –
 - (i) exercising or performing any function conferred or imposed on the official by this Law,
 - (ii) enabling or assisting any other person to exercise or perform functions conferred or imposed by this Law,
 - (iii) complying with this Law or any other enactment, or
 - (iv) seeking advice from a qualified person on any matter requiring the exercise of professional skills in relation to a purpose mentioned in subparagraph (i), (ii) or (iii),

- (d) the use or disclosure is necessary for the purposes of any proceedings arising out of this Law,
- (e) the use or disclosure is necessary for the purposes of enabling or assisting the instigation, defence, or conduct of disciplinary proceedings against any person in relation to –
 - (i) a breach of a provision of this Law, or
 - (ii) compliance with this Law resulting in a breach of the person's professional or other duties,
- (f) the use or disclosure is necessary for the prevention, investigation, detection or prosecution of a criminal offence within or outside Sark,
- (g) the use or disclosure is necessary for the purposes of complying with an order of a court or tribunal, or
- (h) the use or disclosure is required or authorised by rules of court or practice directions of the relevant court.

Reporting of proceedings under this Law.

76. (1) In respect of any proceedings under this Law –
- (a) no report may be published which –
 - (i) reveals the name, address or school, or
 - (ii) includes any particulars which are reasonably likely to lead to the identification,

of any child concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, and

- (b) no picture may be published which is or includes a picture of any child referred to in paragraph (a).

(2) However, a court may, if satisfied that it is in the interests of justice so to do, dispense with the requirements of subsection (1) to the extent, and subject to the terms and conditions, specified in the order.

(3) Without prejudice to the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008^f, subsection (1) also applies in respect of any proceedings in any court, other than proceedings mentioned in subsection (1), to the extent (if any) and subject to the terms or conditions directed by the court concerned.

(4) Any person who publishes any matter in contravention of this section is guilty of an offence and liable on –

- (a) summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding level 4 on the uniform scale, or both, or
- (b) conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or both.

^f Order in Council No. VI of 2009; amended by Ordinance No. IX of 2016.

(5) Where a body corporate is guilty of an offence under this Law and it is shown that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, the director, manager, secretary, other officer or person concerned as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(6) Where the affairs of a body corporate are managed by its members, subsection (5) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director.

Persons permitted to be present in court when dealing with a child.

77. (1) For the avoidance of doubt, no person may be present during the hearing by a court of any proceedings under this Law in respect of a child except for –

- (a) members and officers of the court,
- (b) the parties, their Advocates, any persons having responsibility for their welfare, and any witnesses and other persons directly concerned in the matter, and
- (c) such other persons as the court may specifically authorise to be present.

(2) For the purposes of subsection (1), "proceedings under this Law" includes an appeal from any decision made in respect of the original proceedings in respect of or by a child.

Additional power of court upon disposal of an application for an order.

78. On disposing of any application for an order under this Law, a relevant court may (whether or not it makes any other order in response to the application) order that no

application for an order under this Law of any specified kind may be made with respect to the child concerned by the person named in the order without leave of the relevant court.

Restriction on exercise of court's customary law jurisdiction.

79. Where, in relation to any matter or issue -

- (a) a power created under this Law, and
- (b) a power under the customary law,

are exercisable in respect of the matter or issue by a court, the court must exercise the power created under this Law, unless the effect would be unfair or unjust.

Power to amend Law by Ordinance.

80. (1) The Chief Pleas may by Ordinance amend or repeal any provision of Part III, Part VI or this Part (Part IX), where it appears to the Chief Pleas to be necessary or expedient to do so for the purposes of –

- (a) protecting children from harm,
- (b) promoting proper and adequate health, welfare and development for children,
- (c) ensuring the provision of adequate care, protection, guidance or control for children,
- (d) ensuring the most beneficial and effective use, or application, of the child welfare principles,
- (e) facilitating the fair and efficient carrying out of the functions of–

- (i) MASH,
 - (ii) the Committee, or
 - (iii) the Court or a relevant court, or
- (f) discharging any international obligation to which Sark is subject,

(2) In addition, the Chief Pleas may by Ordinance amend, repeal or substitute any provision of section 9 or Schedule 1.

(3) Subsections (1) and (2) are without prejudice to any other provision of this Law conferring on the Chief Pleas a power to make Ordinances.

Power to make Ordinances relating to child minders and day care providers.

81. (1) The Chief Pleas may by Ordinance make any provision it thinks fit for for the purpose of regulating –

- (a) child minders, and
- (b) day care providers.

(2) Without prejudice to the generality of the power under subsection (1), an Ordinance made under that subsection may make provision for, or concerning –

- (a) the prohibition of the provision of child minding, or day care services, except by persons who are registered child minders, or registered day care providers,

- (b) the registration of persons as child minders, or day care providers, including, without limitation, registration subject to conditions,
- (c) the establishment and maintenance of a register of persons who are registered under such an Ordinance,
- (d) the suspension, variation and revocation of any registration or condition,
- (e) appeals from decisions relating to –
 - (i) the registration of persons as child minders, or day care providers,
 - (ii) the suspension, variation or revocation of any registration or condition,
- (f) powers for any person –
 - (i) to enter and inspect premises which are used for the purpose of the provision of child minding or day care services,
 - (ii) to require the provision of information concerning children who are minded or cared for,
 - (iii) to issue written guidance in connection with -
 - (A) child minders,

(B) day care providers, and

(C) the provision of child minding or day care services,

(g) the duties and obligations of child minders and day care providers, and

(h) the creation of criminal offences for breaches of –

(i) any duties or obligations towards, or in connection with, children who are minded or cared for,

(ii) any prohibition of the provision of child minding, or day care services, or

(iii) any obligations concerning the registration of persons as child minders, or day care providers.

(3) In this section –

a "**child minder**" means a person who looks after one or more children under the age of 16 years, for longer than 2 hours a day, on domestic premises for reward,

"**child minding services**" means services which consist of any form of care (whether or not provided to any extent in the form of an educational activity) provided for a child by a person who is acting as a child minder in respect of that child,

"**day care provider**" means a person who provides day care services at any time of the day for one or more children under the age of 16 years, for longer than 2

hours a day, on premises other than domestic premises,

"**day care services**" means services which consist of any form of care (whether or not provided to any extent in the form of an educational activity) provided for a child by a person who is acting as a day care provider for that child, and

"**domestic premises**" means any premises which are wholly or mainly used as a private dwelling.

Power to make Ordinances generally.

82. (1) The Chief Pleas may by Ordinance make any provision it thinks fit for the purpose of giving effect to this Law.

(2) Without prejudice to the generality of subsection (1) or any other provision of this Law conferring power to make Ordinances and *vice versa*, an Ordinance under subsection (1) may –

- (a) impose fees and charges on persons specified in the Ordinance, which are payable to the Chief Pleas in the amounts and at the rates specified by the Ordinance, in respect of the services provided by MASH in the discharge of the functions of MASH under this Law, or
- (b) make provision for or concerning the functions that may or must be carried out by any person under this Law.

(3) The Chief Pleas may recover any fees and charges prescribed under subsection (1) as a civil debt due to the Chief Pleas from the person who is liable to pay them.

Regulations to be laid before Chief Pleas.

83. (1) Regulations made under this Law must be laid before a meeting of the Chief Pleas as soon as possible.

(2) If at that meeting or the next the Chief Pleas resolve to annul the Regulations, they cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Publication of written guidance.

84. The Committee must publish any written guidance issued under this Law in such manner as appears to the Committee to be appropriate for the purpose of bringing the contents of the guidance to the attention of those persons who need to be made aware of those contents.

Power to make rules of court.

85. (1) Subject to subsection (4), the Court of the Seneschal has power to make rules of court under this Law.

(2) In addition to rules of court made under powers created under any other provision of this Law, rules of court made by the Court of the Seneschal under this section may provide for all procedural, practical and incidental matters which may be necessary for bringing this Law into effect including, without limitation, ensuring the anonymity of children, and where appropriate the families of children, who may be involved in any family proceedings.

(3) The powers of the Court of the Seneschal to make rules of court under this Law are in addition to any other powers of the Court to make rules: provided that any rules made under this Law do not come into force unless and until approved by the Royal Court sitting as the Full Court.

(4) For the avoidance of doubt, the Royal Court sitting as the Full Court

has power to make rules of court under Part VIII in relation to proceedings in the Royal Court.

(5) Without prejudice to subsection (4), the Royal Court may apply any rules made by the Court of the Seneschal under this section, subject to any modifications that the Royal Court thinks fit, in relation to proceedings in the Royal Court under this Law.

General provisions as to Ordinances.

86. (1) Without prejudice to the generality of any other provision of this Law or the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^g, an Ordinance under this Law may –

- (a) subject to subsection (2), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,
- (b) empower MASH, any committee of the Chief Pleas or any other body or authority (including, without limitation, any court), or any other person to –
 - (i) make subordinate legislation, or
 - (ii) issue codes or guidance,in relation to any matter for which an Ordinance may be made under this Law,
- (c) provide that no liability shall be incurred by any person in respect of anything done or omitted to be done in the

^g Order in Council No. V of 2018; as amended by Ordinance No. XXII of 2018 and Sark Ordinance No. VIII of 2018.

discharge or purported discharge of any of the person's functions unless the thing is done or omitted to be done in bad faith,

- (d) make provision under the powers conferred by this Law despite the provisions of any enactment for the time being in force,
- (e) repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
- (f) without prejudice to the generality of the foregoing, make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

(2) An Ordinance must not –

- (a) provide for offences to be triable only on indictment, or
- (b) authorise the imposition –
 - (i) on summary conviction, of imprisonment for a term exceeding one month, or a fine exceeding level 4 on the uniform scale, or
 - (ii) on conviction on indictment, of imprisonment for a term exceeding 2 years.

(3) Despite any other provision of this Law, the Chief Pleas must not enact an Ordinance under this Law except –

- (a) on the recommendation of the Committee, or
- (b) by a Resolution stating the exceptional circumstances in which the Chief Pleas considers it necessary to enact an Ordinance without a recommendation of the Committee.

Interpretation.

87. (1) In this Law -

"**adoption order**" includes –

- (a) an adoption order made in any part of the British Islands or the Republic of Ireland, and
- (b) an adoption order made by a court of competent jurisdiction under the law of a country or territory prescribed by regulations of the States of Guernsey Committee for Health & Social Care under section 122(1) of the Children (Guernsey and Alderney) Law, 2008,

"**Advocate**" means an Advocate of the Royal Court of Guernsey,

"**care requirement**": see section 18(1),

"**child**" means a person under the age of 18 years,

"**child welfare principles**": see section 2(2),

"the Children Law" means the Children (Sark) Law, 2016^h,

"children of Sark" means children who are ordinarily resident in Sark,

"child's plan": see section 19(1)(b),

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

"committee of the Chief Pleas" means any authority, board, committee or council of the Chief Pleas, however named, constituted by a Resolution or enactment approved by the Chief Pleas,

"community parenting order": see section 23,

"compulsory intervention" means intervention in the family life of a child by a public authority irrespective of the consent of –

- (a) the child,
- (b) the child's parents, or
- (c) any person having an interest in the child that amounts to family life,

but, for the avoidance of doubt, does not include a criminal prosecution,

^h Order in Council No. VIII of 2016; amended by Guernsey Ordinance No. IX of 2016; Sark Ordinance No. I of 2017.

ⁱ As amended by Sark Ordinance No. IX of 2018.

"**compulsory school age**" has the meaning given by section 9(2) and (2A) of the Education (Sark) Ordinance, 2003^j,

"**contact order**" has the meaning given by section 16(1)(b) of the Children Law,

"**the Court**" means the Court of the Seneschal,

"**Court of Appeal**" means the court established by the Court of Appeal (Guernsey) Law, 1961^k,

"**customary law**" includes the common law,

"**customs officer**" means an officer within the meaning of section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^l and includes an immigration officer,

"**designated official**" means –

- (a) any member of MASH,
- (b) any person to whom MASH has delegated any of its functions under this Law,

^j As amended by Sark Ordinance No. IX of 2018.

^k Ordres en Conseil Vol. XVIII, p. 315; there are amendments not relevant to this provision.

^l Ordres en Conseil Vol. XXIII, p. 573; amended by Orders in Council No. XIII of 1991 and No. X of 2004. There are other amendments not relevant to this provision.

- (c) any member of a committee to which MASH has delegated any of its functions under this Law,
- (d) any employee of the Chief Pleas acting on behalf of MASH with authorisation from MASH, or
- (e) any agent of MASH,

"development" means physical, intellectual, emotional, social or behavioural development,

"disability" means a physical or mental impairment which has a significant adverse effect on a person's ability to carry out normal day-to-day activities, and "disabled" is to be construed accordingly,

"disclosure order": see section 14,

"emergency child protection order": see section 30,

"family home" means any house, or any other place, or building, which is used as a family residence and in which a child ordinarily resides with a person –

- (a) who has parental responsibility in relation to that child, or
- (b) who ordinarily (and other than by reason only of his employment) has charge of, or control over, that child,

and includes the curtilage of any such house, place or building,

"family proceedings" means any proceedings –

- (a) under the inherent jurisdiction of any court in relation to children, or
- (b) under –
 - (i) this Law,
 - (ii) the Children Law,
 - (iii) the Adoption (Guernsey) Law, 1960^m,
 - (iv) the Matrimonial Causes Law, 1939ⁿ, or
 - (v) any other enactment specified for the purpose in rules of court made by the Court of the Seneschal,

"**father**", in relation to a child, has the meaning given by section 1(3)(a) of the Children Law,

"**function**" includes power or duty,

"**health**" means physical, emotional or mental health,

"**immigration officer**" means a person appointed as such under the Immigration Act 1971^o,

^m Ordres en Conseil Vol. XVIII, p. 92.

ⁿ Ordres en Conseil Vol. XI, p. 318

^o An Act of Parliament (1971 c. 77); extended to the Bailiwick by the Immigration (Guernsey) Order 1993 (No. 1796).

"information restriction" means any restriction on the disclosure of information, or any duty of confidentiality, imposed on or arising in relation to a person –

- (a) by any provision of a contract or an enactment or otherwise by any rule of law, or
- (b) in any other manner,

"interim community parenting order": see section 28,

"this Law" includes any Ordinance or subordinate legislation made under this Law, and for the avoidance of doubt, includes rules of court,

"MASH" means the Multi-Agency Safeguarding Hub established by section 9 and Schedule 1,

"medical treatment" –

- (a) includes any examination or investigation to ascertain if treatment or further treatment is required, and
- (b) must have been recommended by a medical practitioner duly registered under the law in force in the jurisdiction in which the medical practitioner is practising,

"member", in relation to MASH, means any voting or non-voting member of MASH,

"mother", in relation to a child, has the meaning given by section 1(3)(b) of the Children Law,

"parent", in relation to a child, means a father or mother who has parental responsibility in respect of the child,

"parental responsibility" has the meaning given in section 5 of the Children Law,

"penal notice": see section 59,

"person" includes any body or authority,

"prescribed", in relation to any provision of this Law, means prescribed by –

- (a) regulations made by the Committee, or
- (b) written guidance published by the Committee in accordance with section 84,

for the purposes of the provision,

"prescribed person": see section 17(3),

"public authority" has the meaning given under section 6 of the Human Rights (Bailiwick of Guernsey) Law, 2000^j, and, for the avoidance of doubt, includes any person authorised to act on behalf of a public authority,

"publish" means to distribute, publicise or disseminate information by any medium, including by newspaper, by radio or television broadcast, or by the internet, and related expressions are to be construed accordingly,

"Ordinance", in relation to any provision of this Law, means an Ordinance

made by the Chief Pleas for the purposes of the provision,

"relevant court", in relation to any matter, means the Court of the Seneschal or any other court exercising jurisdiction in respect of the matter,

"the Royal Court" means the Royal Court of Guernsey sitting as an Ordinary Court,

"Sark" includes the territorial waters adjacent to Sark,

"secure accommodation": see section 43,

"secure accommodation order": see section 44(1), and

"uniform scale" means the scale of fines from time to time in force under the Uniform Scale of Fines (Sark) Law, 1989^P.

Amendments to the Children Law.

88. The Children Law is amended as set out in Schedule 2.

Citation.

89. This Law may be cited as the Child Protection (Sark) Law, 2020.

Commencement.

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

^P Ordres en Conseil Vol. XXXI, p. 320; as amended by the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2006.

SCHEDULE 1

Section 9(1)

CONSTITUTION OF MASH

1. Constitution and membership.

- (1) This subparagraph establishes the Multi-Agency Safeguarding Hub ("MASH").
- (2) MASH comprises –
 - (a) the following voting members –
 - (i) the Island Safeguarding Officer,
 - (ii) the Constable,
 - (iii) the Procureur des Pauvres,
 - (iv) the Sark Doctor (within the meaning of section 47(1) of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017⁹),
 - (v) the person appointed as the Safeguarding lead for the Sark School by its Board of Education (or board of governors, however named),
 - (vi) the Director of Education appointed by Resolution of the Chief Pleas,
 - (vii) the person appointed as the Safeguarding lead for the Methodist Church by its Church Council, and
 - (viii) the person approved to be the Safeguarding lead for St Peter's Anglican Church by an annual or extraordinary general meeting of that Church, and
 - (b) one, two or three non-voting members (the exact number to be determined by the Committee) with suitable qualifications, experience, knowledge and skills appointed by the Chief Pleas at the recommendation of the Committee.
- (3) Before recommending an individual for appointment as a non-voting member under subparagraph (2)(b), the Committee may require the individual to provide, and to authorise the Committee to obtain, any information and references that the Committee reasonably requires to ascertain that individual's suitability for the appointment.

⁹ Sark Ordinance No. VI of 2017.

- (4) Each non-voting member is to be appointed for a term of five years or any shorter period that the Committee thinks fit and recommends to the Chief Pleas at the time of appointment.
- (5) Each non-voting member may be reappointed in accordance with this paragraph.
- (6) A voting member may in writing appoint any person other than another member as an alternate.
- (7) In the absence of the voting member who appointed the alternate, the alternate may, in the place of the voting member –
 - (a) attend meetings and take part in any other proceedings, and
 - (b) vote, approve any matter or take any other action.
- (8) A voting member may hold office as a member by virtue of two or more positions listed in subparagraph (2)(a)(i) to (viii) but, in respect of all those positions in aggregate, must not –
 - (a) appoint more than one alternate, or
 - (b) exercise more than one vote.

2. Chairperson etc., of MASH.

- (1) The Island Safeguarding Officer is the Chairperson of MASH.
- (2) MASH may elect one of its voting members as Deputy Chairperson.
- (3) Despite paragraph 1(7), an alternate appointed by the Island Safeguarding Officer or the Deputy Chairperson must not carry out any function as the Chairperson, or preside at any meeting of MASH, unless elected to preside at a meeting by voting members in accordance with paragraph 7(1)(c).

3. Removal or resignation of non-voting members.

- (1) The Chief Pleas may by Resolution remove a non-voting member from office before the expiration of the member's term of office only if the Chief Pleas is satisfied, based on a report and recommendation submitted by the Committee, that the member –
 - (a) is guilty of serious misconduct,
 - (b) has been convicted of a criminal offence,
 - (c) is bankrupt,

- (d) is incapacitated by physical or mental illness, or
 - (e) is otherwise unable or unfit to perform the duties of a non-voting member.
- (2) Any non-voting member may resign from office at any time by giving written notice to the Committee, and the Committee must notify the Chief Pleas of any such resignation as soon as possible.
- (3) In subparagraph (1)(c), "**bankrupt**", in relation to any individual, means –
 - (a) that the individual has been declared by the Royal Court to be insolvent or that a Commissioner or Committee of Creditors has been appointed by the Royal Court to supervise or secure the individual's estate,
 - (b) that the individual's affairs have been declared in a state of "désastre" by the individual's arresting creditors at a meeting held before a Commissioner of the Royal Court,
 - (c) that a preliminary vesting order has been made against the individual in respect of any of the individual's real property in the Bailiwick of Guernsey, or
 - (d) that a composition or arrangement with creditors has been entered into in respect of the individual whereby the individual's creditors will receive less than 100p in the pound or that possession or control has been taken of any of the individual's property or affairs by or on behalf of creditors,and includes analogous procedures and declarations in any country or territory other than the Bailiwick of Guernsey.

4. **Emoluments and expenses of members.**

The Chief Pleas may pay any member a fee, allowance or other emolument, or reimburse expenses incurred by any member, in accordance with any Resolution of the Chief Pleas made at the recommendation of the Committee.

5. **Resources and spending.**

- (1) MASH may procure any accommodation, equipment, services or facilities it reasonably requires for the proper and effectual discharge of its functions, and may enter into any transactions and arrangements for this purpose.

- (2) Any procurement under subparagraph (1) –
 - (a) is made on behalf of the Chief Pleas,
 - (b) must be made and paid out of monies approved to be expended for these purposes by the Chief Pleas, and
 - (c) must not exceed any limit imposed by Resolution of the Chief Pleas.

6. Delegation of functions by MASH.

- (1) MASH may in writing delegate any of its functions to –
 - (a) a committee comprising any persons specified by MASH (which may include any number of MASH members), or
 - (b) any other person.
- (2) A function delegated under subparagraph (1) –
 - (a) may be exercised or performed by the committee or person concerned in accordance with the delegation, and
 - (b) when so exercised or performed, is deemed to have been exercised or performed by MASH.
- (3) A delegation under subparagraph (1) –
 - (a) does not prevent MASH from exercising or performing the delegated function, and
 - (b) may at any time be varied or revoked in writing by MASH.
- (4) Nothing in this paragraph authorises –
 - (a) MASH to delegate the power of delegation conferred by subparagraph (1) to any person, or
 - (b) a committee or person to whom a function is delegated under subparagraph (1) to sub-delegate the function to any person.
- (5) For the avoidance of doubt, section 4 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^r does not apply to MASH and its functions under this Law.

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

7. Meetings.

- (1) The person who presides at any meeting of MASH is –
 - (a) the Chairperson, if the Chairperson is present,
 - (b) if the Chairperson is not present, the Deputy Chairperson if the Deputy Chairperson is present, or
 - (c) if neither the Chairperson nor the Deputy Chairperson is present, any voting member elected by the voting members present at the meeting.
- (2) At a meeting –
 - (a) a quorum is constituted by the nearest whole number of voting members above one half of the number of voting members for the time being in office,
 - (b) decisions are made by a majority vote,
 - (c) each voting member has one vote,
 - (d) the person presiding has no original vote but has a casting vote, and
 - (e) a non-voting member has no vote but may participate in deliberations.

8. Disclosure of interest.

- (1) A member who has any direct or indirect personal interest in the outcome of any deliberations of MASH in relation to any matter must disclose the nature of the interest at a meeting of MASH and this disclosure must be recorded in the minutes of the meeting.
- (2) For the purposes of this paragraph, a general notice given by a member to the effect that the member is a member, director or other office-holder, of any specified entity and is to be regarded as interested in any matter concerning that entity is a sufficient disclosure in relation to any such matter.
- (3) A member need not attend in person at a meeting of MASH in order to make any disclosure required under this paragraph if the member makes disclosure by a notice in writing delivered to the Chairperson or Deputy Chairperson and that notice is brought to the attention of every meeting of MASH at which deliberations of the kind mentioned in subparagraph (1) are to take place and before those deliberations commence.

9. Transaction of business without meeting.

MASH may, if it thinks fit, transact any business by the circulation of papers to all members, and a resolution in writing approved in writing by a majority of its voting members is as valid and effectual as if passed at a meeting by the votes of the members approving the resolution.

10. Records and minutes.

MASH must keep proper minutes of its proceedings, including records of any business transacted as permitted by paragraph 9.

11. Financial and accounting provisions.

- (1) MASH must not borrow any money except where approved by a prior Resolution of the Chief Pleas.
- (2) MASH must maintain proper financial accounts and proper records in relation to those accounts.
- (3) The financial accounts of MASH must be audited or reviewed by the appointed person in accordance with section 63 of the Reform (Sark) Law, 2008^s.
- (4) As soon as practicable after the end of each calendar year, MASH must submit to the Committee a report containing –
 - (a) a statement of its financial accounts,
 - (b) an annual report in accordance with paragraph 12.
- (5) The Committee must in turn submit that report to the Chief Pleas.

12. Annual report.

The annual report must include –

- (a) a summary of MASH's activities during the calendar year to which the report relates, and
- (b) MASH's observations on whether the principal purpose of this Law is being attained, and if not, whether any amendment to this Law is required to be

^s Order in Council No. V of 2008; as amended by Order in Council No. V of 2008. There are other amendments not relevant to this provision.

made or any other action taken in order to better attain that principal purpose, and

- (c) any other information required by the Committee or by Resolution of the Chief Pleas.

13. Residual power to regulate procedure.

Subject to the provisions of this Schedule, MASH may regulate its own procedure.

14. Validity of proceedings.

The validity of any proceedings of MASH is unaffected by –

- (a) any vacancy in its membership,
- (b) any defect in the appointment or election of any member,
- (c) any ineligibility of an individual to be a member, or
- (d) any lack of qualification of an individual to act as a member.

15. Presumption of authenticity.

Unless the contrary is shown –

- (a) any document purporting to be issued by MASH must be regarded as issued by MASH, and
- (b) any document purporting to be signed on behalf of MASH must be regarded as signed on behalf of MASH.

16. Exclusion of liability.

- (1) Subject to subparagraph (2), a member of MASH is not liable in damages or personally liable in any civil proceedings in respect of anything done or omitted to be done after the commencement of this Law in the discharge or purported discharge of the member's functions or the functions of MASH under this Law, unless the thing was done or omitted to be done in bad faith.
- (2) Subparagraph (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of

the Human Rights (Bailiwick of Guernsey) Law, 2000^t.

17. Interpretation

In this schedule, unless the context requires otherwise –

"the Chairperson" means the Island Safeguarding Officer,

"the Deputy Chairperson" means the person (if any) elected to be Deputy Chairperson of MASH under paragraph 2(2),

"the Island Safeguarding Officer" means the person –

- (a) appointed as Island Safeguarding Officer by Resolution of the Chief Pleas, or
- (b) for the time being acting as Island Safeguarding Officer in accordance with any Resolution of the Chief Pleas, and

"member" means a voting or non-voting member of MASH.

^t Order in Council No. XIV of 2000; as amended by Order in Council No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; and G.S.I. No. 27 of 2006.

SCHEDULE 2

Section 88

AMENDMENTS TO THE CHILDREN (SARK) LAW, 2016

The Children Law is amended as follows –

1. Immediately before section 7(a) of that Law, insert the following paragraph –

"(aa) MASH (within the meaning given by section 87(1) of the Child Protection (Sark) Law, 2020), on the making in its favour of –

 - (i) a community parenting order (within the meaning of section 23 of the Child Protection (Sark) Law, 2020),
 - (ii) an emergency child protection order (within the meaning of section 30 of the Child Protection (Sark) Law, 2020), but only to the extent necessary to safeguard the welfare of the child (having regard to the duration of the order),
 - (iii) a care requirement (within the meaning of section 18(1) of the Child Protection (Sark) Law, 2020), but only to the extent necessary to give effect to the terms and conditions of the care requirement, or
 - (iv) a secure accommodation order (within the meaning of section 44(1) of the Child Protection (Sark) Law, 2020), having regard to the duration of the order,".
2. In section 44 of that Law –
 - (a) for subsection (1), substitute the following subsection –

"(1) Subject to subsection (4), the Court of the Seneschal has power to make rules of court under this Law.",
 - (b) in subsection (2), for "Royal Court" substitute "Court of the Seneschal", and
 - (c) immediately after subsection (3), insert the following subsections –

"(4) For the avoidance of doubt, the Royal Court has power to make rules of court under Part V in relation to proceedings in that court.

(5) Without prejudice to subsection (4), the Royal Court may

apply any rules made by the Court of the Seneschal under this section, subject to any modifications that the Royal Court thinks fit, in relation to proceedings in the Royal Court under this Law."

3. In section 45(1) of that Law, in the definition of "**family proceedings**", immediately after subparagraph (i), insert the following subparagraph –
"(ia) the Child Protection (Sark) Law, 2020,".
4. In paragraph 1 of the Schedule to that Law, for "£5,000, or such other sum as", substitute "any sum that".

POLICY & FINANCE COMMITTEE

Report with proposition to Christmas Chief Pleas, 22nd January 2020

**RENEWAL OF THE SERVICE LEVEL AGREEMENT –
ST JAMES' CHAMBERS**

At the Christmas Chief Pleas meeting held on 16 January 2019, the renewal of the Service Level Agreement (SLA) for Legal Services from St James' Chambers was approved for a one-year period, until the end of 2019.

A new draft Agreement is brought before Chief Pleas for approval for the calendar year 2020. A copy of the draft Agreement is attached as an **Appendix**.

After discussions with The Law Officers of the Crown it is proposed that the Agreement is renewed on the same terms as the previous SLA except for an increase in the fee by the prevailing Guernsey RPI rate. The most recently published rate (September) is 2%, thus the fee for 2020 will increase to £65,265. The 2019 figure was £63,985. Provision was made in the 2020 budget for this increase.

The Legal Services covered within the scope of the SLA are set out in Section 1 and it is noted that this would not include major and complex work.

St James' Chambers has not considered any recent work to fall within that description, but has advised that should Sark have specific requirements relating to BREXIT, this work may fall into the "major advisory or policy work" category and could be rechargeable over and above the fixed annual fee. Policy and Finance Committee do not consider it likely that Sark will request any such requirements, different from the Bailiwick generally.

It is essential that Chief Pleas continues to receive the Services provided by the Law Officers, within this Agreement, and the Committee requests that the following proposition is approved.

Proposition -

That Chief Pleas approves the proposed Service Level Agreement with St James' Chambers for 2020 and the associated cost and that Conseiller La Trobe Bateman be authorised to sign it on behalf of Chief Pleas.

**Conseiller Peter La Trobe Bateman
Chairman, Policy & Finance Committee**

Parties

St James Chambers

Chief Pleas of Sark

(“Parties”)

Recital

- A. This Service Level Agreement sets out the fee arrangement (“the Fee”) for the provision of legal services (“Legal Services”) from St James Chambers (“Chambers”) to the Chief Pleas of Sark (“Sark”).
- B. The agreement formalises a relationship whereby Sark contributes financially towards the cost of Chambers by means of a flat fee for services provided.

Legal Services within Scope

- 1. The Legal Services within the scope of the Fee are:
 - 1.1. legislative drafting and associated advisory work, except major and complex preparatory work where significant research and drafting of reports relating to policy formation is involved (“Major Policy Work”). Chambers will notify Sark of work streams that are regarded as constituting Major Policy Work and discuss arrangements for carrying out any such work outside this Agreement.
 - 1.2. civil litigation and associated advisory work, except major or complex litigation (“Major Litigation”). However where Major Litigation primarily involves a public law point Chambers will advise whether, given internal resource and the nature of the arguments presented, it may nonetheless be able to undertake the Major Litigation within the Fee.
 - 1.3. contracts, commercial and associated advisory work.
 - 1.4. advisory work on governmental, constitutional, electoral and public law matters, except major and complex matters involving significant work streams (“Major Advisory Work”). Chambers will notify Sark of work streams that are regarded as constituting Major Advisory Work and discuss arrangements for carrying out any such work outside this Agreement.
- 2. When acting for Sark upon civil litigation matters Chambers shall record time in such a manner that in the event Sark is successful in the litigation it is able in appropriate circumstances to present a claim for costs in accordance with the recoverable rate set out in the Royal Court (Cost & Fees) Rules 2008 and/or, where appropriate, in relation to the Court of the Seneschal, in

accordance with section 18 of the Reform (Sark) Law, 2008 and any rules for the time being in force thereunder.

3. The Legal Services provided by Chambers to Sark within the scope of the Fee are not provided upon an exclusive basis and Sark may employ other legal advisers upon any such matter if it so desires. In such event Sark shall give prior notice to Chambers to ensure it does not breach any professional code by, for example acting in relation to a matter which another legal adviser is acting upon.

Excluded Services - Crown Legal Services

4. In setting the level of the Fee it has been recognised that the following are undertaken by Chambers at no cost (“Crown Legal Services”), namely:
 - 4.1. prosecutions, including the provision of legal advice to the Constables on matters of criminal law concerning investigations being conducted by them.
 - 4.2. the drafting of criminal legislation initiated by the States of Guernsey and having application in Sark
 - 4.3. pending the introduction of substantive Public Law Children’s Legislation, acting on behalf of HMP in protective proceedings in respect of children or vulnerable adults.

Whilst outside of the Legal Service in this Service Level Agreement, Chambers will continue to provide the Crown Legal Services at no cost to Sark.

Fee for Legal Services

5. The fee for the financial year 2020 is £65,265.
6. Expenses (e.g. travel costs) and disbursements (i.e. in the event there are any monies Chambers has to pay to a third party on Sark’s behalf) are chargeable by Chambers in addition to the Fee.

Term & Review

7. This agreement shall operate from 1 January 2020 until 31 December 2020, before which point the Parties shall review the arrangement.

Chief Pleas of Sark

St James Chambers

POLICY & FINANCE COMMITTEE

Report with propositions to Christmas Chief Pleas, 22nd January 2020

**THE RE-APPOINTMENT OF NON-EXECUTIVE DIRECTORS
FOR THE ISLE OF SARK SHIPPING COMPANY LIMITED**

In October 2016 Chief Pleas approved the appointment of Mark Dunster as a Non-Executive Director (NED) for The Isle of Sark Shipping Company Limited (IoSS).

The appointment of Mark Dunster expired on the 31st October 2019. Mr Dunster has signified that he is willing to continue in his current role and serve a further term of three years from the 1st November 2019.

It is noted that the current Non-Executive Directors are:

Richard Graham appointed 1st November 2018 for three years.

Peter Gill appointed 1st November 2018 for three years.

Andrew Cook appointed 1st October 2018 for three years.

The appointment of Andrew Cook was approved by Chief Pleas. The Policy & Finance Committee request that Chief Pleas confirm the appointment of the following Non-Executive Directors.

Proposition 1 –

That Chief Pleas accepts the re-appointment of Mark Dunster as a Non-Executive Director of The Isle of Sark Shipping Company Limited for three years commencing on 1st November 2019 or until the next meeting of Chief Pleas at which a Non-Executive Director can be appointed or re-appointed, whichever is the later.

Proposition 2 –

That Chief Pleas confirms the appointment of Richard Graham as a Non-Executive Director of The Isle of Sark Shipping Company Limited for three years commencing on 1st November 2017 or until the next meeting of Chief Pleas at which a Non-Executive Director can be appointed or re-appointed, whichever is the later.

Proposition 3 –

That Chief Pleas confirms the appointment of Peter Gill as a Non-Executive Director of The Isle of Sark Shipping Company Limited for three years commencing on 1st November 2018 or until the next meeting of Chief Pleas at which a Non-Executive Director can be appointed or re-appointed, whichever is the later.

**Conseiller Peter La Trobe-Bateman
Chairman, Policy & Finance Committee**

AGRICULTURE, ENVIRONMENT & SEA FISHERIES COMMITTEE

Information Report to Christmas Chief Pleas, 22nd January 2020

ASIAN HORNET NEST – FOUND, DESTROYED AND REMOVED

Sark's spring queening programme began island-wide in early spring but did not trap its first queen until April. There was a flurry of trappings at the end of May and by the first week of June, when trapping ceased, the total had reached 11. A phoney war existed throughout summer until August when worker hornets began to be spotted at the top of Harbour Hill. Working on location with Messrs. Russell and Harris from the States of Guernsey, who had kindly supplied our traps and advised throughout the season, we spent a day tracking the flight direction of multiple sightings.

In the few weeks that followed the focus was on weakening the nest by trapping, as much as trying to locate it. It was finally spotted hidden within brambles on some waste-ground in La Forge area by Mrs Pat Cunneen. Messrs. Russell and Harris came over to kill and remove the nest for forensic examination in Guernsey and, at the time of going to print, we await those results. Without a doubt many queens were caught in time, before they managed to mate, hibernate and become a problem for next year.

We are at the frontline of learning how hornets behave and developing methods for combating their spread. Next year, hibernated queens might emerge, plus there is the additional threat of migrations from France or more probably, Jersey. Apart from asking the island as a whole to be on the lookout for primary nests in sheds and outbuildings, there will be a more extensive spring queening programme using trap adaptations that reduce the by-catch of indigenous species.

Other than each hornet worker taking 50 bees a day there is a very real danger to life for anyone who disturbs a nest. They are not always at the top of a tree, but can be hidden in scrub, bushes and walls. Thank you to those who helped this year; next year we will be asking everybody to play a part. We particularly want to thank the HSBC for their help in acting as a central point for storing and distributing the hornet traps and also to Mr Peter Cunneen for co-ordinating our efforts.

Conseiller Helen Plummer

Chairman, Agriculture, Environment & Sea Fisheries Committee

AGRICULTURE, ENVIRONMENT & SEA FISHERIES COMMITTEE
Information Report to Christmas Chief Pleas, 22nd January 2020

ANNUAL SEA FISHERIES REPORT

This is the annual information report by the Agriculture, Environment & Sea Fisheries Committee for the 2019 season. Statistics from the angling club and scallop returns are attached to this report.

The Angling Club report that fish caught in competition are down, but this reflects the downturn in club members. Migratory fish such as mackerel, bass and bream seem to be arriving later in the season. Warmer waters have resulted in sightings of tuna around the coast along with the return of the octopus.

Anglers from England still come to fish our rich waters. Tourism is missing out by not connecting with the various groups, whether they fish from a charter boat or from the shore. They would bring welcome income all year round.

Scallops remain a well sought-after dish on any menu. Our chefs do a great job of showcasing all the fresh produce of Sark. The statistics show a steady rise in the number caught from last year. The early part of the season was too cold to dive and the latter part of the year too rough. Hand dived caught scallops still provide a steady income for the fishermen.

The potting season proved indifferent. Chancre (Brown Crab) have been in short supply and lobster catches are down on last year but this has been compensated by high prices paid in France. Owing to trade bans imposed by America on export of crab to China, the price in Europe has risen as China sources crab from Europe. Brexit still hangs over us. In future, we might be prevented from shipping to Dielette or extra paperwork will be needed before we can land our catches. Watch this space!

The Sark Sea Fisheries rib made six patrols and ten trips for a mixture of suspicious fishing boats, missing persons, towing broken down boats into safety and vessel rescues. These are supplemented with patrols by Guernsey Sea Fisheries Boat. The Committee thank them for their advice and assistance.

Please find attached the plan for a seaweed farm off Sark. The Committee would welcome your comments. The Committee hope to bring George Clancy over in the new year to give a presentation.

Finally, we would like to thank Mr Dick Adams, who has finally hung up his oil skins, for his vast knowledge and advice on fishing matters that he has passed onto the Committee over the years.

Conseiller Helen Plummer
Chairman, Agriculture, Environment & Sea Fisheries Committee

SARK SCALLOP RETURNS

SCALLOP RETURNS - 2010 - 2019

YEAR	MAR	Days/ Dives (from 2013)	APR	Days/ Dives (from 2013)	MAY	Days/ Dives (from 2013)	JUNE	Days/ Dives (from 2013)	JULY	Days/ Dives (from 2013)	AUG	Days/ Dives (from 2013)	SEPT	Days/ Dives (from 2013)	OCT	Days/ Dives (from 2013)	TOTAL FOR YEAR	TOTAL No of Days/Dives (from 2013)
2010	1060	4	4188	18	9859	42	15250	46	11440	28	7514	25	6034	14	0	0	55345	177
2011	0	0	2986	13	5914	32	6260	20	8409	43	9267	34	7484	20	2120	10	42440	172
	0lb		288lb		559.5lb		562lb		735.5lb		723lb		438lbs		145lbs		3451lbs	
2012	999	5	5054	23.5	13894	51	20810	61	21630	52	13743	36	10798	21	0	0	86928	249.5
	91.5lbs		466lbs		1069lbs		2044.5lbs		2136lbs		1144.75lbs		897lbs				7848.75lb	
2013	0	0	180	2	1571	10	7870	33	10285	45	784	3	0	0	0	0	20690	98
	0lbs		18lbs		135lbs		817.5lbs		858lbs		59.5lbs		0lbs				1888lbs	
2014	0	0	69	1	368	4	1538	10	623	8	1147	19	190	4	0	0	3935	46
	0lbs		6lbs		31lbs		142.50lbs		59lbs		100lbs		17.50lbs		0lbs		356lbs	
2015	0	0	0	0	150	2	0	0	188	2	543	8	150	3	0	0	1031	15
	0lbs		0lbs		15lbs		0lbs		18.5lbs		51.75lbs		13lbs		0lbs		98.25lbs	
2016	0	0	556	8	1930	33	2057	37	1841	37	1616	39	1091	22	217	5	9308	181
	0lbs		49.5lbs		171lbs		167lbs		143lbs		128lbs		91lbs		16.5lbs		766lbs	
2017	525	10	1885	43	1056	36	1506	38	1914	47	1285	39	1040	32	603	18	9814	263
	41.5lbs		176.5lbs		108lbs		141lbs		183.5lbs		106lbs		89lbs		50.5lbs		896lbs	
2018	94	4	0	0	1267	34	721	22	1112	34	675	19	90	2	200	3	4159	118
	8lbs		Poor visibiity		110lbs		65lbs		102.5lbs		64lbs		8lbs		18lbs		375.5	
2019	0	0	0	0	300	4	471	5	2023	27	1299	18	1030	15	0	0	5123	69
					28lb		42lb		168.5lb		109lb		78.5lb				426	

ALL CATCH.

April 19 - March 20	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Ballan Wrasse	5	3	4	7	1	1							21
Bass													0
Bream (Black)					2	8	7						17
Bream (Couch)				1									1
Bream (Red)													0
Conger													0
Corkwing Wrasse													0
Cuchoo Wrasse													0
Dogfish		1											1
Garfish							7						7
Gobie													0
Gold sinny													0
Mackerel													0
Mackerel Atlantic Chub													0
Mullet (Gold Grey)													0
Mullet (Grey)													0
Mullet (red)													0
Plaice													0
Pollack					1								1
Pout													0
Rockling						1							1
Scad													0
Scorpion													0
Spur Dog													0
Tadpole													0
Tompot Blenny													0
Trigger													0
Tub Gurnard													0
	5	4	4	8	4	10	14	0	0	0	0	0	49

* = Catch & release

Fish Caught In Competition

	Apr-Mar12/13	Apr-Mar13/14	Apr-Mar14/15	Apr-Mar15/16	Apr-Mar16/17	Apr-Mar17/18	Apr-Mar18/19	Apr-Oct19
Bass	0			3 9lb 03oz				
Blenny	0		1 1oz		1 02oz			
Bream (Black)	51 59lb 12oz	32 33lb 11oz	7 8lb 15oz	46 53lb 10oz	30 37lb 12oz	32 37lb 13oz	9 8lb 11oz	17 20lb 07oz
Conger	0							
Couch Bream	0	1 1lb 05oz				5 4lb	6 4lb 10oz	1 13oz
Dogfish	10 16lb 00oz	2 2lb 10oz	27 40lb 02oz	13 18lb 13oz	12 16lb 04oz	10 13lb 11oz	21 31lb 13oz	1 1lb 06oz
Garfish	18 11lb 08oz	14 8lb 14oz	23 17lb 10oz	15 9lb 10oz	36 19lb 00oz	32 20lb 15oz	8 4lb 06oz	7 3lb 08oz
Gobie	0			1 01oz				
Gold Grey Mullet	0							
Grey Mullet	36 100lb 13oz	3 9lb 01oz	3 9lb 07oz	1 3lb 04oz	6 18lb 13oz	1 2lb 06oz	1 4lb 03oz	
Mackerel	15 9lb 11oz	3 1lb 11oz	36 19lb 07oz	24 20lb 13oz	13 9lb 05oz	3 1lb 15oz	123 74lb 04oz	
Mackerel Atlantic Chub	0						4 4lb 07oz	
Plaice				2 1lb 05oz				
Pollack	27 27lb 00oz	6 6lb 09oz	2 2lb 04oz	17 18lb 05oz	14 16lb 04oz	1 1lb	15 31lb 05oz	1 15oz
Pout	1 12oz				1 09oz			
Red Bream	0							
Red Mullet	0				2 1lb 07oz			
Rockling	1 02oz			1 03oz				1 02oz
Scad	21 14lb 08oz	5 3lb 14oz	17 10lb 11oz	14 9lb 09oz	11 6lb 07oz	2 14oz		
Scorpion	1 01oz							
Shanny	0							
Spur Dog	0							
Trigger Fish	0							
Tub Gurnard	0	1 1lb 10oz						
Wrasse Ballan	45 97lb 05oz	30 64lb 10oz	17 45lb 07oz	21 50lb 02oz	21 47lb 00oz	26 51lb 11oz	12 23lb 03oz	21 37lb 00oz
Wrasse Corkwing	0	1 02oz	1 2oz					
Wrasse Cuckoo	2 1lb	3 1lb	1	2 1lb				

	09oz	12oz	5oz	10oz				
Wrasse Gold Sinny	0							
Total	229 319lb 04oz	101 135lb 13oz	135 154lb 07oz	160 196lb 08oz	147 172lb 15oz	112 134lb 05oz	199 151lb 06oz	49 63lb 06oz

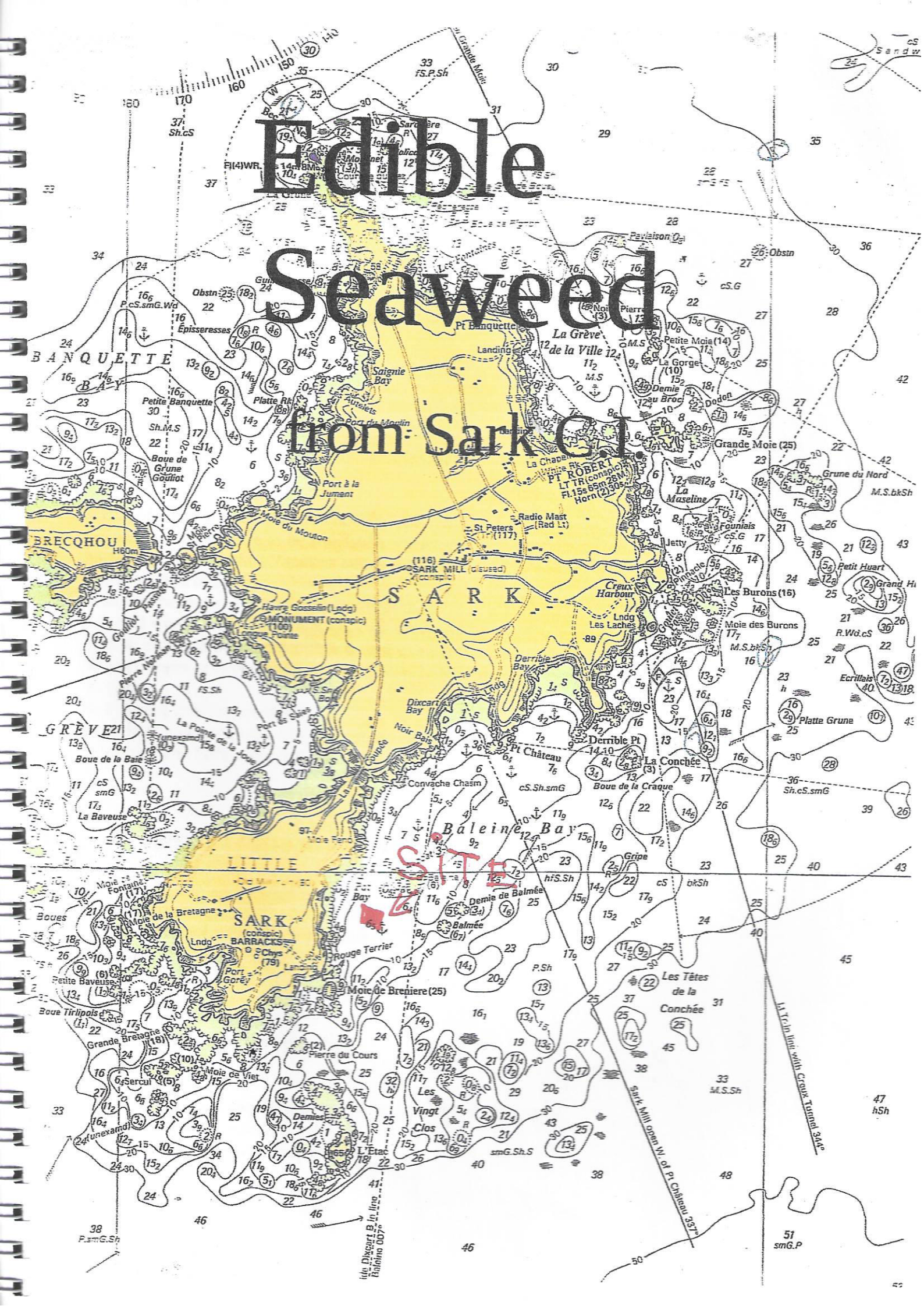
2 New Species Caught out of Competition,

1 x Gilt Head Bream 3lb 11oz

1 x Marble Ray 9lb03oz

Club runs from April to March.

Edible Seaweed from Sark CI



Vision

To be the first supplier of edible seaweed in the channel Islands for local and export markets.

Strategy

Source local seaweed for spores for seeding
Seaweed type to be *lamanaria saccharina* (sugar kelp)
Use local fisherman and labour
Use local resources to dry/ *grind*/pack seaweed products
Use local resources to design packaging
Develop and distribute networks to export products locally and internationally

Sustainably Seaweed Farming

A trial of 1 hectare farm to be established (2.4 acres)
Local sugar kelp spores to be attached to twine wrapped around horizontal ropes held 1.2 metres below water level.
See X-section of farm
Ropes to be secured to chains/buoys/deadmen
After 12 weeks seaweed to be harvested/dried/grind/packed
Trail to establish best depth of horizontal ropes, distances horizontally between ropes. seaweed to be cut at different length to establish secondary growths.
Best drying, grinding methods.
Work in conjunction with Environment department to ensure sustainability of project and Sark shore line.

Sark based company using local labour

Use local labour and resources
Use local bank account
Product is named Edible Seaweed from Sark Channel islands
Packaging to promote Sark tourism

Distribution Networks

Sell to local farmers markets in the Channel Islands, shops, hotels
health shops, food suppliers.
Explore and sell to export markets

Company make up

George Clacy B.Sc. C.Eng. M.I.C.E

1999 use of waste heat from Guernsey power station to make seaweed extract in cosmetic products

2017 manufacture of Channel Island seaweed fertilizer and slug repellent

2019 Apply to States of Guernsey for the establishment of seaweed farms.

Visited seaweed centres of studies in Scotland, Holland and France.

Jordan de Cateret

Local lobster fisherman

Very experienced in local water conditions.

Investment to date

£6200 on research, visits to Scotland, Holland and France

£1280 on bags, designs and sealers

£800 on plant and equipment

£10200 on wages/expenses

Product pricing

Edible seaweed grains	rrp
Edible seaweed flakes	rrp
Edible seaweed salad	rrp
Seaweed face v scrub	rrp
Seaweed bath soak	rrp

Projections

Farm to be increased to 5 hectare in second year

Farm to be increased to 10 hectares in 3rd year

Research shows 1 acre of seaweed farm produces 10 to 20 tonnes of wet seaweed

10 tonnes of wet seaweed produces 1.4 tonnes of dry seaweed

Marketing and PR

Commission

marketing and PR agency

Establish dual marketing along side retailers utilising their stores and

existing marketing channels ie social media,web sites,stores magazines etc
Create integrated marketing strategy
Build brand awareness and platform

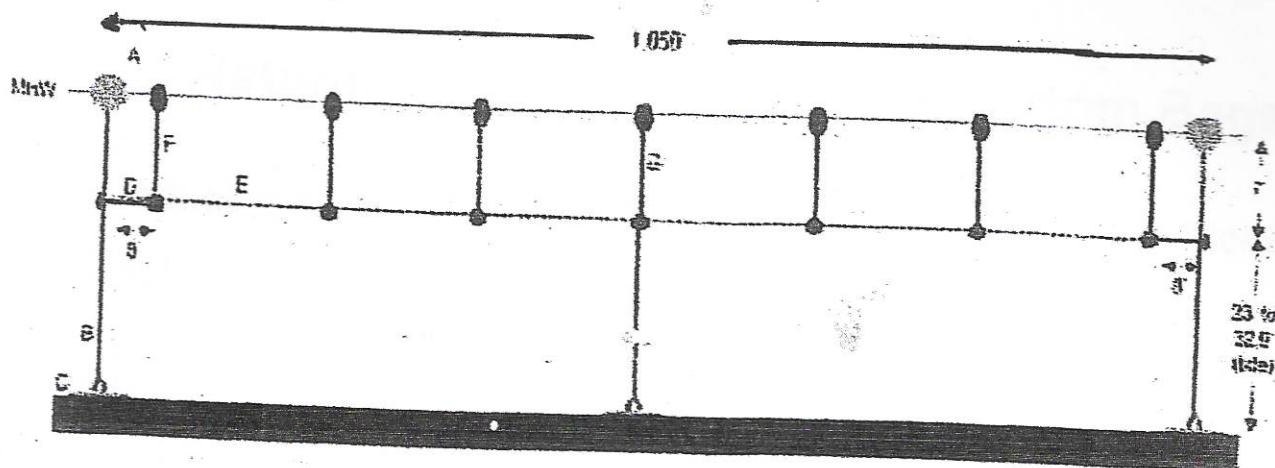
Continued partnership with sark

Ensure seaweed farmed sustainable and care to enviroment
Promote Sark
Promote green credentials of Sark

Future Expansion

Investigate to create food based product line-healthy snack industry
Investigate to products in cosmetic industry
Use seaweed in dairy

X - SECTION FARM



Maximum Depth = 39' 9"
Minimum Depth = 30' 3"

- A = Mooring ball
- S = 3/4" Mooring chain
- C = 2,000 lb Mooring
- D = 3/4" line hold fast shackled to mooring chain
- E = 7/16" controlled depth long line
- F = 7' depth control line with buoy and weight
- G = Mid line mooring system

Eco First Range

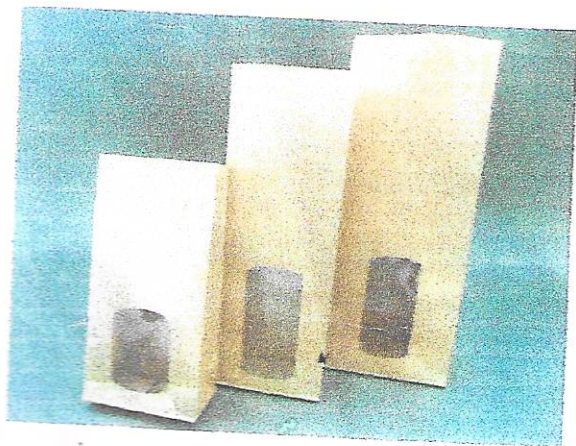


Natureflex Lined Paper Block Bottom Bags

Introducing a brand new range of environmentally friendly, block bottom, film lined bags that are made of 100% compostable and biodegradable materials

Natureflex is a transparent, high barrier, heat sealable, compostable film

- Natureflex films are based strongly on renewable resources (wood pulp sourced only from plantations)
- Natureflex films have been fully tested and are certificated to both the European (EN13432) and American (ASTM D6400) norms for compostable packaging



Our Stock Range includes:-

80gsm brown ribbed kraft bags with window

Sizes available:-

125g 80x47x166mm

250g 80x40x232mm

500g 105x65x262mm

For non standard sizes/specifications we can produce to order based on minimum order quantities of 15,000 units per size. (eg Without window option or in a white kraft paper)

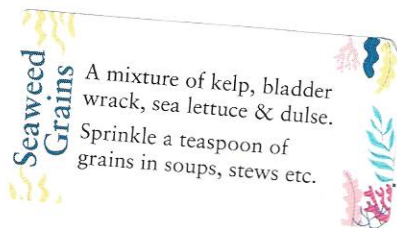
Edible Seaweed

Farmed, sustainable, hand harvested, cleaned, washed, dried and ground seaweed from Sark in the Channel islands UK .

Contains a mixture of sugar kelp, dulse, sea lettuce and bladder wrack.

The paper bag and film are 100% compostable and biodegradable to European(en3432) and-American ACTM D6400

How to Use; Sprinkle on food and in cooking as per salt.



Edible Seaweed -flakes

Farmed, sustainable, hand harvested, cleaned, washed, dried and flaked seaweed from Sark in the Channel islands UK .

Contains a mixture of sugar kelp, dulse, sea lettuce and bladder wrack.

The paper bag and film are 100% compostable and biodegradable to European(en3432) and-American ACTM D6400

*How to Use;soak in boiled hot water for 15 minutes to re hydrate.
Add to cooking and or top of food.*

Edible Seaweed -salad

Farmed, sustainable, hand harvested, cleaned, washed, dried seaweed from Sark in the Channel islands UK.

Contains a mixture of sugar kelp, dulse, sea lettuce and bladder wrack.

The paper bag and film are 100% compostable and biodegradable to European(en3432) and-American ACTM D6400

How to Use;soak in boiled hot water for 15 minutes to re hydrate.

Cut into bite size pieces add to bowl. Cucumber, carrots,apple can be added to salad.

Typical Japanese sauce; toasted sesame seeds to sprinkle on top/1tablespoon toasted sesame oil/ 1 tablespoon soy sauce/1.5 tablespoon rice vinegar/1 tablespoon sugar/1/4 tablespoon salt.

Caution ;check for sesame seed allergy.

Seaweed Salad

Seaweed Salad contains sustainable, hand harvested live seaweed. Seaweed Contents are a mixture of dry kelp, sea lettuce, dulse & bladderwrack. Sesame seeds and Japanese sauce are included.

How to use:

1. Check you are not allergic to Sesame seeds.
2. Take a small portion of dry seaweed and soak in cold water for 15 minutes.
3. Take out, shake off excess water cut into bitesize portions and place in a bowl, add sauce and seeds to taste.
4. You can add diced cucumber, carrot or similar if you desire.

Salad will keep for 12 months if kept dry.

Enjoy

Seaweed is a great source of vitamin A, C, E, K & B Vitamins. It's also rich in many minerals including iodine, selenium, calcium & iron. Not to mention the fibre in seaweed may help to prevent fat absorbtion.

150 grams dry seaweed

ITEM 10

TOURISM (INCLUDES PUBLIC HEALTH) COMMITTEE **Information Report to Christmas Chief Pleas, 22nd January 2020**

SARK TOURISM REPORT 2019 – NOVEMBER 2019

The report covers the period January 2019 to October 2019 (inclusive) except where specified elsewhere in the report and is broken down into sections for ease of reference.

Tourism & Public Health Budget

Budget 2020

Required from Chief Pleas (CP)	£89,285
Income to be generated by Visitor Centre (VC)	£32,665

Budget 2019

Received from CP	£88,098
Income to be generated by VC	£32,000

Budget 2018

Received from CP	£90,935
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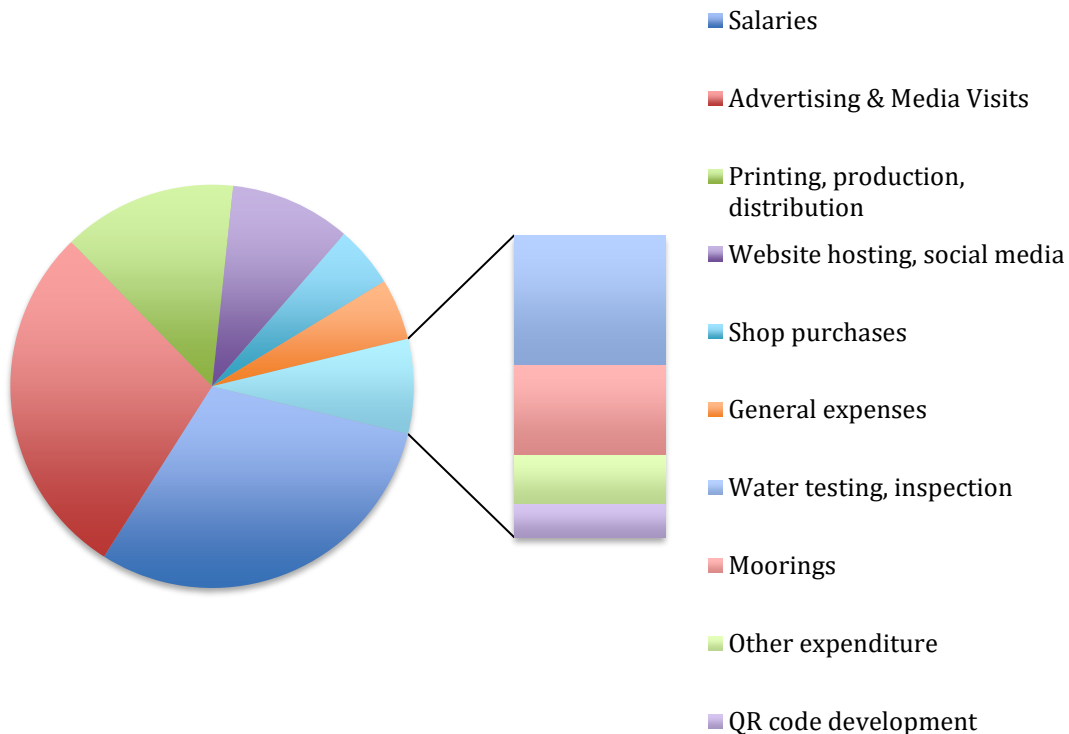
Budget 2017

Received from CP	£93,674
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You will note that the amount received from the government has decreased year on year and from 2018 the VC has been required to produce an income to supplement the annual budget. Careful financial planning throughout the year in terms of both income and expenditure has become increasingly more important.

The total budget for 2020 can be broken down into the following expenditure:

Budgeted Expenditure 2020



Advertising, Media Visits & Assistance 2019

Discover Sark 2019 brochure

Individual requests for brochure are relatively constant year on year with the greatest majority of requests continuing to come from the UK. The brochure is expensive to produce but a printed version remains essential as the most comprehensive promotional material distributed in relation to Sark. 30,000 brochures were printed and so far we have had just under 7,000 brochure views on-line.

We have requested our IT agents to make the links live so, in relation to the businesses who have advertised in the brochure, there will be a direct connection to their website.

The money brought in from businesses advertising in the brochure, map and on the website is used to pay for the production of such materials and any surplus is used as calculated as part of the income generated and included as part of the overall tourism budget and therefore used for the benefit of tourism. Those businesses advertising with us are, as a result, playing an important role by directly helping Tourism on Sark

Advertising

In 2019 we have advertised with Petit Fute, Flybe, Loganair, Visit Britain Online, Breeze magazine of Southampton Airport, Southern Daily Echo on-line and FaceBook

(to coincide with new air route), Artists & Illustrators (as part of Mervyn Peake commemorative plaque), Britain magazine, Sainsbury, Countryfile, Guernsey Airport, Aurigny, Essential Guernsey, Guernsey Press, Love Guernsey, Savills, Visit Guernsey, Guernsey Cruising Guide, Jersey Cruising Guide, Enjoy Jersey, Jersey Evening Post, What's On magazine, Condor, Harbourguides.com and purchased some new images for promotional use. Each advert is assessed in terms of the cost, readership/viewing figures and whether it reaches our target market. We negotiate the costs of each advert and generally obtain a good reduction.

Media/Tour Operator Assistance

Assistance has been provided to Bailiwick Tours, Bella Luce magazine, Black Tide, Blue Island, British Travel Journal, CI Travel (Bontour), Everybody Loves Jersey, Food & Travel Magazine, France 5, Greatdays Travel, Guardian, Guernsey Press, Harper's Bazaar, Independent, Jersey Evening Post, Lonely Planet, Rail Trail Tours, Rough Guides, Telegraph, Time Out, 3 Op Reis.

Media Visits

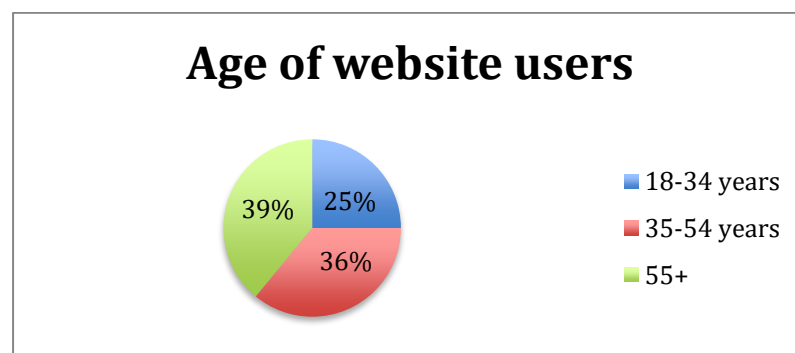
We have hosted Waitrose Food & Travel, Great Days Travel Group, Sunair & travel agents, various German journalists & bloggers, TUI, German walking guide for tour recce, Sunair guidebook author, various US Journalists from and including the News Herald, Morning Journal, Designer Magazine, www.thewisetraveller.com, Poets & Writers, Luxury Travel Advisor (Instagram), AAA Magazines, Reis & co, Keith Pengelley re Mervyn Peake guided walk, Premier Travel, Vegan Food & Living, Cruise & Travel, Lifestylecanada.com, American Express, Austin American Statesman and other various papers as a freelance, various Canadian TV stations such as CTV Ottawa, Global Montreal and CHCH.

Digital Platforms

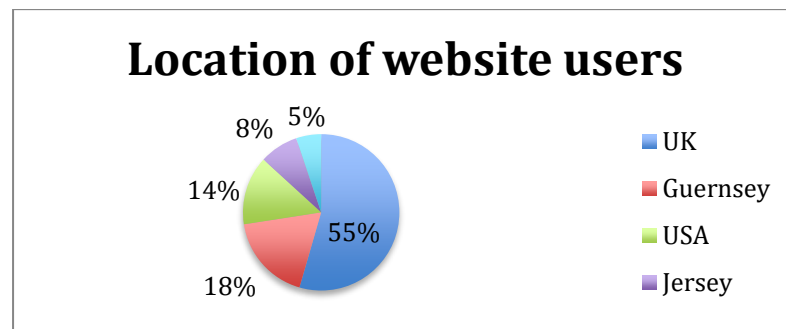
Tourism Website

The number of website users we had between January and October amounted to 116,491, most of which were new users. The number of sessions between the same period, i.e. the number of times the website has been viewed, was 137,683.

The users of our website can be broken down into the following:



Another pointer showing that our main market is that of the middle-aged and late baby boomers. It is a year on year consistent result.



We have an increase in the number of website users from the UK and a decrease in the number of users from Jersey, perhaps the latter may be synonymous with the current feelings about the Manche-Iles but hopefully as the reliability of the Manche-Iles improves, then so too will the number of Jersey residents looking at our website. This is one of the pointers showing that the majority of our visitors come from the UK.

The most popular website pages visited, most to least and excluding the Home Page, are Where to stay, How to get there, News, Things to do and the interactive Sark map.

Social Media

The number of followers on Facebook has increased year on year as follows:

October 2015	October 2016	October 2017	October 2018	October 2019
4,820	7,577	11,626	12,200	13,269

Year on year we see that the most popular posts, by far, are bestowed upon Sark's beautiful vistas and the natural wildlife.

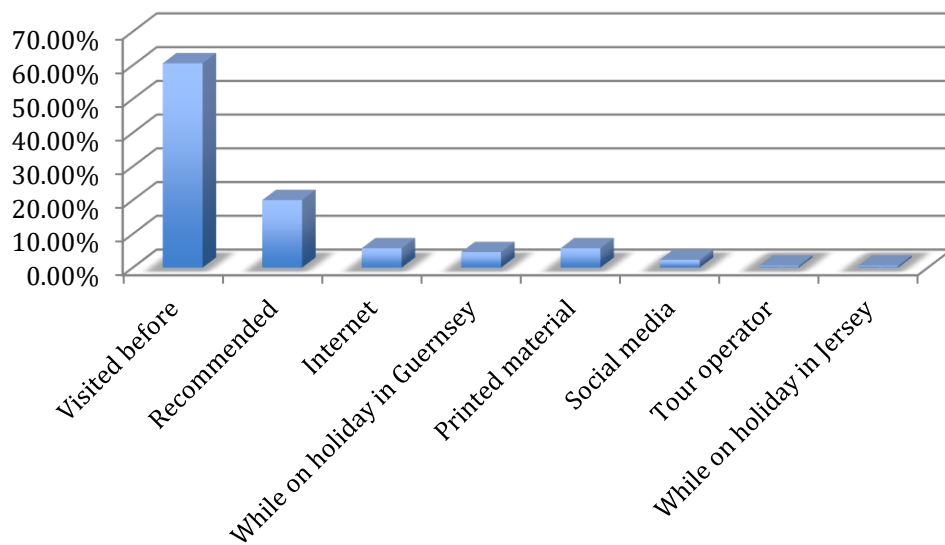
The number of Instagram followers has increased from 1,745 in 2018 to 2,932 in 2019.

Survey Results

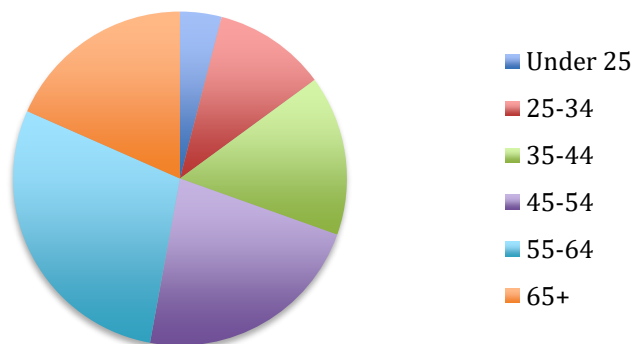
For the third consecutive year, Sark Tourism has produced a survey for visitors to partake, initially online but this year in paper format also from the VC. The survey is anonymous in the hope that participants speak more openly.

The results from our 2019 (on-line and paper) survey are as follows:

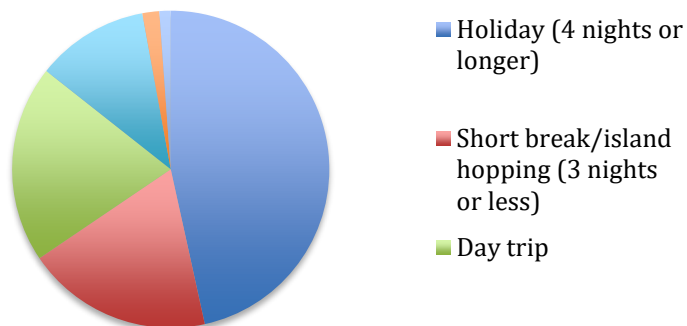
How Visitors Discovered Sark



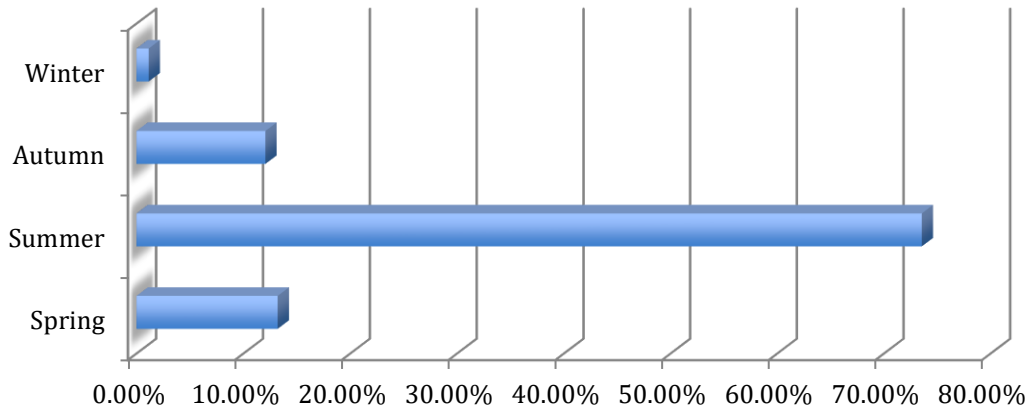
Age of Visitors



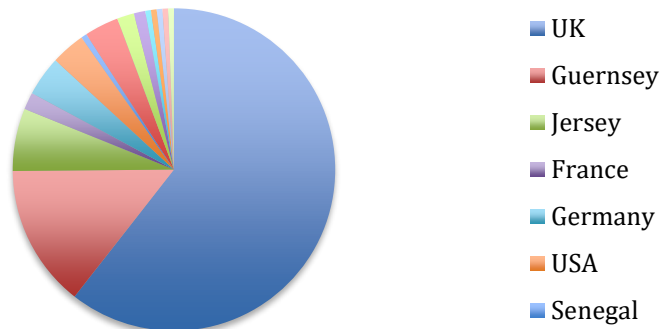
Purpose of visit



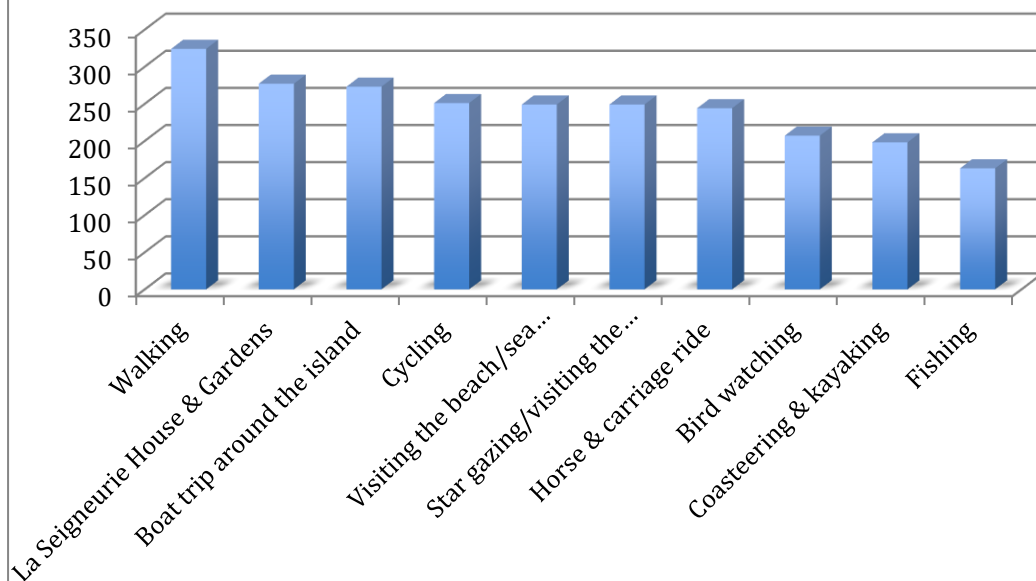
Time of year visitors visit



Where our visitors come from

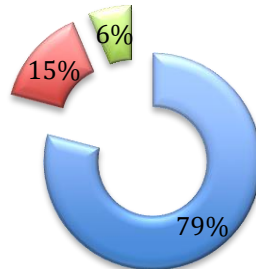


Things visitors like to do on Sark, from most to least



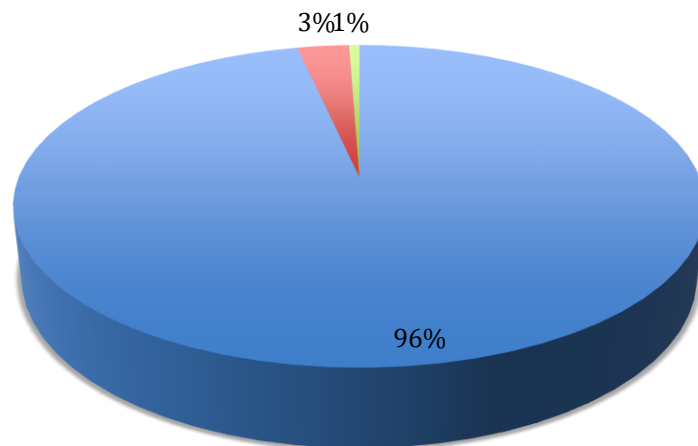
Likelihood of visitors returning to Sark

Very Likely Likely Unlikely

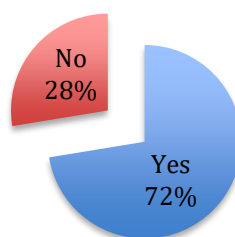


How safe do visitors feel?

Very safe Quite safe Unsafe



Did visitors visit the Visitor Centre?



We also asked, 'How can we improve your visit to Sark?' and were there any comments they would like to make

47% commented that there was nothing to improve and the island is great. However, out of the comments left, the most common comments related to travel: the ferry fares are too expensive, flights do not coincide with the ferry timetable, flights to Guernsey are too expensive, unreliable transport links, Manche-Iles unreliable and ferry timetables to be published earlier. The next most popular comments related to food: not enough places to eat at night and not enough food in the shop.

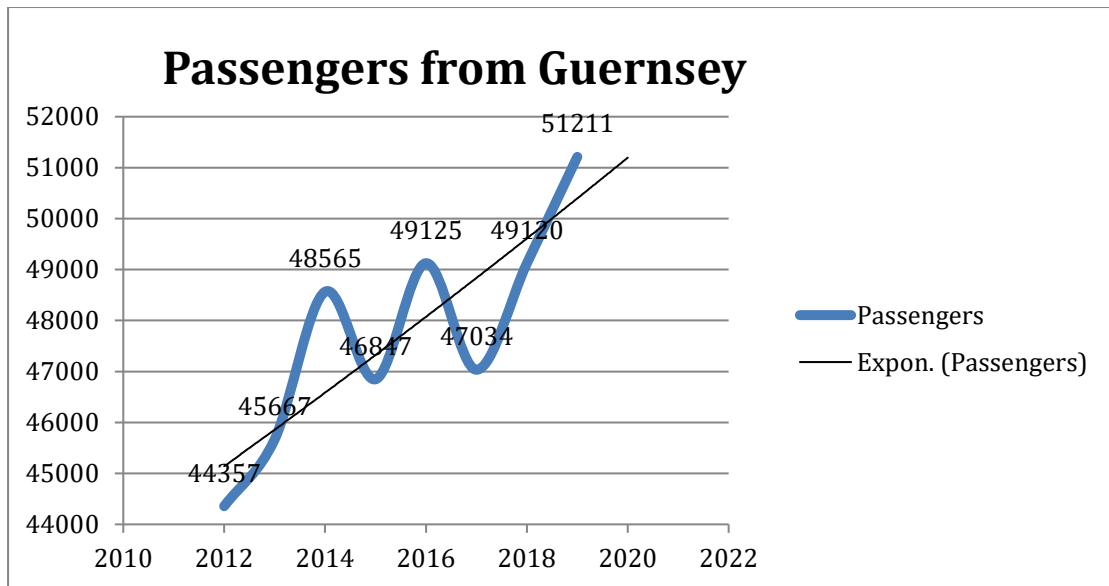
Comparison to previous years' survey

The Visitor Centre has carried out surveys in 2017, 2018 and 2019. So, what can we glean from the data collected over the last 3 years?

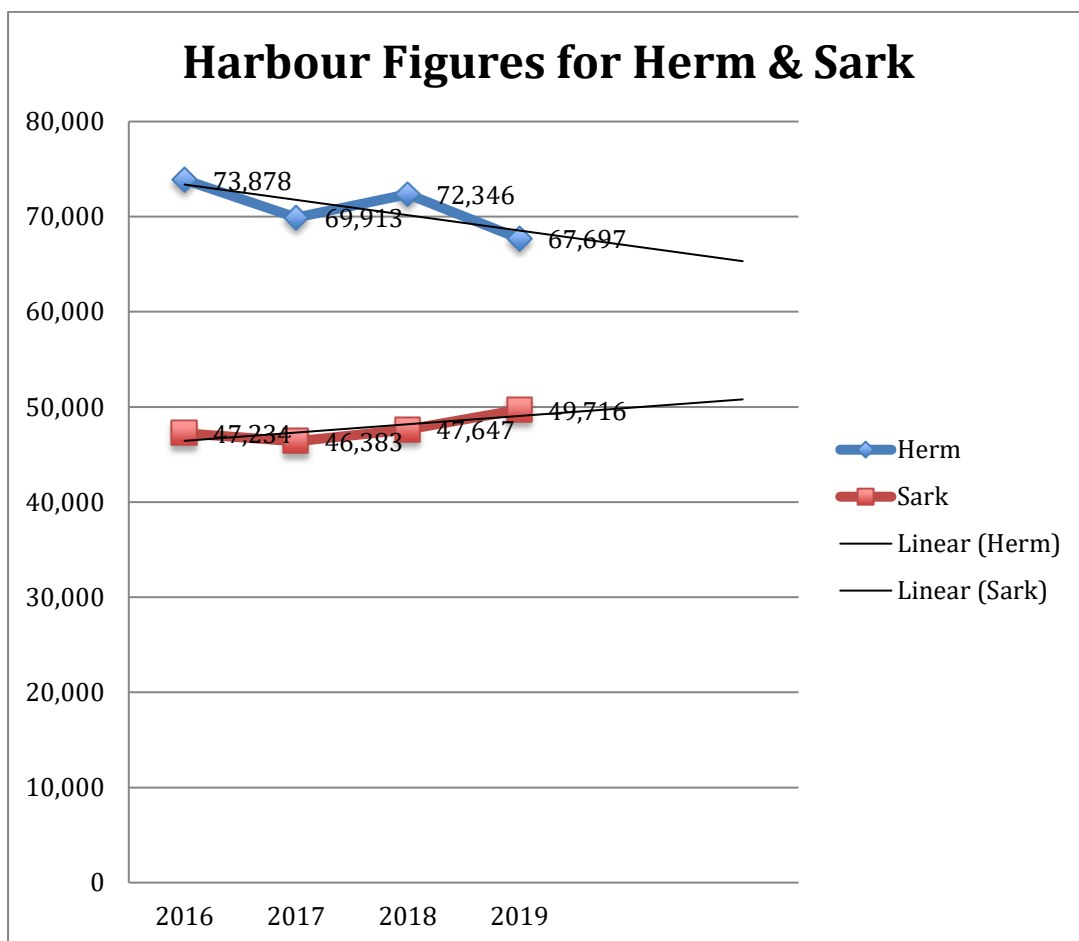
1. Year on year the surveys have shown an increase in the number of return visitors to Sark. In 2019 60.57% of those taking part in the survey had visited Sark before; in 2018 this was 55.24% of participants and in 2017 it was 36%.
2. Whilst advertising in printed media such as magazines remains important to put Sark on a potential visitor's radar, it is becoming more important to have a digital presence.
3. 2018 and 2019 saw an increase in the number of longer stays (4 nights and over) according to our survey, increasing from 26.71% in 2017 to 42.31% in 2018 and 46.55% in 2019. This has increased along with the British trend for staycations.
4. What about the age of our visitors? They appear to be getting gradually younger. There has been a gradual increase in all the younger age categories from 2017 compared to 2018 and from 2018 to 2019. In 2019, just over half of our visitors completing the survey fell within the 45-64 years category, with the 45-54 year age range having increased in number and the over 65s decreased.
5. Most people still travel in couples but there appears to be a growing trend in travelling alone. This is also borne out by the IoSS passenger figures. Sark is a safe place and great for those travelling alone, where year of year around 95% state that they feel very safe on Sark.
6. Walking on Sark and enjoying its natural beauty has been by far the clear winner year on year and the thing people enjoy most when visiting the island.
7. The greatest majority who visited Sark say they are very likely to return – this has also been the same year on year.
8. The overall comments, particularly relating to travel have been a common theme over the years.

Ferry Passenger Numbers

The graph below shows the passengers travelling to Sark from Guernsey with IoSS between March and October each year and the trend line based on those figures.

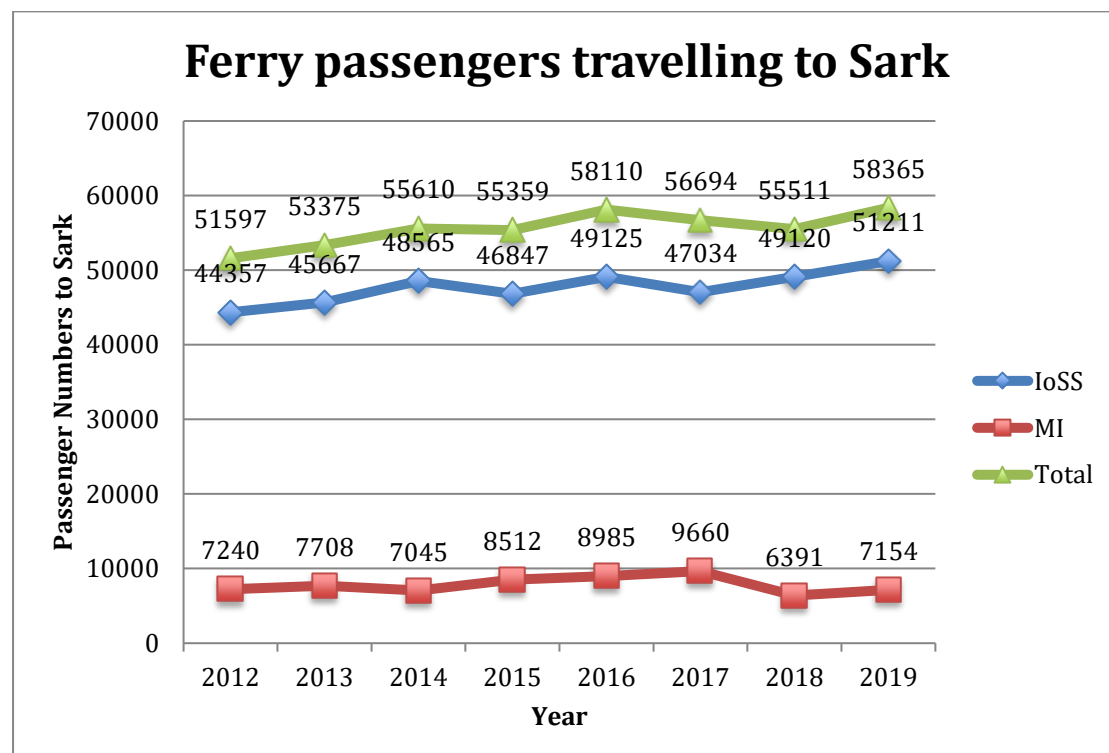


The graph below shows Guernsey Harbour passenger statistics relating to the period January to end of September each year. As at the time of writing, the harbour figures were produced to the end of September 2019 and so as a fair comparative the same time frame has been used for all years included in the graph below.



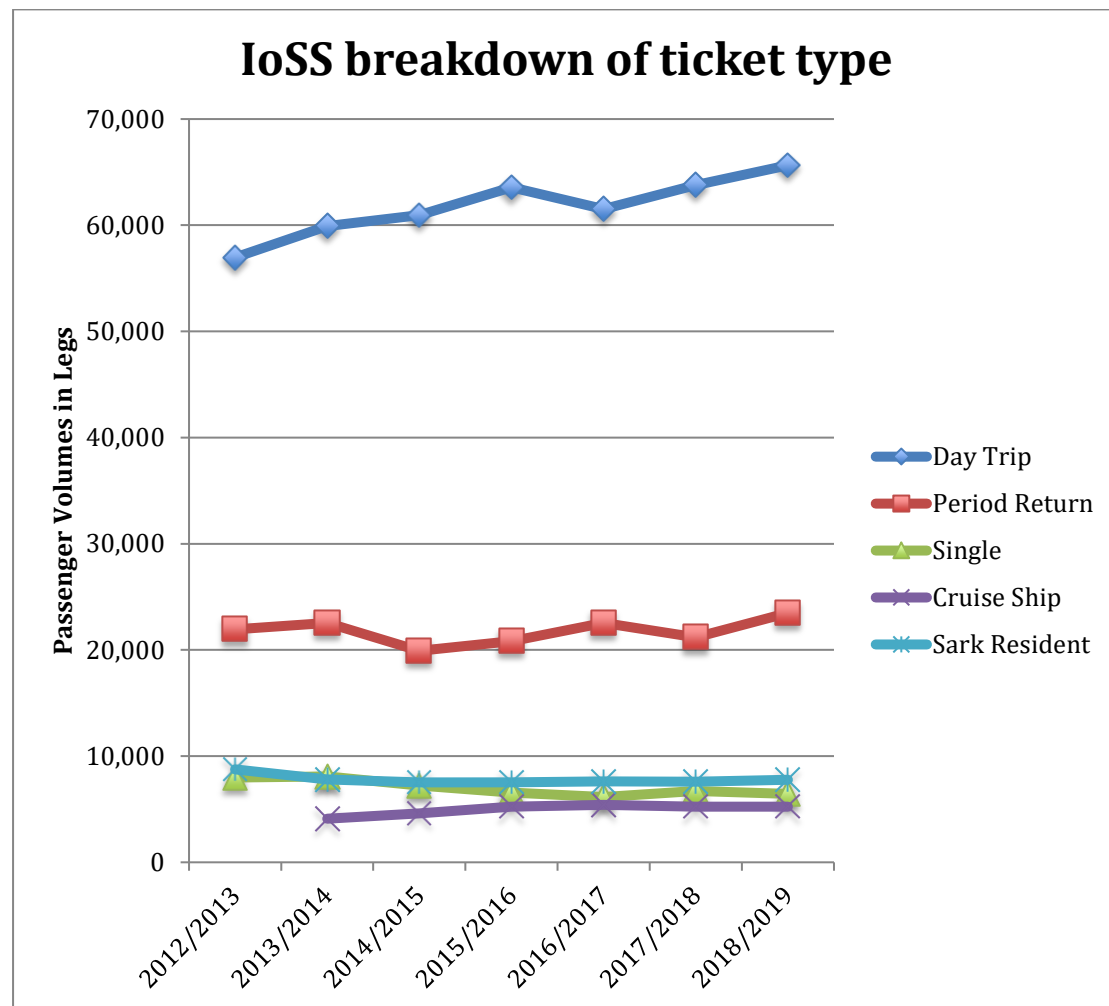
The trend lines are interesting because although the passenger figures for Herm remain much higher than those for Sark, the trend lines suggest the gap between the two comparatives slowly decreasing year on year. IoSS are offering discounts, 6 throughout the season in 2019: perhaps this is helping to increase the passenger numbers to Sark. We have asked IoSS for the dates of the offers so as to compare them with the passenger numbers in order to verify this last assumption but at the date of submitting this report they have not been received. Other data requested from IoSS has been received and used in this report.

The graph below shows the passenger numbers travelling to Sark from Guernsey and Jersey between March and October each year.



MI - there were many cancellations in 2018 which is why the figure dips but its unreliability in 2018 appears to have had a knock-on effect on this year's passenger figures. Hopefully from 2020 onwards consumer confidence will return and the number of passengers traveling on this route will increase. The promotion of island hopping by all the Channel Islands may also help improve the MI numbers going forward.

The tickets purchased by type from IoSS



Guernsey Tourism Report

Most visitors travel to Sark via Guernsey and as a result Guernsey's tourism figures indirectly have an effect on Sark's tourism figures, as well as the other Bailiwick islands.

Within this section there is reference to the Tourism Product and Customer Experience Strategic Review carried out by PricewaterhouseCoopers (PWC) and submitted to Visit Guernsey at the end of 2017. PWC are market experts and consulted with stakeholders in the tourism sector of Guernsey, visited key attractions, analysed economic data and reviewed visitor feedback. This report has recently been made available courtesy of Visit Guernsey and offers constructive criticism to help us all make improvements and move forward.

Visitor Numbers

The figures and trends in Guernsey are important to Sark because since 2012 an average of 85.9% of visitors travel to us via Guernsey. As a result there will be a direct correlation between Guernsey's visitor numbers and ours.

Visit Guernsey reported at their Industry 2019 seminar that their total visitor numbers are up by 2.6%, boosted by the increase in cruise visitors and day visitors. They have seen an overall increase in the number of French visitors due to the new Jersey to Guernsey route of the Manche-Iles. However, the total staying visitors (166,000) were slightly down, by 1%. The staying visitors are more likely to visit the other islands rather than day visitors who are likely to remain in Guernsey to explore for the day.

Guernsey airport passenger figures as at the end of August 2019 were 29.87% down and flights into Guernsey from UK in summer is on average 50% more expensive compared to Jersey (according to the tourism report by PWC). PWC stated that "Guernsey's visitor numbers have suffered a long term downward trend while Jersey has seen slight improvements since the arrival of low cost carriers".

In order to boost these figures next year, Guernsey are being proactive and are working on improving their connectivity. They will be introducing 7 new UK air routes and 17 European charter routes in Germany.

Type of Visitor

PWC say that as access costs are unlikely to reduce, Guernsey should focus its marketing to attract the younger baby boomers (aged 50-64) who have more expendable income than the younger sector.

What attracts a younger baby boomer?

The PWC tourism report, although critical, is helpful in understanding the tourism opportunities to be made. They noted that a major attraction or event is unlikely to be economically viable and current events are generally attended by locals rather than visitors. Instead they have recommended that Guernsey, and the Bailiwick as a whole, make the most of what they already have and investing in those products is a great way forward. In other words; the archipelago of the Channel Islands, heritage (particularly military history), culture and light activity/wellness.

In relation to the latter, PWC go on to say that the most important of these light activities/wellness is walking. The report found that "visitors to Guernsey highlight scenery, relaxation and walking as the key activities for choosing the Island". They go on to say that walking should be given priority as a foundation for building visitor figures. The popularity of the scenery is certainly borne out by the viewing statistics collected in relation to the most popular updates on our website and social media platforms.

Cultural discovery is also very important to our target market and work is required to bring the island's history to the fore as an important visitor attraction.

Actions taken by Visit Guernsey in collaboration with Sark Tourism

In light of the findings of the PWC report, VG will be heavily promoting the island hopping experience. They will be incorporating this into many of the media visits arranged through their PR companies in 2020. This will involve a longer visit to Sark

than the prior short day trip and will provide a real opportunity to showcase all that Sark has to offer, including our majestic dark skies and beautiful cliff paths.

Also, Sark has joined with the other Channel Islands to become members of Liberation Route Europe (LRE). LRE has a large and growing number of followers and has the potential to enhance the number of tourists visiting the island. We would be on their website, have use of their App and have access to networking events to promote links with tour operators who promote the Liberation Route. VG have very kindly covered the cost of our proportion of the membership this year and it is a great opportunity to work together on such a momentous project.

As part of the Liberation Route Europe project, the Douzaine have agreed to Tourism using part of the Old Island Hall for a period of 3 years. The Old Hall will house an exhibition, retelling the history of the island's Occupation and the years following Liberation, the experiences of islanders and how this old building was important during the war years. Hopefully this will breathe some life back into the old place.

As 2020 marks the 75th anniversary since Liberation, we are encouraging islanders (including ourselves) to take part in almost year round celebrations. We will use the logo designed by VG in our promotional material and they will help us advertise our events with theirs.

Actions being taken by Sark Tourism

We know from past survey results and from talking to visitors in the Visitor Centre that walking is, and has been for a long time, the most enjoyed activity on Sark. The item we sold most in the Visitor Centre this season was the self-guided walking routes which are also available on our website.

Last year we devised self-guided walking routes, describing not only the route but the history behind the buildings and places being passed. We also have a militia trail showing the location of various cannons and in particular the importance of the Eperquerie Common.

We have stainless steel QR codes being positioned outside buildings in the centre of the island. When scanned using a smart phone, historical information will be downloaded about that building. They are small, discreet, brushed stainless steel plaques measuring no more than 70mm x 70mm. Less intrusive than a big board and placed in easy to reach, flat locations. Even the less energetic visitors will be able to access these plaques.

As part of the Liberation Route Europe we will have 3 Vectors (memorial plaques) erected showing the route taken by the allied forces on Liberation: Creux Harbour, Mill Lane and La Seigneurie. Historical information and images have been submitted by the Visitor Centre and checked (many thanks extended here to Richard Dewe (who also supplied images) and Reginald Guille) for each of the vectors, the LRE app and LRE website. This information will further be extended in due course with more material, images and footage where available.

The PWC report stated that Art has proven a successful attraction in other destinations. This year we saw the erection of our first Blue Plaque to celebrate the lifetime achievements of Mervyn Peake which will be included as part of the heritage trail advertised by VG. We also have information about Sark-based artists in the Visitor

Centre. Sark holds a collection of large Toplis prints in the Island Hall but this is not well advertised and so under-utilized. Perhaps it is possible to work together with others, such as Societe Sercquaise, to display works/prints by other artists based on Sark. We have also spoken to a local expert on the Sark artists who have kindly agreed to help us put together a self-guided Sark artist walking route.

Most of the walks now, except for the walking events in Spring and Autumn are self-guided as self-guided routes are the preference for our visitors. They are convenient in that they can be conducted at a time to suit the visitor and incredibly cost effective. They are also popular as they impart historical information about the island which can be kept and reread.

We know from survey results gathered over the past 3 years that better signage would be appreciated. Tourism had prepared a more detailed map for 2019 showing road names and popular landmarks, resulting in a notable improvement with fewer negative comments received about the 2019 map and the number of digi maps sold significantly decreased in 2019 compared to previous years. In 2020, there are plans to have better signage on the island with an improved, more natural look.

Conclusions

Although we will try to attract visitors from all over the world, with a new concerted effort to promote Sark in Germany (due to new air links) and France, a large part of our advertising should be aimed at our largest and most reliable market, the UK.

We know, with the help of the PWC report to guide us, what our target market (the late baby boomers) like from a holiday and we shall do our best to please as far as we are able.

In an ideal world it would be fantastic if we could look more towards Jersey to increase our visitor numbers. Jersey's tourism figures are high, thanks in part to the low cost air links the island have to the UK and rest of Europe. Sark is very fortunate to have the Manche-iles travelling to the island, particularly as there is no financial input from us but a strengthened and reliable ferry route between Jersey and Sark would be a means of increasing our annual visitor numbers.

Sark Tourism are working with VG and locals, as well as targeting their advertising campaign, to attract the younger baby boomer who have more expendable income to cover the higher costs of travel. Key features to develop and promote will be the curiousness of island hopping in the English Channel, heritage/military history, culture and light activity particularly walking.

Conseiller Sandra Williams
Chairman, Tourism (includes Public Health) Committee

DOUZAINE

Information Report to Christmas Chief Pleas, 22nd January 2020

SEASONAL REGULATION N° 2

The Seasonal Traffic Regulation N° 2 was presented to the Easter Meeting of Chief Pleas 10th April 2013 and was accepted without comment; as a consequence it has been applied each year and will be applied in 2020 starting on 1st April.

Attached to this report, and for information purposes, is a copy of the 'The Seasonal Regulation N° 2'.

**Conseiller Alan Blythe
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:

- (a) the Power Station and the Visitor's Centre or the Church along the line of The Avenue,
- (b) La Collinette Crossroads and the Pomme de Chien campsite lane, and
- (c) La Collinette Crossroads and Rue Hotton ("Mermaid Lane")

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 Alan Blythe, Chairman, Road Traffic Committee

DOUZAINE

Information Report to Christmas Chief Pleas, 22nd January 2020

SEASONAL REGULATION N° 4 - 2020

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 – 2020'.

Conseiller Alan Blythe
Chairman, Douzaine



ROAD TRAFFIC COMMITTEE
(part of the Douzaine)
SEASONAL REGULATION N° 4 - 2020

**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 2020** until further notice, or failing such notice until (and including) the **30th September 2020**, 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 2020** until further notice, or failing such notice **until (and including) the 30th September 2020**, 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 old NatWest Bank, and
 - (c) park on the roadway opposite the old 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 Alan Blythe
Chairman, Road Traffic Committee



Committee *for*
Health & Social Care

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Ms Helen Plummer
Chairperson
Agriculture, Environment & Sea Fisheries Committee
La Chasse Marette
Sark
GY10 1SF

3 October 2019

Dear Ms Plummer

Re: European Communities (Food and Feed Controls) (Guernsey, Alderney and Sark) Regulations, 2019

Please find attached a copy of the European Communities (Food and Feed Controls) (Guernsey, Alderney and Sark) Regulations, 2019, which have recently been made and came into force on the 3rd October, 2019. These Regulations were made after due consultation with your Committee, and your Committee jointly with the Tourism Committee has approved the fees set out in these Regulations.

The European Communities (Food and Feed Controls) (Sark) Ordinance, 2019 ("the 2019 Ordinance") requires these Regulations to be laid as soon as possible before a meeting of the Chief Pleas. At that meeting or the next, the Chief Pleas may resolve to annul these Regulations (so far as they are made under the 2019 Ordinance), in which case they cease to have effect in Sark, but without prejudice to anything done under them or to the making of new regulations.

I would therefore be grateful if you could make the necessary arrangements for these Regulations to be laid at the next available meeting of the Chief Pleas together with the above explanation.

Yours sincerely

Deputy Heidi Soulsby
President
Committee *for* Health & Social Care

Enc.

The European Communities (Food and Feed Controls) (Guernsey, Alderney and Sark) Regulations, 2019

ARRANGEMENT OF REGULATIONS

PART I FEES AND CHARGES

1. Application and annual fees for registrations.
2. Application and annual fees for approvals.

PART II PRESCRIPTION AND DECLARATION OF COUNTRIES AND TERRITORIES

3. Countries and territories prescribed for import and export.
4. Territories forming part of the Islands.
5. Countries and territories prescribed for Community provisions.

PART III RAW MILK

6. Prohibition on selling raw milk for human consumption.

PART IV LABELLING AND FOOD INFORMATION

7. Interpretation of this Part.
8. Selling food unaccompanied by requisite food information.
9. Breach of fair information practices.
10. Duties of operators in relation to food placed on the market.
11. Other duties in relation to food information.
12. Mandatory food information for prepacked food.
13. Additional mandatory food information for specific types of food.
14. Availability and placement of mandatory food information.
15. Presentation of mandatory food information.
16. Distance selling.
17. Voluntary food information.
18. Supplementing and repeating information in nutrition declaration.
19. Limited exemption for food sold to consumers within the Islands.

20. Nutrition and health claims complying with Regulation 1924/2006.

PART V
GENERAL

- 21. Relationship with relevant Ordinances.
- 22. Offences and penalties.
- 23. Interpretation.
- 24. Extent.
- 25. Citation.
- 26. Commencement of the Ordinances and these Regulations.

SCHEDULE 1 Fees in connection with registration of food business or feed business.

SCHEDULE 2 Fees in connection with approval of food business or feed business.

GUERNSEY STATUTORY INSTRUMENT

2019 No.

**The European Communities (Food and Feed Controls)
(Guernsey, Alderney and Sark) Regulations, 2019**

<i>Made</i>	<i>3rd October, 2019</i>
<i>Laid before the States of Deliberation</i>	<i>2019</i>
<i>Laid before the States of Alderney</i>	<i>2019</i>
<i>Laid before the Chief Pleas</i>	<i>2019</i>
<i>Coming into operation</i>	<i>3rd October, 2019</i>

THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 4(4)(b), 12(3)(b), 61, 62, 63, 65, 66(1), 68 and 90(1) and (3) of the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016^a, sections 4(4)(b), 12(3)(b), 63, 64, 65, 67, 68(1), 70 and 91(1) and (3) of the European Communities (Food and Feed Controls) (Alderney) Ordinance, 2019^b and sections 4(4)(b), 12(3)(b), 62, 64, 65(1), 67 and 87(1) and (3) of the European Communities (Food and Feed Controls) (Sark) Ordinance, 2019^c respectively, having consulted with the Agriculture, Environment and Sea Fisheries Committee of the Chief Pleas of Sark and having obtained that committee's approval of all fees and charges prescribed under section 65 of that Sark Ordinance, and having consulted the

^a Ordinance No. XXI of 2016; as amended by G.S.I. No. 36 of 2019.

^b Alderney Ordinance No. II of 2019.

^c Sark Ordinance No. ** of 2019.

Policy and Finance Committee of the States of Alderney, hereby makes the following regulations:-

PART I
FEES AND CHARGES

Application and annual fees for registrations.

1. (1) For the purposes of section 4(4)(b) of the Ordinance, Schedule 1 prescribes –

- (a) the fee for an application for registration of a food business under section 4(1) of the Ordinance,
- (b) the fee for an application for registration of a feed business under section 4(2) of the Ordinance,
- (c) the fee for an application to amend the registration of a food business or feed business under section 4(3) of the Ordinance, and
- (d) the annual fee payable for the registration of a food business or feed business that is in force for a period of more than 12 months.

(2) The annual fee mentioned in paragraph (1)(d) –

- (a) is payable by the person who is registered as the operator of the food or feed business concerned on –

- (i) the first working day ("**first annual registration date**") after the anniversary of the date of the relevant registration, and
 - (ii) subsequently, on each anniversary ("**subsequent annual registration date**") of the first annual registration date, and
- (b) must be paid within 21 days of –
 - (i) the first annual registration date, and
 - (ii) subsequently, each subsequent annual registration date.

Application and annual fees for approvals.

2. (1) For the purposes of section 12(3)(b) of the Ordinance, Schedule 2 prescribes –

- (a) the fee for an application for a food business approval under section 12(1) of the Ordinance,
- (b) the fee for an application for a feed business approval under section 12(1) of the Ordinance,
- (c) the fee for an application to amend a food business approval or feed business approval under section 12(2) of the Ordinance, and

- (d) the annual fee payable for a food business approval or feed business approval that is in force for a period of more than 12 months.

(2) The annual fee mentioned in paragraph (1)(d) –

- (a) is payable by the person who is the holder of the food business approval or feed business approval concerned on –

- (i) the first working day ("**first annual approval date**") after the anniversary of the date of the relevant approval, and

- (ii) subsequently, on each anniversary ("**subsequent annual approval date**") of the first annual approval date, and

- (b) must be paid within 21 days of –

- (i) the first annual approval date, and

- (ii) subsequently, each subsequent annual approval date.

PART II

PRESCRIPTION AND DECLARATION OF COUNTRIES AND TERRITORIES

Countries and territories prescribed for import and export.

3. The countries and territories specified in column 1 of the table below are prescribed for the purposes of paragraph (b) of each definition of “**import**” and each definition of “**export**” in the corresponding provision in column 2 –

Column 1	Column 2
Country or territory	Provision where the definition of "import" or "export" occurs
Any Member State of the European Union and any country or territory in the British Islands (excluding Guernsey and Alderney).	Section 90(1) of the Guernsey Ordinance
Any Member State of the European Union and any country or territory in the British Islands (excluding Guernsey and Alderney).	Section 91(1) of the Alderney Ordinance
Any Member State of the European Union and any country or territory in the British Islands (excluding Guernsey and Sark).	Section 87(1) of the Sark Ordinance

Territories forming part of the Islands.

4. The territories specified in column 1 of the table below are declared to be part of the Islands for the purposes of the definition of “**the Islands**” in the corresponding provision in column 2, for the purposes of the Ordinance containing that provision –

Column 1	Column 2
Territory	Provision where the definition of "the Islands" occurs
Both Alderney and Sark	Section 90(1) of the Guernsey Ordinance
Sark	Section 91(1) of the Alderney Ordinance
Alderney	Section 87(1) of the Sark Ordinance

Countries and territories prescribed for Community provisions.

5. All countries and territories in the British Islands (excluding Guernsey, Alderney and Sark) are prescribed for the purposes of section 90(3)(a), (b), (c) and (d) of the Guernsey Ordinance, section 91(3)(a), (b), (c) and (d) of the Alderney Ordinance and section 87(3)(a), (b), (c) and (d) of the Sark Ordinance.

PART III

RAW MILK

Prohibition on selling raw milk for human consumption.

6. (1) A person must not sell raw milk intended for direct human consumption.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

PART IV

LABELLING AND FOOD INFORMATION

Interpretation of this Part.

7. (1) In this Part, unless the context requires otherwise –

"**applicable food information law**", in relation to any matter, means any provision of the following that is relevant to the matter –

- (a) section 23(1) of the Ordinance,
- (b) this Part, and
- (c) the Food Information Regulation,

"**claim**" has the meaning given to it by Regulation 1924/2006,

"**food**" means food placed on the market,

"**food business operator**" or "**operator**", in relation to any food and any provision of this Part, means each of the following –

- (a) the food business operator under whose name or business name the food is placed on the market,
- (b) in any case concerning the importation of food in contravention of the provision concerned, the food business operator that imported the food, and
- (c) any food business operator that placed the food on the market in circumstances where the operator –
 - (i) knew, or

- (ii) ought reasonably to have known, on the basis of information in the operator's possession,

that such placing on the market was non-compliant with the provision concerned,

"the Food Information Regulation" or **"that Regulation"** means Regulation 1169/2011,

"mandatory food information", in relation to any food, means the mandatory food information specified for the food in regulations 12 and (as the case may require) 13, and

"Regulation 1924/2006" has the meaning given by section 74(2) of the Guernsey Ordinance, section 75(2) of the Alderney Ordinance or section 72(2) of the Sark Ordinance.

(2) For the purposes of this Part –

- (a) the Food Information Regulation is deemed to have effect in Guernsey, Alderney and Sark, and

- (b) the supply of food information, or the sale or presentation of food, is in breach of fair information practices if the food information supplied, or in the case of sale or presentation of food, accompanying the food–

- (i) is misleading in any way referred to in Article 7(1) of the Food Information Regulation,

- (ii) is inaccurate,
- (iii) is unclear or not easy to understand for the consumer, or
- (iv) subject to derogations provided for by Community provisions applicable to natural mineral waters and foods for particular nutritional uses, attributes to the food, or refers to, the property of preventing, treating or curing a human disease.

Selling food unaccompanied by requisite food information.

8. (1) A food business operator must not sell food intended for supply to the final consumer unless it is accompanied by the food information required under the Food Information Regulation.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Breach of fair information practices.

9. (1) A food business operator must not –

- (a) supply food information in breach of fair information practices,
- (b) sell food in a manner which breaches fair information practices, or

- (c) present food in a manner which breaches fair information practices, having regard in particular to the shape, appearance or packaging of the food, the packaging materials used, the way in which the food is arranged and the setting in which the food is displayed.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Duties of operators in relation to food placed on the market.

10. (1) A food business operator –

- (a) must ensure that any food placed on the market is accompanied by food information that complies with applicable food information law, and
- (b) must not supply to any person food which the operator knows, or should know (on the basis of information the operator has in the operator's possession) is non-compliant with applicable food information law.

(2) Any person who fails to comply with or contravenes paragraph (1)(a) or (b) is guilty of an offence.

Other duties in relation to food information.

11. (1) A food business operator, within a business under the operator's control –

- (a) must not modify information accompanying food where such modification would –
 - (i) mislead the final consumer, or
 - (ii) otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices,
 - (b) must –
 - (i) ensure compliance with the requirements of applicable food information law, and
 - (ii) verify that such requirements are met, and
 - (c) must ensure that information relating to non-prepacked food intended for supply to the final consumer or for supply to mass caterers is transmitted to any food business operator receiving the food in order to enable, where required, the provision of mandatory food information to the final consumer.
- (2) Paragraph (3) applies where –
- (a) prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage, or

- (b) prepacked food is intended for supply to mass caterers for preparation, processing, splitting or cutting up.

(3) Where this paragraph applies, a food business operator marketing or supplying the food must ensure that mandatory food information appears on –

- (a) the prepackaging,
- (b) a label attached to the prepackaging, or
- (c) the commercial documents referring to the food, where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery.

(4) In addition, where paragraph (3) applies, a food business operator marketing or supplying the food must also ensure that the mandatory food information in regulation 12(1)(a), (f), (g) and (h) appears on the external packaging in which that food is presented for marketing.

(5) Paragraph (6) applies where a food business operator ("A") supplies food –

- (a) to another food business operator in circumstances where the food is not intended for the final consumer, or
- (b) to a mass caterer.

(6) Where this paragraph applies, the food business operator supplying the food must provide that other operator or (as the case may be) the mass caterer with sufficient information to enable that other operator or the mass caterer to meet their obligations under regulation 10(1)(b) of these Regulations or Article 8(2) of the Food Information Regulation.

(7) Any person who fails to comply with or contravenes paragraph (1), (3), (4) or (6) is guilty of an offence.

Mandatory food information for prepacked food.

12. (1) Subject to paragraphs (2) to (6), the mandatory food information for any prepacked food placed on the market is the following information expressed by means of words in the English language and numbers -

- (a) the name of the food, in accordance with—
 - (i) Article 17(1) to (4) of the Food Information Regulation,
 - (ii) Parts A and C of Annex VI to that Regulation, and
 - (iii) paragraphs 1 and 2 of Part B of Annex VI to that Regulation,
- (b) the list of ingredients in the food, in accordance with Articles 18(1) to (4) and 20 of that Regulation, except in

the case of foods covered by Article 19(1) of that Regulation,

- (c) any ingredient or processing aid listed in Annex II to that Regulation or derived from a substance or product listed in that annex causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form, in accordance with Article 21(1) of that Regulation,
- (d) the quantity of certain ingredients or categories of ingredients, where required, in accordance with Article 22 of that Regulation,
- (e) the net quantity of the food, in accordance with Article 23(1) and (3) of that Regulation,
- (f) the date of minimum durability of the food, expressed in accordance with paragraph 1 of Annex X to that Regulation, or, where required under Article 24(1) of that Regulation, the 'use by' date of the food, expressed in accordance with paragraph 2 of Annex X to that Regulation,
- (g) any special storage conditions or conditions of use, in accordance with Article 25 of that Regulation,
- (h) the name or business name and address of the food business operator,

- (i) the country of origin or place of provenance of the food, where required by Article 26(2)(a) of that Regulation, and the country of origin or place of provenance of the primary ingredient, where required by Article 26(3) of that Regulation,
- (j) instructions for use, in accordance with Article 27(1) of that Regulation, where it would be difficult to make appropriate use of the food in the absence of such instructions,
- (k) in the case of beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength by volume, in accordance with Article 28 of that Regulation,
- (l) except in the case of food falling within the scope of the legislation listed in Article 29(1) of that Regulation, a nutrition declaration—
 - (i) containing the information required in accordance with Article 30(1) of that Regulation,
 - (ii) calculated in accordance with Article 31(1), (3) and (4) of that Regulation,
 - (iii) expressed in accordance with Articles 32 and 33(1) to (4) of that Regulation,

- (iv) presented in accordance with Article 34(1) to (5) of that Regulation, and
- (v) in which any additional forms of expression other than those referred to in Articles 32(2) and (4) and 33 of that Regulation, and any additional forms of presentation other than those referred to in Article 34(2) of that Regulation, are in accordance with Article 35(1) of that Regulation, and
- (m) any other mandatory food information in regulation 13 for food of that type or category.

(2) In the case of food in a glass bottle intended for reuse which is indelibly marked and therefore bears no label, ring or collar, only the information specified in paragraph (1)(a), (c), (e), (f) and (l) is required to be indicated.

(3) In the case of food in packaging or a container the largest surface area of which has an area of less than 10 cm², only the information specified in paragraph (1)(a), (c), (e) and (f) is required to be indicated, if the information specified in paragraph (1)(b) is provided through other means or made available at the request of the consumer.

(4) In the case of foods listed in Annex V to the Food Information Regulation, the information specified in paragraph (1)(l) is not required to be indicated.

(5) In the case of beverages containing more than 1.2% by volume of alcohol, the information specified in paragraph (1)(b) or (l) is not required to be indicated.

(6) Where permitted by or in accordance with delegated or implementing acts adopted by the Commission under Article 9(2) to (4) of the Food Information Regulation, the information specified in this regulation may be expressed by pictograms or symbols instead of words or numbers.

Additional mandatory food information for specific types of food.

13. (1) The mandatory food information for food of a type or category listed in Annex III of the Food Information Regulation and placed on the market is the information listed in that annex corresponding to that type or category of food, expressed by means of words in the English language and numbers.

(2) Where permitted by or in accordance with delegated or implementing acts adopted by the Commission under Article 9(2) to (4) of the Food Information Regulation, the information specified in this regulation may be expressed by pictograms or symbols instead of words or numbers.

Availability and placement of mandatory food information.

14. (1) A food business operator must ensure that mandatory food information –

- (a) is available and easily accessible to the final consumers of food, and

- (b) in the case of prepacked food intended for supply to final consumers, appears directly on the package or on a label attached to the package.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Presentation of mandatory food information.

15. (1) A food business operator –

- (a) must ensure that mandatory food information is marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible, for consumers,
- (b) must not provide mandatory food information that is in any way hidden, obscured, detracted from, or interrupted by, any other written or pictorial matter or any other intervening material,
- (c) in the case of prepacked food, must ensure that the mandatory food information in regulation 12 is printed–
 - (i) on the package, or
 - (ii) on the label attached to the package,

in such a way as to ensure clear legibility, in characters using a font size where the x-height, as defined in Annex IV of that Regulation, is equal to or greater than 1.2mm,

- (d) in the case of packaging or containers the largest surface area of which has an area of less than 80 cm², must ensure that the mandatory food information in regulation 12 is printed on the package or on the label in characters using a font size where the x-height, as defined in Annex IV of the Food Information Regulation, is equal to or greater than 0.9mm, and
- (e) subject to the exceptions provided in regulation 12(2) and (3), must ensure that the mandatory food information in regulation 12(1)(a), (e) and (k) appears in the same field of vision.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Distance selling.

16. (1) A food business operator must not sell prepacked food by means of distance communication unless mandatory food information, other than the mandatory food information in regulation 12(1)(f), is made available –

- (a) before the purchase is concluded –

(i) on the material supporting the distance selling,
or

(ii) through other appropriate means which are
clearly identified by the operator and for which
the operator does not charge consumers
supplementary costs,

and

(b) at the moment of delivery.

(2) Paragraph (1)(a) does not apply in the case of food offered for
sale by means of automatic vending machines or automated commercial premises.

(3) Any person who fails to comply with or contravenes paragraph
(1) is guilty of an offence.

Voluntary food information.

17. (1) Where a food business operator provides any food information
of a kind specified in Article 9(1) or 10(1) of the Food Information Regulation on a
voluntary basis, the operator must ensure that the food information provided
complies with —

(a) any applicable requirements for information of that
kind specified in regulation 12 or 13,

(b) the requirements of Article 36(2) of the Food
Information Regulation, and

- (c) the presentation requirements of Article 37 of the Food Information Regulation.
- (2) Despite paragraph (1)(a) –
 - (a) in any case where the labelling of beverages containing more than 1.2% by volume of alcohol provides a nutrition declaration, the nutrition declaration may be limited to the energy value only, and
 - (b) in any case where the labelling of non-prepacked food provides a nutrition declaration, the nutrition declaration may be limited to –
 - (i) the energy value, or
 - (ii) the energy value together with the amounts of fat, saturates, sugars, and salt.
- (3) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Supplementing and repeating information in nutrition declaration.

- 18. (1) A food business operator must not –
 - (a) supplement a nutrition declaration specified as mandatory food information by regulation 12(1)(l) or provided for the purposes of regulation 17(1)(a) with

any information other than information of a kind specified in Article 30(2) of the Food Information Regulation, or

(b) in any case where the labelling of prepacked food provides a nutrition declaration, repeat any information on the label other than –

(i) the energy value, or

(ii) the energy value together with the amounts of fat, saturates, sugars, and salt.

(2) Any person who fails to comply with or contravenes paragraph (1) is guilty of an offence.

Limited exemption for food sold to consumers within the Islands.

19. Despite any other provision of this Part, no mandatory food information specified in regulation 12(1)(c), (d), (i) or (l) and no requirement in Article 9(1)(c), (d), (i) or (l) of the Food Information Regulation applies in relation to food sold only –

(a) to final consumers located within the Islands, or

(b) to a food business operator located in the Islands that supplies the food only to final consumers located within the Islands.

Nutrition and health claims complying with Regulation 1924/2006.

20. Nothing in this Part prohibits or restricts a claim made in accordance with the conditions of Regulation 1924/2006.

PART V GENERAL

Relationship with relevant Ordinances.

21. For the avoidance of doubt, nothing in Part III or IV limits any duty or obligation imposed on any food business operator or feed business operator under a relevant Ordinance.

Offences and penalties.

22. A person guilty of an offence under any provision of these Regulations is liable upon summary conviction or conviction on indictment to imprisonment for a term not exceeding one month, a fine not exceeding level 4 on the uniform scale, or both.

Interpretation.

23. (1) In these regulations, unless the context requires otherwise –

"the Alderney Ordinance" means the European Communities (Food and Feed Controls) (Alderney) Ordinance, 2019,

"the Guernsey Ordinance" means the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016,

"the Islands" means Guernsey, Alderney and Sark, and

"the Ordinance" means –

- (a) in relation to Guernsey, the Guernsey Ordinance,
- (b) in relation to Alderney, the Alderney Ordinance, and
- (c) in relation to Sark, the Sark Ordinance,

"relevant Ordinance" –

- (a) in relation to Guernsey, means any provision of –
 - (i) the European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014,
 - (ii) the European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014, or
 - (iii) the Guernsey Ordinance,
- (b) in relation to Alderney, means any provision of –
 - (i) the European Communities (Implementation of Food Supplements Directive) (Alderney) Ordinance, 2014,
 - (ii) the European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014, or
 - (iii) the Alderney Ordinance, and

- (c) in relation to Sark, means any provision of the Sark Ordinance, and

"the Sark Ordinance" means the European Communities (Food and Feed Controls) (Sark) Ordinance, 2019.

(2) Unless the context requires otherwise, an expression used in these Regulations that is also used in a Community provision has, in these Regulations, the same meaning as in the Community provision in which it is used.

Extent.

24. (1) Any provision of these Regulations made under or for the purposes of, or otherwise in connection with, the Guernsey Ordinance or any other Ordinance having effect in Guernsey, has effect in Guernsey.

(2) Any provision of these Regulations made under or for the purposes of, or otherwise in connection with, the Alderney Ordinance or any other Ordinance having effect in Alderney, has effect in Alderney.

(3) Any provision of these Regulations made under or for the purposes of, or otherwise in connection with, the Sark Ordinance or any other Ordinance having effect in Sark, has effect in Sark.

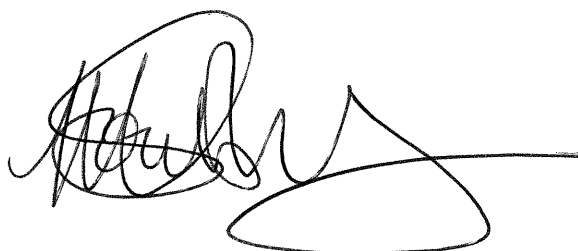
Citation.

25. These Regulations may be cited as the European Communities (Food and Feed) (Guernsey, Alderney and Sark) Regulations, 2019.

Commencement of the Ordinances and these Regulations.

26. The Guernsey, Alderney and Sark Ordinances and these Regulations shall come into force on the 3rd October, 2019.

Dated this 3rd day of October, 2019.

A handwritten signature in black ink, appearing to read 'Heidi Soulsby', with a long horizontal flourish extending to the right.

.....

DEPUTY HEIDI SOULSBY

President of the Committee *for* Health & Social Care

For and on behalf of the Committee

SCHEDULE 1

Regulation 1(1)

FEES IN CONNECTION WITH REGISTRATION OF FOOD BUSINESS OR FEED BUSINESS

Type of registration	Application fee (£): s. 4(1), (2) and (4)(b) of the Ordinance	Annual fee (£): s. 66(1) of the Guernsey Ordinance, s. 68(1) of the Alderney Ordinance and s. 65(1) of the Sark Ordinance	Fee for amending registration (£): s. 4(3) and (4)(b) of the Ordinance
Tier 1* food business	Nil	Nil	Nil
Tier 2* food business	Nil	Nil	
Tier 3* food business	Nil	Nil	
Tier 4* food business	Nil	Nil	
Importer of feed	Nil	Nil	
Supplier of feed	Nil	Nil	

* The table below describes each tier of food business for the purposes of the fees above (these tiers are equivalent to various scores for "Type of food and method of handling" in Chapter 5.6.1 of the Food Law Code of Practice (England) (Issued March 2017):

Tier	Description of food business
1	Manufacturers of high-risk food, wholesalers and packers who re-wrap or re-pack high-risk foods. In this context, high-risk foods may be regarded as foods which support the growth of micro-organisms, and are ready to eat without further treatment that would destroy pathogenic micro-

Tier	Description of food business
	organisms or their toxins.
2	Preparation, cooking or handling of open high-risk foods by caterers and retailers, except caterers that prepare typically less than 20 meals a day (see below).
3	Preparation, cooking or handling by small caterers of open high-risk foods but serve less than 20 meals on a single day ; Handling of pre-packed high-risk foods; Other wholesalers and distributors not included in the categories above; Manufacture or packing of foods other than high-risk; Establishments involved in the filleting, salting of fish for retail sale to final consumer.
4	Retail handling of foods other than high-risk, and other ambient shelf stable products. Any other businesses not included in the categories above.

SCHEDULE 2

Regulation 2(1)

FEES IN CONNECTION WITH APPROVAL OF FOOD BUSINESS OR FEED BUSINESS

Type of approval	Application fee (£): s. 12(1) and (3)(b) of the Ordinance	Annual fee (£): s. 66(1) of the Guernsey Ordinance, s. 68(1) of the Alderney Ordinance and s. 65(1) of the Sark Ordinance	Fee for amending approval (£): s. 12(2) and (3)(b) of the Ordinance
Food business (fish* only)	Nil	Nil	Nil
Food business (except fish* only)	Nil	Nil	
Feed business	Nil	Nil	

*"fish" means fish and shellfish, but excludes live bi-valve molluscs.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe fees and charges payable under the European Communities (Food and Feed Control) (Guernsey) Ordinance, 2016 ("**the Guernsey Ordinance**"), the European Communities (Food and Feed Controls) (Alderney) Ordinance, 2019 ("**the Alderney Ordinance**") and the European Communities (Food and Feed Controls) (Sark) Ordinance, 2019 ("**the Sark Ordinance**") respectively. These

Regulations also prohibit the sale of raw milk for human consumption and set out duties of food business operators in relation to labelling and the provision of food information to consumers.

Part I of, and Schedules 1 and 2 to, these Regulations prescribe:

- (a) application and annual fees payable in respect of the registration of food or feed businesses under section 4 of each of the Guernsey, Alderney and Sark Ordinances, currently all set at nil and
- (b) application and annual fees payable in respect of the approval of food or feed businesses under section 12 of each of the Guernsey, Alderney and Sark Ordinances, also currently all set at nil.

Part II of these Regulations prescribe or declare territories or countries for the purposes of the definitions of "**import**", "**export**" and "**the Islands**" in each of the Guernsey, Alderney and Sark Ordinances. It also prescribes countries and territories to be included for the purposes of various expressions in European Union legislative provisions referred to or given effect by provisions in the Guernsey, Alderney or Sark Ordinance.

Part III of these Regulations prohibits the sale of raw milk for human consumption.

Part IV of these Regulations imposes duties on food business operators in relation to the provision of information accompanying or in connection with the placing of food on the market for consumers.

Part V of these Regulations deals with offences and sets out penalties, and sets out the interpretation, extent, citation and commencement provisions. Provisions in these

Regulations made under or for the purposes of each of the Guernsey, Alderney and Sark Ordinances have effect in Guernsey, Alderney and Sark respectively (including their territorial waters).

All three of the Guernsey, Alderney and Sark Ordinances as well as these Regulations come into force on the 3rd October, 2019.