

## ISLAND OF SARK

EASTER MEETING of the CHIEF PLEAS to be held on WEDNESDAY  
22nd APRIL 2020 at 10.00 AM in the ISLAND HALL.

### AGENDA

1. QUESTIONS Not Related to the Business of the Day.
2. To CONSIDER a Report with Proposition from the FUTURE ENERGY SPECIAL COMMITTEE entitled “**Future Energy Funding Request**” (copy enclosed).
3. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**The Electricity (Sark) Law, 2020**” and to Approve the Projet de Loi entitled “**The Electricity (Sark) Law, 2020**” (copies enclosed).
4. To CONSIDER a Report with Propositions from the the POLICY & FINANCE COMMITTEE entitled “**The Same - Sex Marriage (Sark) Law 2019**” and to approve the Ordinances entitled “**The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark) Ordinance, 2020**” and “**The Same-Sex Marriage (Sark) Law, 2019 (Commencement) Ordinance, 2020**” (copies enclosed).
5. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**2019 Financial Statements**” (copy enclosed).
6. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**Amendment to Terms of Appointment of Deputy Treasurer**” (copy enclosed).
7. To CONSIDER a Report with Proposition from the DOUZAINÉ entitled “**The Independent Policing Panel New Terms of Reference**” (copy enclosed).
8. To CONSIDER a Report with Proposition from the DOUZAINÉ entitled “**The Constable – Proposal**” (copy enclosed).
9. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**Development Control Law Special Committee**” (copy enclosed).
10. To CONSIDER a Report with Propositions from the TOP LEVEL DOMAIN SPECIAL COMMITTEE entitled “**Progress Report on Country Code Application**” (copy enclosed).
11. To CONSIDER a REPORT with Propositions from the POLICY & FINANCE COMMITTEE entitled “**The Protection of Vulnerable Adults Special Committee**” (copy enclosed).

12. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**Sark Pandemic Emergency Committee**” (copy enclosed).
13. To CONSIDER a Report with Proposition from the MEDICAL & EMERGENCY SERVICES COMMITTEE entitled “**Addition to Medical & Emergency Services Mandate**” (copy enclosed).
14. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**Term of Office for the Speaker of Chief Pleas**” (copy enclosed).
15. To CONSIDER a Report with Proposition from the POLICY & FINANCE COMMITTEE entitled “**Changes to the Start Times of Chief Pleas Meetings**” (copy enclosed).
16. To CONSIDER an Information Report from the AGRICULTURE, ENVIRONMENT & SEA FISHERIES COMMITTEE entitled “**The New Slaughterhouse Project**” (copy enclosed).
17. To CONSIDER an Information Report from the POLICY & FINANCE COMMITTEE entitled “**Transfer of the Jurisdiction of the Ecclesiastical Court to the Royal Court in Relation to the Grants of Probate for Personal Property in the Bailiwick of Guernsey**” (copy enclosed).
18. To CONSIDER an Information Report from the POLICY & FINANCE COMMITTEE entitled “**Draft Projet for Consideration – Changes to the Organ Donation Scheme**” (copy enclosed).
19. COMMITTEE ELECTIONS: To ELECT Conseillers to Committees, as required.
20. COMMITTEE and PANEL ELECTIONS: To ELECT Non-Chief Pleas Members to Committees and Panels, as required.

### **REGULATIONS LAID BEFORE CHIEF PLEAS**

The Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020

The Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020

The Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020

The Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020

The Chief Pleas Procedures (Emergency Provisions) (Coronavirus) (Sark)  
Regulations, 2020

30th March 2020  
Lt Col RJ Guille MBE  
Speaker of Chief Pleas

Due to the current COVID-19 restrictions the Agenda, Reports and Supporting Papers may only be seen on the Sark Government Website at [www.sarkgov.co.uk](http://www.sarkgov.co.uk)

### **FUTURE ENERGY SPECIAL COMMITTEE**

**Report with proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

### **FUTURE ENERGY FUNDING REQUEST**

The Future Energy Committee requests funding from Chief Pleas to commission an expert study into the generation and distribution of electricity on Sark. This study alongside public consultation will be used to develop an Island Energy Policy for the future supply of electricity on Sark. In conjunction with Item 2 The Electricity (Sark) Law 2020, it is necessary that a clear and well researched Island Energy Policy is developed. This policy will give the eventual licence holder/s direction from Sark residents and government on how they wish the islands energy supply to develop with respect to reducing carbon emissions, managing pricing levels and ensuring a fair system that does not advantage some residents over others.

In the case of a privately owned utility company it is entirely right and proper that a jurisdictions government develop an energy policy to guide that company in the supply of what is an unavoidable necessity of modern life. It is in the Committees experience that the residents of Sark are overwhelmingly in favour of a cheaper and 'greener' energy supply. Whilst the Committee have been fortunate enough to receive an great deal of free advice and engagement from many individuals and organisations over the past few years it is now time to seek some formal advice from industry professionals if we are to develop a sound and credible Island Energy Policy with which to advise licenced energy providers on Sark.

A great deal of work has been completed by the Future Energy Committee over the past year though much of it has necessarily been carried out discreetly given the delicate situation that existed with the previous director of Sark's electricity supplier. The Committee have been working hard developing contingency plans to counter the previous threat of a shut off and also engaging companies with a view to the future supply of energy on Sark. Even though Sark Electricity Limited now has new ownership and the situation has changed significantly much of the Committee's work has not been wasted. A good portfolio of contacts has been built up over the past few years covering industry, regulation and academia, both locally and internationally. The Committee has drawn upon these contacts and believes that a budget of £60,000 will be sufficient to fund a detailed study into Sark's future energy needs and allow provision for additional expert consultation if required after discussions with the eventual licence holder/s.

Note: This budget will only be drawn upon when financially prudent given the Covid-19 crisis.

#### **Proposition –**

**That Chief Pleas approve the Future Energy Committee a budget of £60,000 from unforeseen expenditure, in order to seek expert advice regarding the generation and distribution of energy on Sark.**

**Conseiller John Guille  
Chairman Future Energy Committee**



**POLICY & FINANCE COMMITTEE**

**Report with Proposition to Easter Chief Pleas, 22nd April, 2020**

**THE ELECTRICITY (SARK) LAW 2020**

The Draft Law is attached for consideration by members of Chief Pleas. Also attached is the very full summary that was prepared by St James Chambers for the purposes of the public consultation on the draft Law (**appendix A**). The consultation has concluded, and the Committee wish to thank those who contributed with their views.

Since the establishment of an electricity supply system on Sark there has been no form of regulation prior to the Price Control legislation of 2016. The issue of Price Control has shown that further forms of regulation are needed for the better protection of the community as well as the maintenance of a supply. Recent advertised escalation in prices has encouraged individuals to apply for planning consents to install self-generating capability.

The overall aim of this law is to maintain stability in the system to enable viable generation by at least one provider and an affordable price to all. Considerable levels of self-generation will damage the viability of the main provider and their ability to contain prices. Whilst competition should not be discouraged it has to be regulated.

The need for the provisions in this law are immediate, but there will be further provisions in due course which will follow from the establishment of the Energy Policy based on specialist industry advice. This Law should be viewed as a start to the process of updating the Island but certainly not the end.

**Proposition -**

**That Chief Pleas approves the Projet de Loi entitled, “Electricity (Sark) Law 2020”**

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



The Government of Sark  
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## **Public Consultation on the Electricity (Sark) Law 2020:**

### **Purpose**

The primary purpose of the draft Electricity (Sark) Law, 2020 ("the Law") is to promote the security of supply of electricity on the Island through the creation of a licensing regime.

### **Summary**

Part 1 of the Law establishes an electricity licensing authority ("the Authority"), the members of which would be appointed by Chief Pleas. Schedule 1 to the Law makes further provision in relation to the Authority. It provides, amongst other things, that it will be comprised of a Chairman and between 2 and 4 other members.

Part 2 provides that any person intending to generate, convey, or supply electricity (a "relevant activity") must notify the Authority. On receiving such a notification, the Authority must then determine whether to allow the activity without the need for a licence, or whether a licence is needed. It would make this determination by reference to the Objectives at Schedule 2 to the Law, any published policies of the Authority, and the principles of reasonableness and proportionality; while each case will be assessed on its merit and each determination will be a matter for the Authority, in principle it is unlikely to be proportionate to require generation solely for household use, for example by solar panels on the roof of a domestic dwelling, to be licensed. It then goes on to set out the procedure for applying for licences, the process for granting and refusing such applications, and examples of the conditions that licences may include. Where one of those conditions is a requirement for the licensee to ensure continuation of supply, the Law provides that the licence may also make provision in respect of action that may be taken by or on behalf of Chief Pleas for the purpose of ensuring the continuity of supply of electricity on the Island, and thereby reducing the risk of harm to human welfare arising from that breach. Such steps might include entering premises and using property owned by the licensee (to ensure the continuation of supply), but only if the licence also provides that Chief Pleas must pay compensation for any damage caused thereby. The Policy & Finance Committee may make further provision in relation to these matters by regulations, but only if that Committee has consulted HM Procureur beforehand. Finally, Part 2 provides that a licence may grant an exclusive right, and makes provision in relation to appeals against decisions of the Authority.

Part 3 is concerned with the enforcement of licences. It provides for the Authority to give a direction where it is satisfied that a licensee is breaching a licence condition, requiring the licensee to remedy that breach within a specified time, and to have powers to suspend and revoke a licence where satisfied that the breach has not been so remedied. It contains provisions requiring the Authority to

serve notices on licensees before giving a direction and suspending or revoking a licence, but with exceptions to that requirement where there is an immediate risk of damage to human welfare and in other cases of exceptional urgency. A decision to suspend or revoke a licence may be appealed.

Part 4 creates several criminal offences, including undertaking a relevant activity without notifying the Authority or without being licensed in circumstances where the person has told that he or she must be licensed to undertake the activity.

Part 5 contains standard final provisions, such as definitions. It also makes suitable provision in respect of people undertaking relevant activities when the Law comes into force, giving them a period of three months during which they can continue that activity, and notify the Authority under Part 2 if they wish to continue undertaking the activity at the end of that period.

Schedule 1 makes further provision about the Authority, as noted above. Schedule 2 sets out the objectives to which the Authority must make reference when making decisions under the Law; they are set out at the foot of this note. Schedule 3 sets out a code governing the rights and responsibilities in respect of licensees carrying out necessary works etc pursuant to a licence – for example, laying electricity cables on someone else's property to facilitate Island-wide distribution and supply. This code is a simplified version of provisions that are already in place in Guernsey and elsewhere.

#### THE OBJECTIVES

1. To ensure the security of supply of electricity on Sark.
2. To encourage the generation of electricity from renewable sources, and by other environmentally-friendly methods, on Sark.
3. To promote the modernisation of, and investment in, the infrastructure relating to the generation, conveyance and supply of electricity on Sark.
4. Only where this does not conflict with the foregoing objectives, to promote competition in respect of the generation, conveyance and supply of electricity on Sark.

# PROJET DE LOI

ENTITLED

## The Electricity (Sark) Law, 2020

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 2<sup>nd</sup> day of October, 2019, 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 1

#### THE AUTHORITY

##### The Authority.

1. (1) There is established a body to be called the Sark Electricity Licensing Authority ("**the Authority**").

(2) The Authority is a body corporate with perpetual succession.

(3) The members of the Authority shall be appointed by resolution of Chief Pleas made on the recommendation of the Policy & Finance Committee of Chief Pleas ("**the Policy & Finance Committee**").

(4) Schedule 1, which makes further provision in relation to the Authority, has effect.

(5) Chief Pleas may by Ordinance amend Schedule 1 for the

purpose of amending the procedure applying in relation to the Authority.

PART 2  
GRANTING OF LICENCES AND ACCESS TO LAND

**Authority to be notified of intent to undertake a relevant activity.**

2. (1) A person must notify the Authority in writing at least one month before the person intends to start undertaking any of the following activities on Sark –

- (a) generating electricity for the purpose of giving a supply to any premises (including giving a supply to the person's own premises only) or enabling a supply to be so given,
- (b) conveying electricity through an electricity network for that purpose, or
- (c) supplying electricity to any premises,

and in this Law such an activity is referred to as a "**relevant activity**".

(2) A notification under subsection (1) must be in such form as the Authority may direct.

(3) On receiving a notification under this section, the Authority may request such further information from the notifying person as it reasonably requires to make a determination under section 3.

**Authority power to require persons undertaking relevant activities to be licensed.**

3. (1) On receipt of a notification under section 2, and of any further information requested under section 2(3), the Authority shall determine whether –

- (a) to permit the applicant to undertake the relevant activity described in the notification without being licensed, or
- (b) to require the applicant to be licensed under this Law before being permitted to undertake the relevant activity described in the notification.

(2) The Authority may determine to require the applicant to be licensed to undertake the relevant activity described in the notification if the applicant only if satisfied that such a determination would be reasonable and proportionate in all the circumstances, both generally and having regard in particular to –

- (a) the objectives set out in Schedule 2 ("**the Objectives**"), and
- (b) published policies of the Authority in respect of electricity regulation.

(3) On making a determination under this section the Authority must, as soon as practicable, inform the applicant that –

- (a) the applicant may undertake the relevant activity described in the notification without being licensed, or

- (b) the applicant may only undertake the relevant activity described in the notification if the applicant is licensed,

as the case may be.

(4) If the Authority informs the applicant that the relevant activity described in the notification may be undertaken without the applicant being licensed, the applicant –

- (a) may begin to undertake that activity immediately on being so informed, but
- (b) must notify the Authority in writing one month before he or she intends to make any material change to that activity.

(5) A notification under subsection (4)(b) shall be treated as a new notification under section 1 with respect to that material change.

(6) If the Authority informs the applicant that the relevant activity described in the notification may only be undertaken if the applicant is licensed, the Authority shall also inform the applicant at the same time of the details referred to in section 4(1)(a), and of the fee by which an application for a licence must be accompanied.

#### **Applications for licences.**

4. (1) The Authority shall publish –

- (a) details of the procedures to be followed in relation to applications for, and the grant and renewal of, a licence (which procedures may, without limitation, include requirements as to the submission of information and documents with an application), and
- (b) any changes made by the Authority from time to time to such procedures and requirements.

(2) The Authority may, by notice in writing, require a person who has submitted an application for a licence or the renewal of a licence to produce such additional information and documents as it may reasonably require for the purpose of determining that person's application.

- (3) An application for a licence or for the renewal of a licence –
  - (a) shall be accompanied by a fee of £100 or such other sum not exceeding £500 as the Authority may direct, and the Authority may direct that a higher fee is payable where it is satisfied that the undertaking of the relevant activity is a business, or part of a business, of the licensee or of a company in which the licensee has a direct or indirect interest; and
  - (b) may be withdrawn by notice in writing to the Authority at any time before it is determined.

**Grant or refusal of licences.**

5. (1) A licence may be granted for any period of up to ten years.



(2) The Authority shall publish notice of a decision to grant a licence.

(3) Where the Authority proposes to refuse to grant a licence, it shall inform the applicant by notice in writing of the reasons for the proposed refusal, specify a period (being not less than 7 days from the date of the notice) in which representations may be made, and consider any representations made within that period.

(4) Where the Authority refuses to grant a licence, it shall inform the applicant of its reasons in writing.

(5) A person aggrieved by a decision of the Authority to refuse to grant a licence, or to grant a licence including conditions, may appeal against the decision to the Court under and in accordance with section 10.

(6) The grant of a licence shall not relieve the licensee of any obligation to obtain any other licence, consent, permission or waiver required for any other purpose.

(7) In this section, references to granting a licence include references to renewing a licence.

**Access to and use of land.**

6. (1) Subject to the provisions of this section and section 7, the Authority may determine that the code of rights, powers, duties and obligations set out at Schedule 3 (referred to in this Law as "**the Code**") should apply in relation to a licensee if such application appears to the Authority to be appropriate and

proportionate, having regard to the nature of the application for the licence and the Objectives.

(2) The Code shall only apply to a licensee if the licence states that it so applies.

(3) No right, power, duty or obligation conferred or imposed by or under the Code shall be exercisable in relation to any property belonging to Her Majesty in right of the Crown except with the consent of Her Majesty's Receiver General.

(4) A consent given for the purposes of subsection (3) may be given subject to such financial and other conditions as Her Majesty's Receiver General may think fit.

**Licence conditions: general, and modification.**

7. (1) A licence may include such conditions as appear to the Authority to be reasonable and proportionate in all the circumstances, both generally and having regard in particular to –

- (a) the Objectives, and
- (b) published policies of the Authority in respect of electricity regulation.

(2) Without prejudice to the generality of subsection (1), the Authority may include in the licence conditions –

- (a) requiring the licensee to comply with any direction

given by the Authority under any power contained in this Law or in any condition in the licence,

- (b) requiring the licensee to ensure continuity of supply, where the licence is a licence to generate electricity for the purpose of giving a supply other than to the licensee's own premises only,
  - (c) relating to the enforcement, revocation and suspension of the licence,
  - (d) relating to the application of the Code to the licensee,
  - (e) relating to the sale of electricity generated by the licensee to a licensed supplier,
  - (f) intended to prevent and control anti-competitive behaviour, and
  - (g) (where the undertaking of the relevant activity is a business, or part of a business, of the licensee or of a company in which the licensee has a direct or indirect interest) relating to the provision of documents, accounts, and other information relating to that business.
- (3) Any condition included in a licence may be time-limited.
- (4) Subject to subsection (5) the Authority may, having regard to

the Objectives, and on application of the licensee or by its own volition, modify a licence by –

- (a) amending or revoking any condition included in it, or
- (b) adding any condition to it (including any condition as to the application of the Code to the licensee).

(5) Before determining whether to make modifications under this section to a licence, the Authority shall publish and give to the licensee a notice –

- (a) stating the modifications which it proposes to make,
- (b) stating the reasons why it proposes to make those modifications, and
- (c) specifying the time (being not less than 7 days from the date of publication of the notice) within which representations in respect of the proposed modifications may be made by interested parties (including the licensee).

(6) Once the time specified in subsection (5)(c) has elapsed, the Authority shall consider any representations or objections received from any interested party (including the licensee), and

- (a) modify the licence (and publish and give to the licensee a notice of the modification), or

- (b) decide not to modify the licence (and publish and give to the licensee notice of that decision).

(7) A modification to a licence shall take effect from such time as the Authority directs.

(8) A person aggrieved by a modification to a licence may appeal against the modification to the Court under and in accordance with section 10.

**Licence conditions: continuity of supply.**

8. (1) Subject to subsection (5), where a licence includes conditions relating to continuity of supply, it may also make provision in respect of action that may be taken by or on behalf of Chief Pleas in case of a breach of that condition, for the purpose of –

- (a) continuing the supply of electricity on Sark, and thereby
- (b) eliminating or reducing the risk of, or mitigating, damage to human welfare or other harm arising from that breach.

(2) Without prejudice to the generality of subsection (1), provision of the type described in subsection (1) may include provision empowering Chief Pleas, or a person or body appointed by Chief Pleas for the purpose, to take such steps as the Authority reasonably considers necessary and proportionate in all the circumstances for the purpose set out in subsection (1), including (but not limited to) entering premises, and using and interfering with property, owned or used by the licensee.

(3) Provision of the type described in subsection (2) may only be included if it also provides that Chief Pleas must compensate –

- (a) the owner, for any damage caused to the owner's property, and
- (b) the licensee and any other person, for any other loss, injury or damage suffered by them,

in the course of the exercise of the power; and such compensation shall be recoverable as a civil debt.

(4) Subject to subsections (5) and (6), the Policy and Finance Committee may, by regulations, make further provision in relation to the matters described in this section, including (but not limited to) –

- (a) providing that injunctive relief claimed on or incidental to the raising of a Clameur de Haro as a result of action taken by Chief Pleas in the case of the breach of a condition shall not prevent the continuing generation and distribution of electricity, unless a court orders otherwise, and
- (b) the calculation and payment of compensation to be paid by Chief Pleas pursuant to provision of the type described in subsections (2) and (3).

(5) Regulations under subsection (4) may make it an offence,

punishable by a fine not exceeding level 5 on the Sark uniform scale, to obstruct a person acting pursuant to provision in a licence of a type described in this section.

(6) The Policy and Finance Committee must consult Her Majesty's Procureur before –

- (a) making or amending regulations under subsection (4),  
or
- (b) issuing a licence issued containing a provision of the type described in this subsections (1) to (4),

and such regulations, and such a licence, must contain a statement certifying that Her Majesty's Procureur has been so consulted.

**Licence may be exclusive.**

9. A licence may grant an exclusive right to undertake a relevant activity.

**Right of appeal.**

10. (1) A person aggrieved by a decision of the Authority -

- (a) to refuse to grant a licence,
- (b) to impose a licence condition,
- (c) to amend or modify a licence,
- (d) to suspend a licence, or

- (e) to revoke a licence,

may appeal to the Court on any of the grounds set out in subsection (2).

- (2) The grounds of an appeal under this section shall be -

- (a) that an error of law has been made,
- (b) that a material error as to the facts has been made,
- (c) that there was a material procedural error, or
- (d) that there was some other material irregularity, including unreasonableness or lack of proportionality.

- (3) An appeal under this section shall be instituted -

- (a) within a period of 56 days (or such further time as the Court may in its absolute discretion, on an application made before the expiration of that period, allow, where it is satisfied that it is not reasonably practicable for the appeal to be instituted within that period or that it is otherwise in the interests of justice to do so) immediately following the date of the Authority's decision, and
- (b) by summons served on the Authority stating the grounds and material facts on which the appellant



relies.

- (4) On an appeal under this section, the Court may -
  - (a) dismiss the appeal, or
  - (b) quash the decision of the Authority,

and, where the Court quashes the decision of the Authority, it may remit the matter to the Authority with a direction to reconsider it and reach a decision in accordance with the findings of the Court.

(5) The effect of a decision to which an appeal under this section relates shall not, except where the Court orders otherwise, be suspended in consequence of the bringing of the appeal.

(6) The Authority may, where an appeal under this section is not determined by the Court within a period of three months immediately following the date of the summons by which the appeal was instituted, apply to the Court, by summons served on the appellant, for an order that the appeal be dismissed for want of prosecution; and upon hearing such an application the Court may -

- (a) dismiss the appeal or dismiss the application (in either case upon such terms and conditions as the Court may direct), or
  - (b) make such other order as the Court considers just.
- (7) For the purposes of determining an appeal under this section,

the Court may appoint one or more assessors to assist.

**Appeals to the Court of Appeal on a question of law.**

11. (1) An appeal from a decision of the Royal Court, made on an appeal from the Court of the Seneschal relating to a matter under this Law shall, with leave of the Royal Court or Court of Appeal, lie to the Court of Appeal on a question of law.

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

(a) within a period of 28 days immediately following the date of the decision of the Royal Court, and

(b) in such manner as rules of court may provide.

(3) Section 21 of the Court of Appeal (Guernsey) Law, 1961<sup>a</sup> ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under this section as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

PART 3

ENFORCEMENT OF LICENCES

**Enforcement of licence conditions.**

12. (1) Where the Authority is satisfied that a licensee is or has been in contravention of any condition of a licence it may give, and may publish, a direction under this section.

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<sup>a</sup> Ordres en Conseil Vol. XVIII, p. 315.

- (2) A direction under this section -
  - (a) shall require the licensee to whom it is given to do, or not to do, any thing specified in the direction, and
  - (b) shall take effect -
    - (i) at such time (which may be immediately) as may be specified in the direction, or
    - (ii) if no time is so specified, at the earliest practicable time.

(3) Subject to subsection (5), before giving a direction under this section to a licensee, the Authority shall give to the licensee, and may publish, a notice -

- (a) stating that it proposes to give a direction under this section to the licensee,
- (b) detailing the requirements of the proposed direction, and
- (c) identifying the condition of the licence in respect of which, in the opinion of the Authority, the licensee is in contravention.

- (4) A notice under subsection (3) stating that the Authority

proposes to give a direction under this section to a licensee shall specify the time (not being less than 7 days from the date of the giving of the notice, except in cases of urgency, in which case as much notice as is reasonably practicable shall be given) within which written representations or objections in respect of the proposed direction may be made by the licensee or (where the notice is published) by any interested party; and the Authority shall -

- (a) before giving the direction, consider any representations or objections received within the relevant period from the licensee or (where the notice was published) from any interested party, and
- (b) having followed the procedure set out in subsection (3) and in this subsection, give the direction, or not give the direction, and publish notice of the fact.

(5) Subsections (3) and (4) do not apply in any case where the Authority is satisfied that the contravention of the licence condition in question has created an immediate risk of damage to human welfare.

(6) Where a licensee contravenes any provision of a direction under this section, the Authority may enforce any remedy available to it under the licence held by or applicable to the licensee, including (subject to the provisions of section 13) suspension or revocation of the licence.

### **Revocation and suspension of licences.**

13. (1) Before suspending or revoking a licence pursuant to section 12, the Authority shall serve on the licensee, and may publish, a notice stating -

- (a) that it proposes to suspend or revoke the licence, and
- (b) the reasons for the proposed suspension or revocation.

(2) A notice under subsection (1) stating that the Authority proposes to suspend or revoke a licence shall specify the time (not being less than seven days from the date of the giving of the notice, except in cases of exceptional urgency, in which case as much notice as is reasonably practicable shall be given) within which written representations or objections in respect of the proposed decision may be made by the licensee or (where the notice is published) by any interested party.

(3) Before making a decision as to whether or not to suspend or revoke a licence, the Authority shall consider any representations or objections received within the relevant period under subsection (2) from the licensee and (where the notice under subsection (1) was published) from any interested party; and, having complied with this subsection, the Authority shall make its said decision and shall serve on the licensee, and may publish, notice thereof.

(4) The Authority shall not suspend or revoke a licence if satisfied that -

- (a) the licensee is taking or has taken all such steps as may be reasonably necessary to secure compliance with the direction under section 12, or
- (b) the contravention of the direction is not, in its opinion, material.

(5) Where the Authority decides to suspend or revoke a licence, an appeal against the decision shall lie to the Royal Court under section 10.

## PART 4 OFFENCES

### **Undertaking a relevant activity in contravention of Part 1.**

14. (1) A person who undertakes a relevant activity –

- (a) without notifying the Authority, or
- (b) without being licensed in circumstances where the person has notified the Authority and has been informed that he or she must be licensed to undertake the activity,

commits an offence.

(2) A person who commits an offence under this section is liable to a fine not exceeding level 5 on the Sark uniform scale, or to imprisonment for a term not exceeding one month, or to both.

### **False or misleading information.**

15. (1) A person who –

- (a) in making any statement or providing any information or document to the Authority or any member, officer or servant of the Authority when acting in the exercise of their respective functions and powers under this

Law, or

- (b) otherwise than as mentioned in paragraph (a) but in circumstances in which the person making the statement or providing the information or document knows or could reasonably be expected to know that the statement, information or document would or might be used by the Authority or by any person or body mentioned in paragraph (a) for the purpose of exercising their respective functions and powers mentioned in paragraph (a) -
  - (i) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
  - (ii) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
  - (iii) provides or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
  - (iv) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or

document which is false, deceptive or misleading in a material particular,

commits an offence.

(2) A licensee who fails to provide the Authority with any information in his possession knowing or having reasonable cause to believe that -

- (a) the information is relevant to the exercise by the Authority of its functions and powers under this Law or any other enactment; and
- (b) the withholding of the information is likely to result in the Authority being misled as to any matter which is relevant and of material significance to the exercise of those functions and powers in relation to the licensee;

commits an offence.

(3) A person who commits an offence under this section is liable to a fine not exceeding level 4 on the Sark uniform scale, or to imprisonment for a term not exceeding one month, or to both.

**Criminal liability of directors etc.**

16. (1) Where an offence under this Law is committed by a body corporate, limited partnership with legal personality or foundation and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –



- (a) in the case of a body corporate, any director, manager, secretary or other similar officer,
- (b) in the case of a limited partnership with legal personality, any general partner,
- (c) in the case of a foundation, any foundation official, or
- (d) any person purporting to act in any capacity described in paragraphs (a) to (c),

that person as well as the body corporate, limited partnership or foundation is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with the member's functions of management as if the member were a director.

(3) In this section -

**"foundation"** means -

- (a) a foundation created under the Foundations  
(Guernsey) Law, 2012<sup>b</sup>, or
- (b) an equivalent or similar body created or

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<sup>b</sup> Order in Council No. I of 2013; as amended by Order in Council No. VI of 2017; Ordinance No. IX of 2016; and No. XXVII of 2018.

established under the law of another jurisdiction (however named),

**"foundation official"** means -

- (a) in relation to a foundation created under the Foundations (Guernsey) Law, 2012, a foundation official within the meaning of that Law, and
- (b) in relation to an equivalent or similar body created or established under the law of another jurisdiction, a person with functions corresponding to those of a foundation official described in paragraph (a) of this definition, and

**"general partner"** means –

- (a) in relation to a limited partnership falling within paragraph (a) of the definition in this section of **"limited partnership"**, a general partner within the meaning of the Limited Partnerships (Guernsey) Law, 1995<sup>c</sup>, and

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<sup>c</sup> Ordres en Conseil Vol. XXXVI, p. 264; as amended by Ordres en Conseil Vol. XXXVI, p. 571; Order in Council No. IV of 2001; No. X of 2007; No. VIII of 2008; Ordinance No. XXXIII of 2003; No. IX of 2016; G.S.I. No. 89 of 2008; and G.S.I. No. 51 of 2016.

- (b) in relation to a limited partnership falling within paragraph (b) of the definition in this section of "**limited partnership**", a person whose liability for, and functions in relation to, the partnership correspond to that of a general partner described in paragraph (a) of this definition.
- (4) In this section and in section 20 "**limited partnership**" means -
  - (a) an arrangement which is registered as a limited partnership, and in respect of which there is a valid certificate of registration, under the Limited Partnerships (Guernsey) Law, 1995, or
  - (b) an arrangement entered into under the laws of a jurisdiction outside Guernsey between two or more persons, under which-
    - (i) one or more of them is, or are jointly and severally, liable without limitation for all debts and obligations to third parties incurred pursuant to the arrangement, and
    - (ii) the others have, by whatever means, contributed or agreed to contribute specified amounts pursuant to the arrangement and are not liable for those debts and obligations (unless they participate in controlling the

business or are otherwise subjected to a greater liability by those laws in specified circumstances) beyond the amount contributed or agreed to be contributed,

whether with or without legal personality.

**Criminal proceedings against unincorporated bodies.**

17. (1) Where an offence under this Law is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a partnership (not being a limited partnership with legal personality or a limited liability partnership), any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty of which the offence is a breach or, if there is no such officer, any member of the Authority or other similar governing body, or
- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where an offence under this Law is alleged to have been

committed by an unincorporated body, proceedings for the offence must, without prejudice to subsection (1), be brought in the name of the body and not in the name of any of its members.

(3) A fine imposed on an unincorporated body on its conviction for an offence under this Law must be paid from the funds of the body.

(4) In this section "**limited liability partnership**" means -

- (a) a limited liability partnership formed in Guernsey under the Limited Liability Partnerships (Guernsey) Law, 2013<sup>d</sup>, or
- (b) an entity formed under the laws of a jurisdiction outside Guernsey, being an entity corresponding to a limited liability partnership described in paragraph (a).

**Defence of due diligence.**

18. In any proceeding for an offence under this Law, it shall be a defence for the accused ("D") to prove that D took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by D and by any person under D's control.

PART 5

FINAL

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<sup>d</sup> Order in Council No. VI of 2014; as amended by Order in Council No. VI of 2017; Ordinance No. XII of 2015; No. IX of 2016; and No. XXVII of 2018.

**Transitional provisions.**

19. (1) In this section, "**the transitional period**" means the period of three months beginning on the day this Law comes into force ("**Commencement**").

(2) Subject to subsection (3), Parts 2 to 4 of this Law shall not apply during the transitional period to a person who is undertaking a relevant activity on Commencement.

(3) A person falling within subsection (2) who wishes to continue undertaking the relevant activity after the end of the transitional period shall notify the Authority in writing of that intent during the transitional period; and the provisions of Part 1 shall apply in such circumstances during the transitional period as if the person were not already undertaking the relevant activity, and shall be construed accordingly.

**General provisions as to Ordinances and regulations.**

20. (1) Any Ordinance or regulation made under this Law -

(a) may be amended or repealed by a subsequent Ordinance or regulation, as the case may be, hereunder, and

(b) may contain such consequential, incidental, supplemental, transitional and savings provisions as may appear necessary or expedient.

(2) Any power conferred by this Law to make an Ordinance or regulation may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
  - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
  - (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

(3) Regulations made under this Law shall be laid before a meeting of the Chief Pleas as soon as possible and shall, if at that or the next meeting the Chief Pleas resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

**Service of notices.**

21. (1) Any notice or document other than a summons to be served under, or for the purposes of, the provisions of this Law may be served on -

- (a) an individual, by being delivered to him, or by being left at, or sent by post or transmitted to, his usual or last known place of abode,
- (b) a company, by being left at, or sent by post or transmitted to, its principal or last known principal place of business in Sark or Guernsey or, if there is no such place, its registered office or principal or last known principal place of business elsewhere
- (c) an unincorporated body -
  - (i) by being served on any partner, member, manager, or other similar officer thereof in accordance with paragraph (a), or
  - (ii) by being left at, or sent by post or transmitted to, the body's principal or last known principal place of business in Sark or, if there is no such place, its principal or last known principal place of business elsewhere,
- (d) the Authority, by being left at, or sent by post or transmitted to, the Authority's offices.

(2) If service of a notice or document cannot, after reasonable enquiry, be effected in accordance with subsection (1), the notice or document may be served by being delivered to some responsible person in the dwelling (if any) to



which the notice or document relates or, if there is no such person, by being affixed to a conspicuous part of the dwelling.

(3) Subsections (1) and (2) are without prejudice to any other lawful method of service.

(4) Notwithstanding the provisions of this section and any other enactment or rule of law in relation to the service of documents, no document to be served on the Authority under or for the purposes of this Law shall be deemed to be served until it is received.

(5) Where a document is sent by post it shall, unless the contrary is shown, be deemed for the purposes of the provisions of this Law to have been received -

(a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,

(b) in the case of a document sent elsewhere, on the seventh day after the day of posting,

excluding in each case any non-business day.

(6) For the purposes of the provisions of this Law, service of any document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(7) In this section –

**"by post"** means by Special Delivery post, recorded delivery service or ordinary letter post,

**"served"** includes given and submitted, and

**"transmitted"** means transmitted by electronic communication, facsimile transmission or other similar means which produce or enable the production of a document containing the text of the communication (in which event the document shall be regarded as served when it is received).

**Interpretation.**

22. In this Law –

**"the Authority"**: see section 1(1),

**"the Code"**: see section 6(1),

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

**"the Objectives"**: see section 3(2),

**"publish"** means publish on the website of Chief Pleas, and

**"relevant activity"**: see section 2(1).

**Citation.**

23. This Law may be cited as the Electricity (Sark) Law, 2020.

**Commencement.**

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

Section 1(4)

SCHEDULE 1

THE AUTHORITY

1. The Authority shall consist of a Chairman and at least 2, but no more than 4, other members.
2. The Chairman and other members of the Authority shall hold office for a period of five years (or such other shorter period as may be agreed between the the Policy & Finance Committee and any member of the Authority) and vacate office as such in accordance with the terms of their appointments.
3. A person who ceases to hold office as a member of the Authority, or ceases to hold office as Chairman, shall be eligible for reappointment.
4. Chief Pleas shall pay to the Chairman and other members of the Authority such remuneration, allowances, expenses, pensions and other benefits (if any) as Chief Pleas may from time to time by resolution determine.
5. Where the members of the Authority meet together so as to transact any business -
  - (a) decisions shall be made and other matters determined or resolved by a majority of the members attending and voting in favour of the decision or matter in question,
  - (b) each member has one vote, and

- (c) in the event of an equality of votes, the Chairman has a second or casting vote.

6. The Authority may, if it thinks fit, transact any business by the circulation of papers to all of the members of the Authority, or by a telephone conference at which each member joining in that telephone conference call can hear each other member and a resolution in writing, approved in writing, or by oral confirmation during a telephone conference by a majority of the members of the Authority shall be as valid and effectual as if passed at a meeting of the Authority by the votes of the members so approving the resolution.

7. The validity of any proceedings of the Authority shall not be affected by any vacancy among the members of the Authority or by any defect in the appointment of any such member.

8. The Authority shall keep proper minutes of its proceedings, including minutes of any business transacted as permitted by paragraph 6 of this Schedule.

9. Subject to the provisions of this Schedule, the Authority shall have power to make rules to regulate its own procedure.

SCHEDULE 2  
THE OBJECTIVES

1. To ensure the security of supply of electricity on Sark.
2. To encourage the generation of electricity from renewable sources, and by other environmentally-friendly methods, on Sark.
3. To promote the modernisation of, and investment in, the infrastructure relating to the generation, conveyance and supply of electricity on Sark.
4. Only where this does not conflict with the foregoing objectives, to promote competition in respect of the generation, conveyance and supply of electricity on Sark.

SCHEDULE 3  
THE ACCESS TO LAND CODE

**Power to undertake works.**

1. (1) Subject to the succeeding provisions of this code, and subject also to the provisions of any conditions in the licensee's licence, a licensee may exercise any of the powers referred to in subparagraph (2) upon or in relation to any land where it decides that it is necessary or expedient to do so for the purposes of undertaking any of the activities listed in section 2(1).

(2) The powers which a licensee may exercise upon or in relation to land are the following -

- (a) the licensee may install, place and subsequently use, establish, operate, maintain, repair, modify, replace, remove, extend or improve any electric line or electrical plant whatsoever;
- (b) for the purposes of exercising the powers mentioned in item (a) of this subparagraph or for any purpose ancillary or incidental thereto, the licensee may carry out and subsequently maintain, repair, modify, replace, extend or improve such works (whether of excavation, construction or otherwise) as the licensee may think fit; and
- (c) for the purposes of exercising the powers referred to in items (a) and (b) of this subparagraph, the licensee

may, with its officers, servants, agents, workmen and contractors and all necessary equipment and materials, at all reasonable times enter and remain upon the land.

(3) The powers referred to in subparagraph (2) are in addition to and not in derogation from the powers conferred upon the licensee by any other enactment.

**Works to be carried out quickly, etc.**

2. A licensee shall, when exercising any power referred to in paragraph 1(2), take all reasonable steps to ensure that the licensee -

- (a) causes the least possible inconvenience to the owner or occupier of the land in question;
- (b) makes good any damage caused to the land; and
- (c) carries out any works as quickly and efficiently as possible and in a good and workmanlike manner.

**Restrictions on works.**

3. (1) Before exercising any power referred to in paragraph 1(2) upon or in relation to any land, a licensee shall, except in cases of emergency, endeavour to enter into an arrangement with the owner or occupier of the land as to the terms of entry.

(2) A licensee shall not install any electric line or electrical plant by the side of any land so as to stop, hinder or interfere with entry or exit for any purpose to or from the land without the previous consent of the owner and occupier



of the land.

(3) A licensee shall not place any electric line or electrical plant directly over any residential dwelling at a height of less than 6 feet above the roof if the owner or occupier thereof objects to the licensee placing it at a lesser height.

(4) Where an owner or occupier of land upon which an electric line or electrical plant is installed or placed by a licensee in exercise of any power referred to in paragraph 1(2)(a) -

(a) proposes to construct, alter or extend any building on that land, and

(b) the proposed works of construction, alteration or extension ("**the proposed works**") cannot reasonably be carried out due to the installation or placing of the electric line or electrical plant,

the owner or occupier ("O") may, by way of a written notice containing the details set out in and served upon the licensee in accordance with subparagraph (5), require the licensee to alter (either temporarily or permanently, whichever is more reasonable in the circumstances) the installation or placing of the electric line or electrical plant, within a period of not less than 28 days from the date of service of such notice, so that the proposed works may be carried out.

(5) A notice under sub paragraph (4) -

(a) shall contain the following details -

- (i) O's full name and address,
- (ii) a description of the location of the electric line or electrical plant concerned,
- (iii) a description of the proposed works and the means by which it is intended that they are to be carried out,
- (iv) a statement of the date when it is intended to commence the proposed works (being a date at least 28 days after the date upon which the notice is served upon the licensee),
- (v) a statement of the intended duration of the proposed works,
- (vi) a statement setting out the grounds upon which O claims that the proposed works cannot reasonably be carried out due to the installation or placing of the electric line or electrical plant concerned,
- (vii) a statement describing the alteration which O requires the licensee to make to the installation or placing of the electric line or electrical plant concerned ("**the required alteration**"), and

(vii) a statement of the dates (being dates at least 28 days after the date upon which the notice is served upon the licensee) when O requires the required alteration to be commenced and completed ("**the specified period**"); and

(b) shall be served upon the licensee-

(i) on the day upon which a copy of the notice is delivered to, or

(ii) on the business day following the day upon which a copy of the notice is sent by recorded delivery post to,

the licensee at the licensee's address.

(6) If, within 14 days of the date of service upon it of a notice complying with subparagraphs (4) and (5) ("**a valid notice**"), the licensee does not object, upon either or both of the grounds and in accordance with the procedure set out in subparagraph (7), to the contents of a valid notice, it shall, within the specified period undertake the required alteration.

(7) A licensee, upon which is served a valid notice, within 14 days of the date of service -

(a) may object to the terms of the notice on either or both of the following grounds -

- (i) that the required alteration is unnecessary or unreasonable,
  - (ii) that the required alteration cannot reasonably be commenced or completed within the specified period; and
- (b) shall serve (using a method of service set out in paragraph 5(b)) written notice ("**a counter notice**") of any objection upon O at the address indicated in the valid notice, setting out or specifying in the counter notice -
  - (i) the grounds of any objection,
  - (ii) any alternative proposals so as to enable the proposed works to be carried out ("**alternative proposals**"),
  - (iii) the period (being not less than 14 days from the date of service of the counter notice) within and the method by which O may accept or reject any alternative proposals, and
  - (iv) the right of O to refer any issue arising from a valid notice or counter notice for arbitration under subparagraph (9).

(8) Where a licensee serves a counter notice upon O in accordance with subparagraph (7), O -

- (a) may within the period specified in the counter notice accept the alternative proposals, in which case the licensee shall carry out the alternative proposals within the timescale indicated in the proposals;
- (b) may within the period specified in the counter notice reject the alternative proposals; or
- (c) where O fails to accept or reject the alternative proposals within the period specified in the counter notice, shall be deemed to have rejected the alternative proposals.

(9) If O rejects or is deemed to have rejected any alternative proposals under subparagraph (8)(b) or (c), O may, within 12 months from the date of service of the counter notice, refer any issue arising from a valid notice or counter notice for determination by a mediator to be agreed between the parties or, in the absence of such agreement, to be appointed by the Court on the application of one of the parties.

**Compensation.**

4. (1) A licensee shall, if it exercises any power referred to in paragraph 1(2) upon or in relation to any land, pay compensation in accordance with the provisions of this paragraph.

(2) The amount of compensation under this paragraph shall be

the sum of the following heads of loss to the extent only that such heads of loss are sustained by the owner or occupier of the land upon or in relation to which the power was exercised -

- (a) the amount of any diminution in the value of the land;  
and

- (b) compensation for any other loss, injury or damage;

and, in assessing the amount of compensation, there shall be taken into account the amount, if any, by which the value of the land has been enhanced by the works in question, which amount may be set off against the amount of compensation.

(3) No compensation under this paragraph shall be paid in respect of any head of loss referred to in subparagraph (2) -

- (a) unless the loss was caused by the licensee in the exercise of the powers referred to in paragraph 1(2); or

- (b) if the loss is due wholly to the fault of the owner or occupier or his servants, agents or contractors.

(4) In the absence of agreement, the amount of compensation under this paragraph shall be determined by a mediator to be agreed between the parties or, in the absence of such agreement, to be appointed by the Court on the application of one of the parties.

(6) In determining compensation under this paragraph, the mediator may (without limitation) take into account the prejudicial effect (if any) of

the exercise of the power in question on the enjoyment, by the person claiming compensation, of the land upon or in relation to which the right is exercised.

**Appeals.**

5. (1) A person aggrieved by a decision of a licensee to exercise any power referred to in paragraph 1(2)(c) (hereinafter called "**the power in question**") may appeal to the Court against the decision.

(2) The grounds of an appeal under this paragraph shall be that the exercise of the power in question would be ultra vires or unreasonable.

(3) An appeal under this paragraph shall be instituted -

(a) within a period of 21 days immediately following the date of the notice under paragraph 7(1) of the licensee's decision or, where pursuant to that paragraph less than 28 days' notice was given, then as soon as is reasonably practicable and in any case within a period not exceeding 21 days immediately following that date;

(b) by summons served on the licensee stating the grounds and material facts upon which the appellant relies.

(4) On an appeal under this paragraph, the Court may -

(a) dismiss the appeal; or

(b) quash the licensee's decision to exercise the power in question;

and, where the Court quashes the licensee's decision, it may remit the matter to the licensee with such directions as the Court thinks fit.

(5) In determining an appeal under this paragraph, the Court may (without limitation) consider -

(a) whether any prejudice caused by the exercise by the licensee of the power in question -

(i) can be adequately compensated for by money;

(ii) would be outweighed by the benefit accruing to the persons other than the licensee benefitting from the exercise of that power;

(b) whether the undertaking of the activities listed in section 1(1) would be materially prejudiced if the power in question were not exercised; and

(c) the Objectives.

(6) Where an appeal under this paragraph is instituted, the licensee may not, unless the Court directs otherwise, exercise the power in question until the appeal is determined or withdrawn.

(7) The licensee may, where an appeal under this paragraph is not determined by the Court within a period of three months immediately following the date of the summons by which the appeal was instituted, apply to the Court, by



summons served on the appellant, for an order that the appeal be dismissed for want of prosecution; and upon hearing such an application the Court may -

- (a) dismiss the appeal or dismiss the application (in either case upon such terms and conditions as the Court may direct); or
- (b) make such other order as the Court considers just.

**Appeals to the Court of Appeal on a question of law.**

6. (1) An appeal from a decision of the Royal Court, made on an appeal from the Court of the Seneschal relating to a matter falling within paragraph 5 shall, with leave of the Royal Court or Court of Appeal, lie to the Court of Appeal on a question of law.

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

- (a) within a period of 28 days immediately following the date of the decision of the Royal Court, and
- (b) in such manner as rules of court may provide.

(3) Section 21 of the Court of Appeal (Guernsey) Law, 1961<sup>e</sup> ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under this section as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

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<sup>e</sup> Ordres en Conseil Vol. XVIII, p. 315.

**Proof of identity.**

7. Any person seeking to enter or remain upon any land by virtue of the powers referred to in paragraph 1(2)(c) shall, whenever so requested by or on behalf of the owner or occupier of the land, furnish such proof of his identity as is necessary to establish that he is entitled to enter the land on behalf of the licensee concerned.

**Notice to be served before works are carried out.**

8. (1) A licensee shall, not less than 28 days before exercising the powers referred to in paragraph 1(2)(c), except in cases of emergency, in which case as much notice as is reasonably practicable shall be given, serve notice in writing on the owner and occupier of the land in question -

- (a) specifying the land upon which, and the period during which it is anticipated that, the powers are to be exercised;
- (b) stating the purpose mentioned in paragraph 1(1) for which the powers are to be exercised and the action mentioned in paragraph 1(2) which the licensee intends to take; and
- (c) giving particulars of the right of appeal conferred by paragraph 5.

(2) A licensee may at any time withdraw or vary a notice under subparagraph (1); and the licensee shall serve written notification of any such withdrawal or variation upon the owner and occupier of the land in question.

**Private agreements not affected.**

9. (1) Nothing in this code affects the right of a licensee to make any agreement which it could otherwise have made.

(2) In the event of any conflict between the provisions of this code and the terms of any agreement made between a licensee and an owner or occupier of land, the terms of any such agreement shall take priority and apply as between the parties to the agreement in the absence of any contrary intention.

**Offences.**

10. A person who without reasonable excuse obstructs any person acting or purporting to act in the exercise of any power referred to in paragraph 1(2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the Sark uniform scale, or to imprisonment for a term not exceeding one months, or to both.

**Interpretation.**

11. In this code, unless the context requires otherwise -

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

**"emergency"** means a case where the exercise of the powers conferred by paragraph 1(2)(c), at the time when it is proposed to exercise them, is requisite in order to put an end to, or prevent the arising of, circumstances then existing or imminent which are likely to cause -

- (a) danger to persons or property;
- (b) the interruption of any electricity supply service provided by means of the licensee's electricity network;

or

- (c) substantial loss to the licensee,

**"land"** includes houses and buildings and any interest (including any leasehold interest) in land and any right over land,

**"owner"**, in relation to land, means -

- (a) where the land is the subject of a vested right of usufruct, the usufructuary;
- (b) where the land is not the subject of such vested right of usufruct -
  - (i) where the land is held in trust, the trustees;
  - (ii) where the land is not held in trust, the person in whom there is for the time being vested, whether solely or jointly with another person, the estate of inheritance therein,

and includes, in the case of a leasehold interest, the lessee,

**"residential dwelling"** means any premises, or any part of any premises, wholly or principally used or usable for the purposes of human habitation, and

**"upon"**, in connection with any land, includes under, in, over, upon,

along or across that land.

**POLICY & FINANCE COMMITTEE**

**Report with propositions to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**THE SAME - SEX MARRIAGE (SARK) LAW 2019**

At an extraordinary meeting of Chief Pleas on the 17<sup>th</sup> December 2019 the legislation entitled Same-Sex Marriage (Sark) Law 2019 was approved.

This Legislation has now been given Royal Assent and the Committee place before you the following Ordinances for approval prior to the commencement of the Law.

The Committee seeks your approval for these Ordinances to enable the commencement of this legislation as soon as possible.

**Proposition 1 -**

**That Chief Pleas approves The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark) Ordinance 2020**

**Proposition 2 -**

**That Chief Pleas approves The Same Sex Marriage (Sark) Law 2019 (Commencement) Ordinance 2020**

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

# **The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark) Ordinance, 2020**

**THE CHIEF PLEAS**, in exercise of the powers conferred on them by sections 5(2) and 12 of the Same-Sex Marriage (Sark) Law, 2019<sup>a</sup>, hereby order:-

## **Consequential and miscellaneous amendments.**

1. Schedule 1, which makes consequential and miscellaneous amendments for the purpose of carrying the Law into effect, has effect.

## **Contrary provisions.**

2. Sections 1(2) and 2 of the Law do not apply in respect of the enactments specified in column (1) of Schedule 2 to the extent specified in column (2) of that Schedule.

## **Interpretation.**

3. In this Ordinance "**the Law**" means the Same-Sex Marriage (Sark) Law, 2019.

## **Extent.**

4. This Ordinance has effect in Sark.

## **Citation.**

5. This Ordinance may be cited as the Same-Sex Marriage

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<sup>a</sup> Approved by the Chief Pleas on 17th December, 2019.

(Consequential and Miscellaneous Amendments and Contrary Provisions) (Sark)  
Ordinance, 2020.

**Commencement.**

6. This Ordinance shall come into force on the same day as the Law.

SCHEDULE 1

CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

Section 1

**Loi ayant rapport aux Mariages Célébrés dans l'Ile de Guernesey et dans les Iles  
d'Auregny et de Serk, 1919.<sup>b</sup>**

1. In Article 22 of the Loi ayant rapport aux Mariages Célébrés dans l'Ile  
de Guernesey et dans les Iles d'Auregny et de Serk, 1919 -

- (a) for "*L'homme dira à la femme*", in each place where those  
words appear, substitute "*L'une des parties dira à  
l'autre*",
- (b) for "*La femme dira à l'homme*", in each place where those  
words appear, substitute "*L'autre partie répondra*",
- (c) for "ma femme" and "mon mari" substitute (in each  
case) "ma femme ou mon mari (selon le cas)", and

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<sup>b</sup> Ordres en Conseil, Vol. VI, p. 57; amended by Vol. XV, p. 200; Vol. XX, p. 267;  
Vol. XXX, p. 114; Vol. XXXI, p. 278; Vol. XXXIII, p. 444; Vol. XXXV(1), p. 398; Order  
in Council No. III of 2014; Recueil d'Ordonnances Tome XXI, p. 104.



- (d) for "lawful wedded wife" and "lawful wedded husband" substitute (in each case) "lawful wedded wife or husband (as the case may be)".

**Married Women's Property Law, 1928.<sup>c</sup>**

2. In Article 12 of the Married Women's Property Law, 1928, for "wife", in each place where it appears, and for "husband", in each place where it appears, substitute "spouse".

**Matrimonial Causes Law (Guernsey), 1939.<sup>d</sup>**

3. In the Matrimonial Causes Law (Guernsey), 1939 -

- (a) in Article 2(5), for "Where a wife has been deserted by her husband or where her husband" substitute "Where a husband or wife has been deserted by his or her spouse or where the spouse"; and for "husband", in each of the two other places where it appears, substitute "spouse",
- (b) in Article 9(4), for "husband and wife" substitute "parties",

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<sup>c</sup> Ordres en Conseil Vol. VIII, p. 213; amended by Vol. XXVII, p. 50. Applied to Sark by Vol. XXV, p. 69.

<sup>d</sup> Ordres en Conseil Vol. XI, p. 318; amended by Vol. XII, p. 278; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99; Vol. XXXI, pp. 171 and 278; Vol. XXXII, p. 85; Vol. XXXVI, p. 639; Vol. XXXVII, p. 308; Orders in Council Nos. XI and XXXI of 2003; No. XIII of 2011; No. XII of 2015; Ordinance No. XXXIII of 2003; No. VII of 2010; No. IX of 2016.

- (c) in Article 16A(5), for "a husband and wife" substitute "the parties to a marriage",
- (d) in Article 23(1), immediately after "exists," insert "subject to paragraph (7) of that Article",
- (e) in Article 23(2), immediately after "Article 16A of this Law," insert "subject to paragraph (7) of that Article as aforesaid",
- (f) in Article 28(1), for "husband or wife" substitute "party to the marriage", and
- (g) in Article 47(3), for the words "the husband to the wife, for or towards her support," substitute "one party to the other, for or towards the support of the other,".

**Court of Appeal (Guernsey) Law, 1961.<sup>e</sup>**

4. In section 43 of the Court of Appeal (Guernsey) Law, 1961, for "wife" substitute "spouse".

**Married Women's Property (Sark) Law, 1975.<sup>f</sup>**

5. Section 1(3) of the Married Women's Property (Sark) Law, 1975 is repealed.

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<sup>e</sup> Ordres en Conseil Vol. XVIII, p. 315; amended by Order in Council No. III of 2012; Ordinance No. XXXIII of 2003.

<sup>f</sup> Ordres en Conseil Vol. XXV, p. 69.

**Husband and Wife (Joint Accounts) (Sark) Law, 1975.<sup>g</sup>**

6. (1) For the title of the Husband and Wife (Joint Accounts) (Sark) Law, 1975 substitute "The Married Couples (Joint Accounts) (Sark) Law, 1975".

(2) In the Married Couples (Joint Accounts) (Sark) Law, 1975 (formerly entitled the Husband and Wife (Joint Accounts) (Sark) Law, 1975) -

(a) in section 1(1), for "husband and wife" substitute "married couple", and

(b) in section 2(1), for "Husband and Wife (Joint Accounts) (Sark) Law, 1975", substitute "Married Couples (Joint Accounts) (Sark) Law, 1975".

(3) For any reference in any enactment to the Husband and Wife (Joint Accounts) (Sark) Law, 1975 substitute a reference to the Married Couples (Joint Accounts) (Sark) Law, 1975.

**Immigration (Bailiwick of Guernsey) Rules, 2008.<sup>h</sup>**

7. In the Immigration (Bailiwick of Guernsey) Rules, 2008 -

(a) in paragraph 6, in the definition of "**unmarried partner**", the words "or a marriage" are revoked,

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<sup>g</sup> Ordres en Conseil, Vol. XXV, p. 72.

<sup>h</sup> G.S.I. No. 26 of 2008; amended by Ordinance No. IX of 2016; G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015; No. 17 of 2019.

- (b) in paragraphs 363(ii), 365 and 389, for "wife", in each place where it appears, substitute "spouse", and
- (c) in paragraph 365, for "she", in each place where it appears, substitute "he".

## SCHEDULE 2

### CONTRARY PROVISION TO SECTION 1(2) AND 2 OF THE LAW

#### Section 2

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Loi relative à la Protection des Femmes et des Filles Mineures registered on 1st August 1914 <sup>i</sup>	Article 13
Married Women's Property Law 1928	The whole Law except for the second paragraph of Article 12
Loi sur les Empêchements au Mariage à Cause de Parenté, et sur l'Établissement de la Juridiction Civile dans les Causes Matrimoniales registered on 3rd March 1936 <sup>j</sup>	The whole Law
Matrimonial Causes Law (Guernsey) 1939	Articles 7(2)(c), 19(2), 26(2), 48, 50, 59, 60A

<sup>i</sup> Ordres en Conseil Vol. V, p. 74; there are amendments not relevant to this provision.

<sup>j</sup> Ordres en Conseil Vol. X, p. 308; amended by Vol. XI, p. 405.

(1) ENACTMENT	(2) PROVISIONS DISAPPLIED
Matrimonial Matters (Evidence) (Guernsey) Law, 1953 <sup>k</sup>	Whole Law
Marriage (Enabling) (Guernsey) Law, 1961 <sup>l</sup>	Whole Law
Legitimacy (Guernsey) Law, 1966 <sup>m</sup>	Whole Law
Successions (Personal Estates of Married Persons) (Sark) Law, 1975 <sup>n</sup>	Section 6(b)
Matrimonial Causes (Assisted Persons) (Guernsey) Ordinance, 1952 <sup>o</sup>	In the Schedule: Regulation 2(2) and (3), Regulation 3(4) and, in Regulation 9, the words "or, where the wife is the assisted person, if and whenever she or her husband"

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<sup>k</sup> Ordres en Conseil Vol. XV, p. 422.

<sup>l</sup> Ordres en Conseil Vol. XVIII, p. 312.

<sup>m</sup> Ordres en Conseil Vol. XX, p. 267; amended by Vol. XXXIII, p. 444; Ordinance No. XX of 2006.

<sup>n</sup> Ordres en Conseil Vol. XXV, p. 75.

<sup>o</sup> Recueil d'Ordonnances Tome X, p. 288; amended by Tome XVII, p. 74; Tome XXIV, p. 85; Ordinance No. III of 2002.

# **The Same-Sex Marriage (Sark) Law, 2019**

## **(Commencement) Ordinance, 2020**

**THE CHIEF PLEAS OF SARK**, in exercise of the powers conferred on them by section 15 of the Same-Sex Marriage (Sark) Law, 2019<sup>a</sup>, hereby order:-

### **Commencement of Law.**

1. The Same-Sex Marriage (Sark) Law, 2019 shall come into force on 23<sup>rd</sup> April, 2020.

### **Citation.**

2. This Ordinance may be cited as the Same-Sex Marriage (Sark) Law, 2019 (Commencement) Ordinance, 2020.

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<sup>a</sup> Approved by the Chief Pleas on 17<sup>th</sup> December, 2019.

**POLICY & FINANCE COMMITTEE**

**Report with proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**2019 FINANCIAL STATEMENTS**

The Policy & Finance Committee presents the Financial Statements of the Island of Sark for the year ended 31 December 2019. The page numbers referred to in the following report relate to the pages of the Financial Statements which accompany this report.

The Financial Statements have been reviewed by an independent accountant, as required by The Reform (Sark) Law, 2008. However, in the light of Financial Reporting Council (FRC) recommendations in relation to Covid-19, KPMG has not signed their report whilst they await further directions.

Attached to this Report are schedules comparing the Revenue Account with that for the previous year (Appendix A) and with the 2019 budget (Appendix B). These schedules give brief explanations of the differences. The significant differences are also detailed below.

**REVENUE ACCOUNT – page 3**

**Income:**

The total income for the year was £1,344,786, which was £88,714 lower than the budgeted figure, but an increase of £18,548 on the total income for the previous year.

The significant reasons for the variance in income when compared to budget are:

- Impot –£77,016 lower. This is a significant shortfall, despite increased duty rates for 2019. Inquiries with the Borders agency have been made, but receipt of all declarations has been confirmed. The shortfall must be due to reduced consumption of both alcohol and tobacco products
- Public Works income - £8,336 lower due to drop in anticipated income from rubbish collections
- Property transfer tax - £13,600 lower due to the reduced number of property transactions in the year
- Investment income - £11,677 increase on budget, due to better than anticipated returns on investments with Schroders and Barclays.

The significant reasons for the variance in income when compared to 2018 are:

- Direct Tax - £12,622 increase, due to increase in tax rates for 2019
- Impot - £21,880 increase, due to increase in duty rates for 2019
- Miscellaneous income - £23,288 decrease. 2018 figures had included a £30,000 donation towards La Coupee toilets construction.

### Ordinary expenditure:

The total expenditure on ordinary activities was £1,212,560 which was £190,760 lower than the budget figure and £17,928 lower than the comparative figure for the previous year.

The significant reasons for the variance in expenditure when compared to budget are:

- Education - £23,328 lower due to the budget for Guernsey based education being unused and other small savings across the board
- Central salaries & stipend - £89,179 lower than budget. The Chief Secretary, CSO and Treasury functions had been over budgeted for the year
- Repairs & maintenance - £27,962 lower. £21,000 had been budgeted for roof repairs on the Visitors centre, but upon inspection this was not needed. £5,000 for the crane shed roof was also unused
- Procureur – £23,370 lower than budget. It is difficult to anticipate the level of need for the year, and there was a reduction in the number of cases needing help in 2019
- Medical & Emergencies - £11,667 higher than budgeted. This was the cost of locum and paramedic cover in the doctor's absence
- Agriculture & Environment - £15,002 lower than budget due to savings across the board

The significant reasons for the variance in expenditure when compared to 2018 are:

- Education - £42,232 lower than 2018. There were no recruitment costs in 2019, and fewer visits by the Director of Education in the year
- Repairs & maintenance - £16,410 higher than 2018. Increased expenditure included £6,000 on the Court/Assembly rooms, and £4,000 on the Visitor Centre & other Island buildings
- Procureur - £22,976 higher than 2018, due to increased medical insurance premiums and residential care costs
- Tourism - £16,785 higher net expenditure than 2018, due to advertising revenue received in the year relating to the 2020 Discover Sark brochure being deferred to 2020
- Agriculture & Environment - £11,319 lower than 2018, due to reduced costs across the board
- Miscellaneous expenditure - £15,656 lower than 2018, due to reduced costs in relation to child protection and the Seneschal

### Unforeseen revenue expenditure:

The unforeseen expenditure for 2019 was £74,581, against a budget of £25,000 and was £293,074 lower than that of 2018. The most significant costs in 2019 included £24,793 spent on legal bills for the ongoing case of Sark Electricity Ltd v Sark EPCC, £13,450 on repairs to Ivy Cottage and £37,513 on locum and paramedic cover for the doctor.

### Surplus for the year:

There is a surplus arising on the Island's ordinary activities of £132,226. The unforeseen expenditure amounting to £74,581 resulted in an overall surplus of £57,645 which has been added to the accumulated reserves.



## **STATEMENT OF BALANCES – page 4**

### **Tangible assets:**

The movements in tangible assets are detailed in note 22 and pages 12 and 13 of the financial statements. Additions in the year totalled £69,481. The main additions in the year comprised of a road roller, tractor and works to the harbour quarry shed. Depreciation provided in the year was £36,168. No items were disposed of during the year.

### **Investments:**

£705,788 is the cost of Chief Pleas' investment in Isle of Sark Shipping Company Limited ("IoSS") and remains unchanged from the previous year. The net assets of IoSS as shown by its latest accounts to 30 September 2019 were £1,086,636.

### **Net current assets:**

There is a small increase of £24,332 in net current assets in the year. Debtors, including prepayments have increased by £24,690, and cash balances have decreased by £11,011. Creditors, including accruals have also decreased by £10,654.

### **Accumulated fund:**

The accumulated fund (being the Island's general reserves) has increased from £2,979,196 to £3,036,841 by the surplus for the year of £57,645.

### **La Ville Roussel fund:**

The fund has assets, mainly bank balances, of £100,534 and accumulated reserves of the same figure. The fund is under the control of the Trustees of La Ville Roussel Trust for the benefit of the Island.

## **In Summary**

The Financial Statements have been signed by the Treasurer and William Raymond, with the approval of the Policy and Finance Committee, and are presented for adoption.

### **Proposition:**

**That Chief Pleas approves the Financial Statements of the Island for the year ended 31 December 2019.**

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

## Island of Sark

## APPENDIX A

## Comparison of 2019 and 2018 Revenue Accounts

	Actual YE 31.12.19 £'000	Actual YE 31.12.18 £'000	Up/(down) on budget £'000	Reasons for significant differences over 5% of 2018 figures
<b>Income</b>				
Direct tax	741	729	13	
Impot	320	298	22	Duty rate increases for 2019
Public Works income	66	59	7	Delay in receipts from 2018, caught up in 2019.
Property transfer tax	25	26	(1)	
Poll tax	60	58	2	
Harbour income	42	43	(1)	
Crane receipts	17	18	(1)	
Investment income	19	17	1	
Constables income	22	22	(1)	
Miscellaneous income	32	56	(23)	2018 figure included £30k donation towards La Coupee toilets.
	1,345	1,326	19	
<b>Expenditure</b>				
Education	165	208	(43)	No recruitment costs in 2019. One less teacher in 2019 (head became teaching head). Fewer trips for Director of Education.
Douzaine	156	158	(2)	
Salaries and stipend	161	163	(2)	
Repairs and maintenance	67	51	16	Includes £6k spent on Court/Assembly rooms maintenance, £3k additional heat & light, £4k additional expenditure on Visitor centre & others.
Public Works expenses	73	83	(9)	Lower sewage costs (one off £9k expense in 2018)
Procureur	147	124	23	Increased medical insurance premiums & residential care costs
Legal and professional expenses	84	75	9	Increase in PCO & related lawyer costs. (Majority of similar 2018 costs were posted to unforeseen expenditure)
Tourism	90	74	17	2020 advertising revenue received in 2019 deferred to 2020
Harbours and Shipping	48	50	(2)	
Insurance and rents	37	48	(11)	Jan-Mar 2020 costs prepaid in the year.
Medical, etc.	60	47	13	Locum & Paramedic cover for Dr Stephenson
Crane expenses	12	11	0	
Police, customs and prisons	15	18	(3)	Reduced police assistance required from Guernsey
Grants, subsidies, etc.	20	19	2	Additional maintenance costs re New Island Hall
Agriculture, etc.	1	12	(11)	Reduced costs across the board
Miscellaneous expenditure	76	91	(16)	Reduction in Child Protection & Seneschal costs
Total Ordinary Expenses	1,213	1,230	(18)	
Surplus on Ordinary Operations	132	96	36	
Unforeseen Expenditure	75	368	(293)	Reduction in Legal/PCO fees in relation to Sark Electricity Ltd v Sark EPCC case. However, there were other unforeseen costs in 2019, most notably the Locum/Paramedic cover for Dr Stephenson.
<b>Surplus for the year</b>	58	(272)	330	

## Island of Sark

## Comparison of 2019 Revenue Account with 2019 Budget

	Actual YE 31.12.19 £'000	Budget YE 31.12.19 £'000	Up/(down) on budget £'000	Reasons for significant differences over 5% of budget figure
<b>Income</b>				
Direct tax	741	740	1	
Impot	320	397	(77)	Reduced consumption of dutiable goods, perhaps because of large increase in rates for 2019.
Public Works income	66	74	(8)	Lower than anticipated income from rubbish collections. Actuals was same as last year, but budget had increased by £8k
Property transfer tax	25	39	(14)	Fewer property transactions in 2019 than budgeted
Poll tax	60	60	(0)	
Harbour income	42	46	(3)	
Crane receipts	17	18	(1)	
Investment income	19	7	12	Increased income recognised from Schroders & Barclays investments
Constables income	22	24	(2)	
Miscellaneous income	32	29	3	Small increases for all income streams, including Hotel & Liquor licences, Accommodation permits & Hotel/Public house licences
	1,345	1,434	(89)	
<b>Expenditure</b>				
Education	165	188	(23)	Budgeted costs for guernsey education were unused. Other small savings across the board.
Douzaine	156	160	(4)	
Salaries and stipend	161	250	(89)	Chief Sec/CSO and Treasury functions had been over budgeted for the year.
Repairs and maintenance	67	95	(28)	Upon inspection, budget of £20k provided for the Visitor centre roof was not needed. £5k budget for Crane shed roof was unused.
Public Works expenses	73	72	2	
Procureur	147	170	(23)	Difficult to anticipate level of need in the year. Reduction in cases needing help for 2019.
Legal and professional expenses	84	84	1	
Tourism	90	86	4	
Harbours and Shipping	48	51	(3)	
Insurance and rents	37	47	(10)	Jan-Mar 2020 costs prepaid in the year.
Medical, etc.	60	49	12	Unbudgeted Locum & Paramedic cover for Dr Stephenson
Crane expenses	12	14	(2)	Reduced crane maintenance costs
Police, customs and prisons	15	21	(6)	Reduced police assistance required from Guernsey
Grants, subsidies, etc.	20	19	1	
Agriculture, etc.	1	16	(15)	Reduced costs across the board
Miscellaneous expenditure	76	83	(7)	Reduction in Child Protection & Seneschal costs
Total Ordinary Expenses	1,213	1,403	(191)	
Surplus on Ordinary Operations	132	30	102	
Unforeseen Expenditure	75	25	50	Unforeseen costs relating to Ivy Cottage, Paramedic/Locum cover and Electricity legal costs.
<b>Surplus for the year</b>	<b>58</b>	<b>5</b>	<b>52</b>	

# Island of Sark

## Financial statements

**31 December 2019**

# Island of Sark

## Statement of responsibilities

Chief Pleas are responsible for preparing financial statements for each financial year, in accordance with the accounting policies set out in note 1 and Section 62 of The Reform (Sark) Law, 2008, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. The financial statements have been prepared for the purpose of compliance with The Reform (Sark) Law, 2008.

Chief Pleas is responsible for the maintenance and integrity of the corporate and financial information included on Chief Pleas' website, and for the preparation and dissemination of financial statements. Legislation in Sark and the Bailiwick of Guernsey governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.



William Raymond  
Conseiller  
Sark Policy and Finance Committee

Date: 24th March 2020 .



Sarah Hudson  
Treasurer  
on behalf of Chief Pleas

Date: 24th March 2020

# **Independent Practitioner's Review Report to Island of Sark**

We await this report from KPMG.

# Island of Sark

## Revenue account

for the year ended 31 December 2019

	Notes	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>Revenue Income</b>				
Direct tax		741,353	740,000	728,731
Impot	2	319,984	397,000	298,103
Public Works income	1 & 3	65,664	74,000	58,639
Property transfer tax		25,400	39,000	26,400
Poll tax		59,920	60,000	57,595
Harbour income	4	42,474	45,500	43,387
Crane receipts		17,108	18,000	17,956
Investment income	5	18,677	7,000	17,409
Constables income	1 & 6	21,726	24,000	22,251
Miscellaneous income	7	32,480	29,000	55,768
<b>Total Revenue Income</b>		<b>1,344,786</b>	<b>1,433,500</b>	<b>1,326,239</b>
<b>Revenue Expenditure</b>				
Education	8	164,742	188,070	207,974
Douzaine	9	155,927	159,550	157,522
Stipend, salaries and wages	10	160,555	249,734	163,038
Repairs and maintenance	11	67,016	94,978	50,606
Public Works expenses	12	73,456	71,500	82,518
Procureur	13	146,630	170,000	123,654
Legal and Professional expenses		84,366	83,500	75,458
Tourism	14	90,382	85,998	73,597
Harbours and Shipping	15	48,234	51,000	50,130
Insurance and rents		37,044	47,000	47,657
Medical and emergency services	16	60,342	48,675	46,945
Crane expenses		11,735	14,000	11,369
Police, customs and prisons	17	15,218	21,000	17,974
Grants, subsidies, etc	18	20,412	19,400	18,569
Agriculture, Environment and Sea Fisheries	19	748	15,750	12,066
Miscellaneous expenditure	20	75,753	83,165	91,410
<b>Total Ordinary Expenditure</b>		<b>1,212,560</b>	<b>1,403,320</b>	<b>1,230,487</b>
<b>Surplus on Ordinary Operations</b>		<b>132,226</b>	<b>30,180</b>	<b>95,752</b>
Unforeseen Expenditure	21	74,581	25,000	367,655
<b>SURPLUS/(DEFICIT) FOR FINANCIAL YEAR</b>		<b>57,645</b>	<b>5,180</b>	<b>(271,903)</b>

# Island of Sark

## Statement of balances at 31 December 2019

	Notes	2019 £	£	2018 £	£
<b>Assets employed</b>					
<b>Tangible assets</b>	1 & 22	948,045		914,732	
<b>Investments</b>	1 & 23	705,788		705,788	
<b>La Ville Roussel fund</b>	24	100,534		99,735	
<b>Current assets</b>					
Debtors and prepaid expenses	25	102,113		77,423	
Bank balances		1,499,298		1,510,310	
		<u>1,601,411</u>		<u>1,587,733</u>	
<b>Liabilities falling due within one year</b>					
Creditors	26	136,540		146,899	
Held for internal organisations	27	81,863		82,158	
		<u>218,403</u>		<u>229,057</u>	
<b>Net current assets</b>			<u>1,383,008</u>		<u>1,358,676</u>
<b>Total assets less current liabilities</b>			<u>£ 3,137,375</u>		<u>£ 3,078,931</u>
<b>Financed by</b>					
Accumulated fund	29	3,036,841		2,979,196	
La Ville Roussel fund	30	100,534		99,735	
<b>Reserves</b>	31	<u>£ 3,137,375</u>		<u>£ 3,078,931</u>	



William Raymond  
Conseiller  
Sark Policy and Finance Committee

Date: 24th March 2020



Sarah Hudson  
Treasurer  
on behalf of Chief Pleas

Date: 24th March 2020

The notes on pages 5 to 16 form part of these financial statements.



# Island of Sark

## Notes forming part of the financial statements

### 1 Principal accounting policies

The following accounting policies have been applied consistently in dealing with items which are considered material in relation to the financial statements of the Island of Sark ("the Island") :

#### *Basis of preparation*

The financial statements have been prepared in accordance with Section 62 of The Reform (Sark) Law, 2008 and the accounting policies detailed below, as selected by the Policy and Finance Committee of Chief Pleas. They have been prepared on the historical cost basis and on a going concern basis. The budgeted revenue and expenditure figures have been included for illustrative purposes only.

#### *Revenue*

Income has been included on the accruals basis, with the exception of that of Public Works and Direct Tax which has been included on the receipts basis.

#### *Revenue*

Expenditure is included on the accruals basis.

#### *Tangible assets*

Tangible assets are stated at cost less depreciation.

#### *Depreciation*

Depreciation is calculated in equal annual instalments at the following annual rates so as to write off the cost of tangible assets over their anticipated useful lives:

	%
Cranes	6.7 - 10
Tractors	10
Incinerators	10
Rollers	10
Trailers	10
Stone crusher	10 (fully depreciated)
Borehole pump	10 (fully depreciated)
Sewage system	10 (fully depreciated)
Water bowser	10 (fully depreciated)
Water treatment	10 (fully depreciated)
Sewage tanker	10 (fully depreciated)
Rubbish skips	20
Slaughterhouse equipment	20
Emergency services equipment	10 - 20
Constables equipment	33.33
Medical equipment	33.33 (fully depreciated)
Office equipment	33.33
School computers	33.33
Office furniture	10

# Island of Sark

## Notes forming part of the financial statements - continued

### 1 Principal accounting policies (continued)

#### *Depreciation (continued)*

No provision has been made for depreciation of Maseline Harbour or Island property as it is the Island's policy to maintain these assets in good condition to prolong their useful lives. Any depreciation involved would not be material. Costs of repairs and maintenance are charged against revenue in the year in which they are incurred.

#### *Investments*

Unquoted investments are stated at cost.

#### *Funds held for internal organisations*

Funds are held on behalf of the Ambulance Service, Old Hall Trust, Hathaway Settlement, Harbour Donation Account and Tourism Trading Accounts as these organisations do not hold accounts of their own. The amounts held are shown in the balance sheet as current liabilities.

#### *Net Procureur expense*

Procureur expenses are recognised on an accruals basis. Assistance is given in the form of loans but is written off as it is provided. The expense is presented net of income received from assistance repaid and donations received.

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>2 Impot</b>			
Tobacco	107,770		97,240
Beer	77,495		74,090
Wines	64,788		66,338
Spirits and cordials	53,890		45,573
Cider	26,437		23,193
Oils	626		711
	<b>331,006</b>		<b>307,145</b>
Less : Collection charges	<b>11,022</b>		<b>9,042</b>
	<b>£ 319,984</b>	<b>£ 397,000</b>	<b>£ 298,103</b>
<b>3 Public Works income</b>			
Rubbish	49,400		42,802
Sewage	16,264		15,837
	<b>£ 65,664</b>	<b>£ 74,000</b>	<b>£ 58,639</b>

# Island of Sark

## Notes forming part of the financial statements - continued

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>4 Harbour income</b>			
Harbour services	33,800	34,500	33,836
Rents and sundry income	1,958	2,000	2,062
Harbour dues	6,716	9,000	7,489
	<u>£ 42,474</u>	<u>£ 45,500</u>	<u>£ 43,387</u>
<b>5 Investment income</b>			
Bank deposit interest	12,313		£ 11,039
Loan interest	6,364		£ 6,370
	<u>£ 18,677</u>	<u>£ 7,000</u>	<u>£ 17,409</u>
<b>6 Constables' income</b>			
Licences	<u>£ 21,726</u>	<u>£ 24,000</u>	<u>£ 22,251</u>
<b>7 Miscellaneous income</b>			
Rent and ground rent	9,228	10,000	6,767
Accommodation permits	5,941	4,000	5,555
Court and registration fees	1,514	3,000	1,460
Hotel and public house licences	5,285	4,000	4,585
Share of profit of Guernsey Post	-	1,000	-
Share of C I Lottery profit/import duties	8,675	5,000	5,126
Development control application fees	750	1,000	735
Contra re conts to cost of toilets from 3rd party a/cs	-	-	30,000
Sundry	1,087	1,000	1,540
	<u>£ 32,480</u>	<u>£ 29,000</u>	<u>£ 55,768</u>
<b>8 Education</b>			
Salaries	131,440	148,390	155,760
Repairs, maintenance, heat and light	11,080	6,000	11,101
Educational and technical support and software	4,240	11,900	3,275
Books, stationery and equipment	5,804	4,400	4,313
School teacher's accommodation	-	-	6,275
Guernsey based tuition and accommodation	749	9,700	-
Caretaking and cleaning	3,800	7,680	5,338
Assistance to school teachers' pensions	6,991	-	7,157
Recruitment expenses	638	-	14,755
	<u>164,742</u>	<u>£ 188,070</u>	<u>£ 207,974</u>

# Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>9 Douzaine and Constables</b>			
Island workmen	89,050	95,300	70,493
Annual work programme	14,422	15,500	34,232
Salaries and honoraria	23,459	22,750	20,926
Repairs to machinery	21,494	17,000	21,999
Maintenance of paths and signs	420	3,000	1,291
Constables' office expenses	3,136	3,000	4,066
Toilets and harbour stores	3,946	3,000	4,515
	<u>155,927</u>	<u>£ 159,550</u>	<u>£ 157,522</u>
<b>10 Stipend, salaries and wages</b>			
Seigneur, island officers and committee staff	160,167	247,234	163,038
Training & development	388	2,500	-
	<u>£ 160,555</u>	<u>£ 249,734</u>	<u>£ 163,038</u>
<b>11 Repairs and maintenance</b>			
Machinery - depreciation	36,167	43,728	35,339
Heat, light and power	11,408	12,000	8,622
Repairs:			
La Coupee	2,697	2,000	-
Medical Centre	641	1,250	1,105
School houses	734	3,000	1,640
Greffe office and fire station	4,327	3,000	2,620
Court/assembly room	6,155	4,000	253
Crane shed roof	3,743	5,000	442
Other Island property	1,144	21,000	585
	<u>£ 67,016</u>	<u>£ 94,978</u>	<u>£ 50,606</u>
<b>12 Public Works expenses</b>			
Landfill and other disposal costs	20,329		18,184
Wages	27,166		26,945
Incinerator operating costs	14,712		16,665
Sewage	11,249		20,724
	<u>£ 73,456</u>	<u>£ 71,500</u>	<u>£ 82,518</u>

# Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>13 Procureur</b>			
<i>Income</i>			
Contributions from third parties	-		25
Loan repayments	4,920		5,470
Donations	-		39
	<u>4,920</u>		<u>5,534</u>
<i>Expenditure</i>			
Medical insurance premiums	61,188		56,524
Medical costs and care workers	13,366		19,857
Groceries, meals, laundry and sundries	2,506		421
Rent and tax	525		1,347
Cash grants	23,120		24,650
Funeral Costs	3,263		3,103
Fuel assistance	3,488		4,163
Residential care	44,094		19,123
	<u>151,550</u>		<u>129,188</u>
<i>Net expenditure</i>	<u>£ 146,630</u>	<u>£ 170,000</u>	<u>£ 123,654</u>
<b>14 Tourism</b>			
Advertising and visitor centre costs	92,122	81,998	73,432
Water testing and inspection costs	- 1,740	4,000	165
	<u>£ 90,382</u>	<u>£ 85,998</u>	<u>£ 73,597</u>
<b>15 Harbours and Shipping</b>			
Routine maintenance, salaries and training	<u>£ 48,234</u>	<u>£ 51,000</u>	<u>£ 50,130</u>
<b>16 Medical and emergency services</b>			
Salaries	36,596	35,750	34,669
Costs of Health Visitor	- 1,953	3,000	2,953
Other medical expenses	15,631	-	830
Fire protection	10,068	9,925	8,493
	<u>£ 60,342</u>	<u>£ 48,675</u>	<u>£ 46,945</u>



# Island of Sark

## Notes forming part of the financial statements - continued

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>17 Police, customs and prisons</b>			
Police and customs costs	10,218	16,000	12,974
Maintenance of prisoners	5,000	5,000	5,000
	<u>£ 15,218</u>	<u>£ 21,000</u>	<u>£ 17,974</u>
<b>18 Grants, subsidies, etc</b>			
Maintenance of Island Hall and School	11,012	10,000	9,105
St John's Marine Ambulance Fund	5,000	5,000	5,000
St Peter's Church	2,000	2,000	2,064
Island games	1,000	1,000	1,000
RNLI	650	650	650
Floral Sark	250	250	250
Methodist Church	500	500	500
	<u>£ 20,412</u>	<u>£ 19,400</u>	<u>£ 18,569</u>
<b>19 Agriculture, Environment and Sea Fisheries</b>			
Agriculture & Environment	- 942	6,000	74
Preventative measures	165	1,250	-
Slaughterhouse management	186	4,000	7,646
Pilotage	- 100	-	-
Sea Fisheries	1,439	4,500	4,346
	<u>£ 748</u>	<u>£ 15,750</u>	<u>£ 12,066</u>
<b>20 Miscellaneous expenditure</b>			
Office expenses	23,796	18,000	21,896
Renewable energy research	16	-	-
Tax administration	4,644	6,000	4,188
Legal aid	27,000	27,000	27,000
Independent practitioner's review fee	6,521	6,500	6,210
Seneschal's court expenses	962	4,000	542
Costs of Lieutenant Seneschal	5,397	12,000	13,723
Digimap licensing	5,439	2,665	2,600
Hansard	1,405	2,000	2,236
Civic entertaining	400	2,000	2,170
Child protection costs	123	3,000	10,845
Other	50	-	-
	<u>75,753</u>	<u>£ 83,165</u>	<u>£ 91,410</u>

## Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.19 £	Budget year to 31.12.19 £	Year ended 31.12.18 £
<b>21 Unforeseen expenses</b>			
Re Legal Fees	850		328,184
Re Ivy Cottage	13,450		10,297
Re Church Tower	-		27,000
Re Electricity Contingency	24,793		2,036
Re Locum & paramedic costs	37,513		-
Election expenses	- 25		138
Vin d'honneurs	- 2,000		-
	<hr/>	<hr/>	<hr/>
	£ 74,581	£ 25,000	£ 367,655
	<hr/>	<hr/>	<hr/>

# Island of Sark

Notes forming part of the financial statements - continued

## 22 Tangible assets

	Cost			Depreciation			Net book values	
	At 1.1.19 £	Additions £	Disposals £	At 1.1.19 £	Provided £	On Disposals £	31.12.19 £	31.12.18 £
	At 1.1.19 £	Additions £	Disposals £	At 1.1.19 £	Provided £	On Disposals £	31.12.19 £	31.12.18 £
Maseline harbour	61,329	-	-	61,329	-	-	61,329	61,329
Land								
Les Laches	516	-	-	516	-	-	516	516
La Maseline	413	-	-	413	-	-	413	413
Harbour Hill path	1	-	-	1	-	-	1	1
	930	-	-	930	-	-	930	930
Property								
Ivy Cottage	118,731	-	-	118,731	-	-	118,731	118,731
Teacher's houses	98,295	-	-	98,295	-	-	98,295	98,295
Fire station	82,335	-	-	82,335	-	-	82,335	82,335
Assembly room/new offices	101,528	-	-	101,528	-	-	101,528	101,528
Visitor centre	34,217	-	-	34,217	-	-	34,217	34,217
Crane shed	26,803	-	-	26,803	-	-	26,803	26,803
Creux Harbour shelter	15,000	-	-	15,000	-	-	15,000	15,000
Greffé and committee offices	10,350	-	-	10,350	-	-	10,350	10,350
Medical centre	27,100	-	-	27,100	-	-	27,100	27,100
School adaptation	5,915	-	-	5,915	-	-	5,915	5,915
Vieux Clos	2,055	-	-	2,055	-	-	2,055	2,055
Prison improvements	1,702	-	-	1,702	-	-	1,702	1,702
Harbour Quarry shed	13,008	20,235	-	33,243	-	-	33,243	13,008
La Coupée toilets	38,190	-	-	38,190	-	-	38,190	38,190
Slaughterhouse	-	3,690	-	3,690	-	-	3,690	-
	575,229	23,925	-	599,154	-	-	599,154	575,229
Carried forward	637,488	23,925	-	661,413	-	-	661,413	637,488



# Island of Sark

## Notes forming part of the financial statements - continued

### 22 Tangible assets - continued

	Cost			Depreciation			Net book values	
	At 1.1.19 £	Additions £	Disposals £	At 1.1.19 £	Provided £	On Disposals £	31.12.19 £	31.12.18 £
Brought forward	637,488	23,925	-	-	-	-	661,413	637,488
Machinery	432,924	1,395	-	203,592	17,763	-	212,964	229,332
Tractors	44,072	16,490	-	39,989	2,933	-	17,640	4,083
Incinerators	83,848	-	-	62,310	3,077	-	18,461	21,538
Rollers	11,521	23,331	-	8,242	2,802	-	23,808	3,279
Trailers	22,728	-	-	16,846	1,832	-	4,050	5,882
Stone crusher	8,947	-	-	8,947	-	-	-	-
Borehole pump	1,169	-	-	1,169	-	-	-	-
Sewage system	9,750	-	-	9,750	-	-	-	-
Water bowser	4,397	-	-	3,959	438	-	-	438
Water treatment	5,288	-	-	5,288	-	-	-	-
Sewage tankers	13,498	-	-	13,498	-	-	-	-
Rubbish skips	12,312	-	-	9,372	735	-	2,205	2,940
Slaughterhouse equipment	3,303	-	-	2,640	663	-	-	663
Emergency services equipment	16,282	-	-	12,546	806	-	2,930	3,736
Constables equipment	1,100	-	-	1,100	-	-	-	-
Medical equipment	3,381	-	-	3,381	-	-	-	-
Office equipment	20,117	4,211	-	18,509	2,625	-	3,194	1,608
School computers	9,248	129	-	5,750	2,459	-	1,168	3,498
Office furniture	1,114	-	-	867	35	-	212	247
	704,999	45,556	-	427,755	36,168	-	286,632	277,244
<b>Total</b>	<b>£ 1,342,487</b>	<b>£ 69,481</b>	<b>£ -</b>	<b>£ 427,755</b>	<b>£ 36,168</b>	<b>£ -</b>	<b>£ 948,045</b>	<b>£ 914,732</b>

Certain properties held by the Island Trustees are not included in tangible assets until such times as their values can be ascertained.

## Island of Sark

Notes forming part of the financial statements - continued

<b>23 Investments</b>	<b>2019</b>	<b>2018</b>
	<b>£</b>	<b>£</b>
<i>Unquoted</i>		
Isle of Sark Shipping Company Limited -		
Ordinary shares of £1 each	<b>451,000</b>	451,000
Long term loan	<b>254,788</b>	254,788
	<b>£ 705,788</b>	<b>£ 705,788</b>

Isle of Sark Shipping Company Limited ("IoSS") is a Guernsey registered company, wholly owned by the Island of Sark. As at 30 September 2019 the net assets of IoSS were £1,086,636 (2018 - £925,158).

The loan bears interest at the variable HMRC (UK) rate for beneficial loans (currently 2.5% p.a.) and becomes repayable on 31 August 2021.

<b>24 La Ville Roussel Fund</b>	<b>2019</b>	<b>2018</b>
	<b>£</b>	<b>£</b>
Debtors	<b>85</b>	415
Bank balances -		
Deposit	<b>99,511</b>	98,766
Current	<b>938</b>	554
	<b>£ 100,534</b>	<b>£ 99,735</b>

<b>25 Debtors</b>	<b>2019</b>	<b>2018</b>
	<b>£</b>	<b>£</b>
Accrued income	<b>80,693</b>	68,801
Prepayments	<b>14,403</b>	5,529
Other debtors	<b>7,017</b>	3,093
	<b>102,113</b>	<b>£ 77,423</b>

<b>26 Creditors</b>	<b>2019</b>	<b>2018</b>
	<b>£</b>	<b>£</b>
Trade creditors	<b>113,051</b>	138,092
Rent received in advance	-	1,022
Advertising income received in advance	<b>15,473</b>	-
Constables licences paid in advance	<b>994</b>	560
Accommodation/catering permits paid in advance	<b>1,117</b>	1,000
Water tests paid in advance	<b>750</b>	625
Liquor licences paid in advance	<b>4,635</b>	4,185
Playground donations received in advance	<b>520</b>	-
Agriculture donation received in advance	-	1,415
	<b>£ 136,540</b>	<b>£ 146,899</b>

# Island of Sark

## Notes forming part of the financial statements - continued

<b>27 Held for internal organisations</b>	<b>2019</b>	<b>2018</b>
	£	£
Ambulance account	11,609	11,354
Hathaway Trust	18,641	18,642
Old Hall fund	5	-
Harbour donation a/c	11,609	11,609
School Accounts	14,286	18,132
Tourism trade account	25,713	22,421
	<b>£ 81,863</b>	<b>£ 82,158</b>

## 28 Contingent liabilities

Chief Pleas has guaranteed overdraft facilities granted to IoSS up to a maximum of £150,000 (2018 - £150,000). The Island will only be liable to honour those guarantees in the event that IoSS defaults on repayments in relation to the overdraft. At 31 December 2019 the contingent liability arising from those guarantees was £NIL (2018 - £Nil).

<b>29 Accumulated fund</b>	<b>2019</b>	<b>2018</b>
	£	£
Balance at 1 January	2,979,196	3,251,099
Surplus/(Deficit) for the financial year	57,645	- 271,903
<b>Balance at 31 December</b>	<b>£ 3,036,841</b>	<b>£ 2,979,196</b>

<b>30 La Ville Roussel fund</b>	<b>2019</b>	<b>2018</b>
	£	£
<i>Income</i>		
Bank interest	745	656
Rent	125	125
	<b>870</b>	<b>781</b>
<i>Expenditure</i>		
Repairs	-	-
Bank charges	70	70
	<b>70</b>	<b>70</b>
<b>Balance at 1 January</b>	<b>99,735</b>	<b>99,024</b>
Surplus for the financial year	799	711
<b>Balance at 31 December</b>	<b>£ 100,534</b>	<b>£ 99,735</b>

# Island of Sark

## Notes forming part of the financial statements - continued

<b>31 Reserves</b>	<b>2019</b>		<b>2018</b>
	<b>£</b>		<b>£</b>
Balance at 1 January	<b>3,078,931</b>		3,350,123
Increase/(decrease) in accumulated fund	<b>57,645</b>	-	271,903
Increase in La Ville Roussel fund	<b>799</b>		711
<b>Balance at 31 December</b>	<b>£ 3,137,375</b>		<b>£ 3,078,931</b>

## 32 Ultimate Controlling Party

The ultimate controlling party is the Chief Pleas of the Island of Sark.

## 33 Post Balance Sheet Events

At the date of approval of these financial statements Sark, along with the rest of the world, is in the midst of the Covid-19 pandemic. Chief Pleas is carefully looking at the financial implications of this and how it will affect the Island. Revised budgets and detailed cashflow projections have been developed to reflect the effect on island revenues caused by the depletion in visitor numbers and these are being constantly updated as the situation evolves.

**POLICY & FINANCE COMMITTEE**

**Report with proposition to Easter Chief Pleas, 22nd April, 2020**

**AMENDMENT TO TERMS OF APPOINTMENT OF DEPUTY  
TREASURER**

At the Midsummer Chief Pleas in 2015 (8<sup>th</sup> July, Item 8), Mrs Lynda Higgins was appointed Deputy Treasurer 'at the remuneration of 10% of the salary of the Treasurer as detailed in Section 51 of The Reform (Sark) Law 2008'. Point (5) of Section 51 of The Reform (Sark) Law 2008 states that, 'A person appointed to hold the office of Deputy Treasurer shall be paid such remuneration out of public funds as the Chief Pleas may from time to time resolve.'

Mrs Higgins has now been re-appointed to this role, but it is desirable that the terms of the appointment should be changed to allow Mrs Higgins to be employed for 10 hours per week at a rate of £20 per hour.

**Proposition –**

**That Chief Pleas approves the amendment of terms of appointment of the Mrs Higgins as Deputy Treasure from 10% of the salary of the Treasurer to 10 hours per week at a rate of £20**

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

**DOUZAINE**

**Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**THE INDEPENDENT POLICING PANEL  
NEW TERMS OF REFERENCE**

The Independent Policing Panel (IPP) was formed at the Easter Meeting of Chief Pleas, 6<sup>th</sup> April 2016 [Item 21] with the intention that *'The purpose of the panel will be to oversee the work of the Constable and take this responsibility out of the political arena.'* The report included its Terms of Reference and a copy of the Service Level Agreement that had been signed in January 2010.

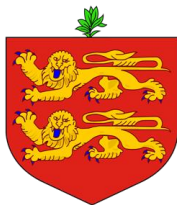
The Terms of Reference document was subsequently amended by the IPP but never brought to Chief Pleas for discussion or approval, however, it has since stepped back from this amended role. The IPP wished to clarify its position in relation to its Terms of Reference and drafted an amended version for consideration by Chief Pleas. Attached to this report is the IPP's Annual Report along with a copy of proposed new Terms of Reference. This document while drawn up by the IPP and has been brought to Chief Pleas via its recognised channel, the Douzaine.

This is not a Douzaine item and thus there is to be a 'free vote', with its members debating and voting according to their own conscience.

**Proposition –**

**That Chief Pleas approves the Independent Policing Panel's new 'Terms of Reference' as attached to this report.**

**Conseiller Alan Blythe  
Chairman, Douzaine**



# Independent Police Panel

## Report to Douzaine

Since the formation of the IPP, its members have strived to achieve its initial mandate. This has proved, in practice, to be impossible.

The IPP have to remain impartial, so that no perceived favouritism can be observed.

The IPP believes that, while it should pass new constable nominations to Chief Pleas, it cannot actively seek for new Constables. (this needs to be done to prevent perceived interference between political and police).

The Day to Day running of the Constables has to be overseen by the Douzaine (or some other political body - possibly emergency services?) as the IPP cannot be seen to be 'interfering' with operations and making changes that have financial implications, as we are a non-spending panel.

The IPP's primary role should only be as arbitrator between Constables and their employer and as a Police Complaints Panel.

We believe that the Memorandum of Understanding with Guernsey Police & Border Agency should be removed from our purview and placed under Chief Pleas.

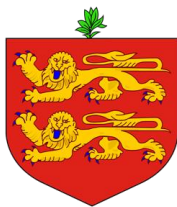
In the last twelve months the IPP has had twelve meetings and received two complaints; these were concluded satisfactorily inhouse without further external action being required.

In the coming months we will be reviewing the current oath taken by the Constable when taking up their office and will be working with the Seneschal on this matter.

Our proposed revised terms of reference and IPP procedures are attached.

Jacqui Rogers has been re-elected as Chairman and Peter Cole as Deputy Chairman.





# Independent Police Panel

## Terms of Reference

### 1. Purpose of the Panel

- 1.1. To act as a conduit for the annual appointment of the Sark Constable and Vingtenier, passing the nominations from interested parties to the Douzaine for approval by Chief Pleas.
- 1.2. To deal with complaints against or from the Sark Constables and Vingtenier.
- 1.3. To report to Chief Pleas via the Douzaine on constable matters.

### 2. Outline of Functions

- 2.1. To deal with any written complaints against or from the Constables and Vingtenier, passing on any serious complaints to the Guernsey Police and making recommendations to Chief Pleas through the Douzaine for action where appropriate.  
The Panel reserves the right to consult during their investigations.
- 2.2. Meeting with the Constables, and or relevant Police and Border Agency Authorities to discuss any issues which may be raised by either party
- 2.3. To meet with the Constables and Vingtenier as and when requested.
- 2.4. When the Panel receives a written complaint, it is to meet at the earliest opportunity when quorate. Having been notified by the Chairman or Nominee, the complaint will be considered using an established and published procedure to ensure transparency. (See Appendix A.)

### 3. Membership

- 3.1. Any person resident in Sark, subject to a Police Check may become a member other than serving Conseillers, Constables and Vingtenier.
  - 3.1.1. Ex-constables may apply but require a time away from office of three years before being accepted.
  - 3.1.2. Ex-Conseillers and Sark Government Ex-officials may apply but require a time away from the office of one year before being considered.
- 3.2. A minimum of five and a maximum of seven, quorate of three members.
- 3.3. Selection
  - 3.3.1. New members can be chosen by the Panel, using an open and transparent system involving an application form, character references and question and answer interviews. Where it is deemed appropriate and where there is a



vacancy, new members may be “head hunted” provided they meet the criteria outlined in 3.1. The names of those recommended for membership will be passed to the Douzaine for approval by Chief Pleas.

### **3.4. Length of Service**

3.4.1. Four years, with an option to continue if the majority of the remainder of the panel is content.

## **4. Roles and Responsibilities**

- 4.1. It is essential that all matters discussed and undertaken by the Panel are treated with the utmost confidentiality. A sworn oath of confidentiality will be taken in the Seneschal’s Court on acceptance onto the Panel.
- 4.2. If the complaint is considered serious, for example that the Constable has broken the Law, the complaint will be passed, via the Chairman or Nominee, to the Guernsey Police. If it is a matter where the Constable or Vingtenier should receive a warning the Panel will meet with the Constable or the Vingtenier, discuss the matter, where appropriate issue a warning and make a record, which will be checked by both parties, and a copy given to the person against whom the complaint has been made and the complainant will receive the decision, how it was reached and any sanctions implemented.

## **5. Meetings**

### **5.1. Chairmanship**

5.1.1. The Panel will elect a Chairman and Deputy Chairman. Length of chairmanship to be a two-year term

5.2. Minute of Meetings will be taken by a person assigned by the Panel

5.3. All IPP documentation will be securely stored.

## **6. Accountability**

6.1. The Panel is accountable to Chief Pleas through the Douzaine and will write an annual report for the Douzaine to bring to Chief Pleas.

6.2. The Panel will review its work every two years. In each case, any amendments will be taken by the Douzaine to Chief Pleas.

# I.P.P. Procedure

- 1) Upon receipt of a fully completed form
- 2) Chairman or Nominee arranges for the Panel to meet at their earliest opportunity.
- 3) Review complaint and interview Complainant if necessary.
- 4) Do we perceive the complaint to be a criminal matter? Yes/No
  - a) If Yes – Pass complaint to Guernsey Police to investigate and report to the appropriate body.  
(IPP action may be required at the conclusion of the investigation)
  - b) If No – Proceed to 5).
- 5) Advise Complainant of intention to investigate. Yes/No
- 6) Interview Subject. Yes/No
- 7) Acquaint Subject with details of complaint. Yes/No
- 8) Obtain written response from Subject. Yes/No
- 9) Subject admits substance of complaint. Yes/No
- 10) Do Panel need to obtain witness statements? Yes/No
- 11) Appraise Complainant of Subjects response in writing. Yes/No
- 12) Is response satisfactory to Complainant? Yes/No
  - a) If Yes – Report to Douzaine if necessary and file
  - b) If No – Interview Complainant to further assess grievance and revert to Subject if necessary.
- 13) Is Subject response satisfactory to the Panel? Yes/No
  - a) If Yes – Inform Complainant of Panel's decision, report to Douzaine if necessary and file.
  - b) If No – Report findings to appropriate body.

## Assessing Guidelines

We would expect our Constables to:

- Act with honesty, integrity, fairness and impartiality.
- To treat members of the public with respect.
- Not to abuse their powers and authority.
- Act in a manner which does not discredit or undermine public confidence in the Constables.

**DOUZAINE**

**Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**THE CONSTABLE – PROPOSAL**

At the Michaelmas Meeting of Chief Pleas, 2<sup>nd</sup> October 2019 (Item 4 & 5) a new Constable was approved by Chief Pleas, however no name for a replacement Vingtenier was proposed. Despite subsequent attempts to find a replacement no one put themselves forward. The situation had not changed by December 2019 at which time the Douzaine was presented with a proposal for an alternative arrangement for the office of Constable.

A number of meetings were held between the Douzaine, the then current Constable and several former Constables, which resulted in an amended version of the original proposal. The amended proposal was given to the Policy & Finance Committee, which took legal advice before clearing the proposal to go to Chief Pleas. In parallel with this a representative of the Guernsey Police & Border Agency, having seen the proposal, made a number of recommendations that were subsequently incorporated into the final draft.

The final draft of the proposal is attached to this report, this includes a few explanatory notes in red.

If the proposal is accepted by Chief Pleas today, it will come into effect immediately upon the swearing in of the (new) Constable and the three Assistant Constables.

The Douzaine will present at the Easter Meeting 2020 the names of those people that have indicated that they are prepared to take on one or other of the roles mentioned in the report and for Chief Pleas to appoint said persons.

**Proposition –**

**That Chief Pleas approves the implementation of the measures set out in the document entitled ‘Proposal for the Constable Role’ as attached to this report.**

**Conseiller Alan Blythe  
Chairman, Douzaine**

# Proposal of the Constable Role

## Final Draft for Chief Pleas

For the purposes of this discussion and to avoid confusion, the role presently filled by Gemma Knight is referred to as Constable's Secretary (CS).

- Change the current number of Constables from 2 (One being Vingtenier) to 4 (One Constable and three Assistant Constables) – *this model being decided as it may be carried out within the existing Reform Law and thus remove any need to amend it.*
- All the 'traditional duties' of the Constable to be retained by the person selected as Constable. Such duties to include presence at Chief Pleas, public events, *et al.*
- All Constable/Assistant Constable to be fully trained to include Pava & Baton.
- Each Constable/Assistant Constable to work on a rotation basis, each having two weeks on duty followed by two weeks off duty (see suggested rota end of document). *Effectively each person will be on duty for only 6 months out of the year.*
- Each person will be permitted to serve longer than the current one-year limit (in any role), such reappointment to be approved by Chief Pleas, each year, for each person wishing to extend their service period.
- Regular training to be given that is better suited to Sark's needs as well as the annual training provided by Guernsey Police. Regular training programme to also cover the Special Constables – *the format to this will as is needed and to be agreed by the Constable/Assistant Constables.*
- A definitive Job/Role Description to be established and agreed by all for the Constable/Assistant Constable, Constable Secretary and the and Special Constables.
- A *Memorandum of Understanding* between the Constable's Office and the Douzaine, IPP (and any other parties involved) setting out who is to be responsible for what, this to include limitations and abilities.
- Step up the involvement of the Special Constables so they can assist/attend certain calls with the Constables/Assistant Constable.
- A contract between each Constable/Assistant Constable and the Douzaine so that Constable/Assistant Constables feel supported during and following their tenure. This will also ensure that people do not take on the role in the winter to earn a weekly income that they can then leave when the season starts.
- A payment of (approximately) £7,500 for the Constable and £5,000 for each Assistant Constable, (*actual payment schedule to be determined*).

### Suggestions for the Constable's Secretary role

- Training to be provided to the Constable's Secretary such that calls to the Office for any non-emergency incidents may be recorded and given the appropriate action by the Constable's Secretary.
- Make more use of the Constable's Secretary's office potential so that when big cases & incidents occur, she can assist with the paperwork and correspondence, freeing up the Constables to deal with cases.

- Transfer some of the 'community constable' duties over to the Constables Secretary.
- Potentially have a pot of hours for Gemma that are a surplus and can be used for things like Funeral March. *This may be achieved by reducing the time the Constable's Office is open, say from 2.00pm-5.00pm to 2.00pm-4.30pm, which would 'release' one-and-a-half hours to be used as and when needed. This is already in place.*

Suggestion for rota to show how it may work, the actual rota will be up to the four people involved to work out among themselves.

	Week 1	Week 2	Week 3	Week 4
Constable	X			X
Asst Constable 1	X	X		
Asst Constable 2		X	X	
Asst Constable 3			X	X

**POLICY & FINANCE COMMITTEE**  
**Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**DEVELOPMENT CONTROL LAW SPECIAL COMMITTEE**

**Background**

At the Michaelmas Chief Pleas 5<sup>th</sup> October 2011 (item 14), the Development Control Committee sought permission from Chief Pleas to look at the drafting of a replacement for **The Development Control (Sark) Law, 1991** with the intention that, if permission was given, to return to the Christmas Meeting in January 2012 with details on what the replacement law would hope to achieve. At the Christmas Meeting 18<sup>th</sup> January 2012 (Item 13) the Development Control Committee presented a report that contained 21 points it had initially considered while asking for further suggestions from Chief Pleas and Sark Residents.

The Development Control Committee undertook the task of drafting a new law under the provisional title of The Development Control (Sark) Law, 2013, however it ran into difficulties with the concept of the 'Sark Development Plan' and the role an Inspector would have in drawing up such a plan. In January 2015 the task was transferred to the newly formed Development Control Law Policy Development Team. Regular reports of any (lack) of progress were included as part of the regular 'Securing Sark's Future' reports to Chief Pleas. As part of the 'New Operation Committee Structure' in January 2017 the Policy Team was disbanded and with drafting priorities laying elsewhere further work on the new Law ceased.

**Proposal**

A new Law has always remained a priority of Chief Pleas and with the approach of Land Reform, it is important that the work needs to be restarted.

The Policy & Finance Committee is proposing that a new Special Committee be formed, given the task of completing the work and to be named the Development Control Law Special Committee. This new Special Committee to comprise of three Conseillers and up to two non-Chief Pleas Members.

**Proposition –**

**That Chief Pleas approves the formation of a Special Committee to be given the task of producing a new Development Control Law, said Committee to be named the Development Control Law Special Committee and to be populated as described in the report, upon approval of this proposition.**

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

**TOP LEVEL DOMAIN SPECIAL COMMITTEE**

**Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**PROGRESS REPORT ON TOP LEVEL DOMAIN  
APPLICATION**

**Purpose of the report**

To update Chief Pleas and the residents of Sark on the work and progress undertaken by the Special Committee (formerly the Policy Development Team) on the application to ISO (International Standards Organisation) for a CC (Country Code) and sequelae in the event of a positive outcome. It is necessary for a country code to be assigned by ISO before an application may be made to the internet bodies IANA/ICANN for a ccTLD.

**Background**

The application process to ISO for a Country Code and following that to the internet authorities for a country code Top Level Domain (ccTLD) based on the ISO code began in 1999 with the support of Mike Locke and the late Seigneur Michael Beaumont. ISO publishes and maintains the global standard which lists countries and codes – ISO 3166. ISO issues codes rarely, there are a limited number of codes available to eligible jurisdictions, but more importantly the selection criteria are extremely rigorous and onerous. Inclusion on this global standard is a requirement for any application to the internet authorities for a ccTLD: such as .uk, .gg or .je etc. The letters after the full stop on an internet address indicate the country to which that address is linked. Using .uk says we are a UK linked address, .gg is Guernsey. This is important for example with regard to financial matters such as banking, shipping addresses of goods bought on the internet and geographical identity for trade, tourism and travel purposes.

Chief Pleas has continued to support the application to ISO. Progress reports have been made throughout the slow process required over the years. ISO rejected several applications, as was to be expected, given the strict control that ISO exerts.

Following a dormant period, it was agreed by Chief Pleas to try again. Law Officer advice at this time was “I can see no reason why you would not want to give as much encouragement as you can to the venture which should produce useful income to the Island and seems to be suited to the Sark environment”. A detailed review by Mike Locke and CentralNic a London based world leading registry provider of ccTLDs, ggTLDs and DotBrands was undertaken in 2015. This review demonstrated that there could be a viable route to a successful application.

An open meeting was held with Conseillers at the Island Hall to present and describe the necessary processes, and the economic benefits of having an individual country code for Sark were discussed. Chief Pleas supported the proposition that work on an application would recommence, with a Policy Development Team to undertake the work with the assistance of Mike Locke and CentralNic. A formal Heads of Agreement was drawn up with the assistance of the Law Officer – Antony Ellis - setting out how this professional support would work with the PDT including the formation of the Community Interest Company SarkNic (**appendix A**). This was approved by Chief Pleas at Easter 2016.

The detailed submission to ISO was prepared by Mike Locke in consultation with all parties (Policy Development Team, Crown Dependencies Team at Ministry of Justice, States of

Guernsey, Law Officers St James Chambers, and BSI) and submitted to BSI (British Standards Institute – the current conduit for all GB applications) in June 2017. Requests for clarification, more data and additional supporting evidence have been received since then from ISO. Responses going via the BSI each time to the ISO meetings which are held as online working groups and in various locations across the globe annually. In addition, advice has been sought from academics on Small States, international experts on ISO applications and CentralNic.

This considerable body of work has been done at no cost to Sark. On Sark the SarkID Group, (a Sark registered not for profit organisation), which was formed as a legal necessity to confirm the community-based credentials of the project, to help satisfy ISO, has continued to work quietly, despite the loss of members over the years. Dr Roger Norwich has continued to represent Sark at many meetings both in London, Guernsey and Sark with Law Officers, the Ministry of Justice and at CentralNic at his own expense. Despite retiring from Chief Pleas Dr Roger Norwich has continued to dedicate significant time to this important economic driver for Sark. Through business and personal reasons USP/William Poel has withdrawn from the high level of commitment to this project.

In 2019, a further detailed appeal for the governing body of ISO committees – the Technical Management Board was prepared by Mike Locke and BSI with the assistance of the international experts and further information from Sark. This was submitted in November with further queries from and responses to the TMB over the weeks.

Finally, on 26<sup>th</sup> February 2020 the ISO Technical Management Board sat in Oslo and this Sark appeal was supported. The Board accepted the application and recommended approval of a Country Code for Sark and inclusion on the ISO 3166 Standard. This is a significant step in the assignment process. A Country Code will now be allocated to Sark.

## **Next Steps**

To carry out the process of the assignment of a ccTLD requires considerable work.

Until now it has been about Sark meeting the criteria of the ISO standard and being assigned a Country Code. The extensive development work that is required for the application to IANA/ICANN for the assignment of a ccTLD next stage is highly technical, requiring specialist legal support, detailed industry knowledge as well as significant financial investment. These technical skills are not available on Sark.

To give an indication of the stages involved the following abbreviated list illustrates some of the processes required to meet the IANA requirements of the technical and administrative skills needed to run a ccTLD registry, including explaining the proposed operational environment:

- Organisational structure, key financial and business personnel requirements
- Technical plan for the registry and DNS operations with an explanation of the registry and its technical facilities
- Policies to govern the operation of the TLD, including explanations as to how they have been developed and will be evolved
- Information on security, including database and physical security for the operation of the TLD
- Explanation of the domain registration model, including how the market will be organised



- The mechanisms by which significantly interested parties can participate in the ongoing management of the TLD and the organisation, including any provisions for periodic reviews of how the TLD is operated
- How the manager will maintain responsibility and adequate safeguards over the domain and remain actively involved in the day to day operation of the domain
- Internet connectivity of the organisation and the services it will provide, including redundancy and resilience provisions for IPv6 connectivity
- Description of the configuration and plan for the name server constellation that will support name resolution for the TLD
- How the registry interfaces with the community and how this is to be maintained
- Information on resiliency, including how system outages and other disasters will be defended against, as well as system recovery
- Processes and plans to ensure operations remain in line with global standards, best practices, and address security and stability concerns in a timely manner
- Legal authenticity, status and character of the organisation applying for the delegation
- Community consultation programme with reports from user groups and, trade groups on how the domain should be run, including looking at the alternative models that would best serve the Internet Community's interests
- Consultation on the staffing of the domain management, training and local employment
- Administrative processes on how names will be added and in what order, removed and disputes will be resolved
- Demonstrate how the domain will operate in a non-discriminatory manner of the significantly interested parties that the domain is designed to serve
- Detailed implementation plan
- Updated letter of government support

As can be seen from the list community involvement on Sark is important. Consultation is necessary with the general public, businesses, education, tourism in fact consultation with all aspects of island life that will benefit from our now successful application.

Preparing the proposed processes including operational management of the commercial aspects of the ccTLD needs professional input. Mike Locke and the team at CentralNic are prepared to continue to undertake the necessary work on behalf of the island as per the most recent legal agreement with Chief Pleas (**see appendix B2**). As is normal in any such co-operative agreement where one party invests considerable time, effort and finance to the benefit of the other, it is normal for a period of exclusivity to be agreed to protect both sides. In this case whilst it is hoped that the final functioning of the Sark Country Code will be achieved more quickly, given the complexity of full compliance with the ISO rules, a three-year period of exclusivity should give comfort to both parties. This means the Country Code project can continue to be completed without funding from the public purse.

The Special Committee of the TLD would benefit from the inclusion of Mike Locke as a Non-Chief Pleas Member to increase its technical competence.

The Special Committee will report on its progress to Chief Pleas at each of its main meetings until the process is complete.

As laid out in previous reports and discussions in Chief Pleas, at all stages Sark remains in control of the process and the operation of the resulting ccTLD. Sark will set the standards and ways in which the ccTLD will be operated and managed. Provided Sark meets the standards of IANA/ICANN the ccTLD would remain in place.

## **Summary**

The application process has reached the major milestone of the successful acceptance of Sark as a holder of an international country code.

## **Propositions**

### **Proposition 1 –**

**That Chief Pleas continues to support the work of the SarkID group and the Special Committee in their work as an important economic driver for Sark in the application to IANA/ICANN for the assignment of a ccTLD as set out in the HoA Easter Chief Pleas 2016.**

### **Proposition 2 –**

**That Chief Pleas approves the addition of Mike Locke as a Non-Chief Pleas member of the Special Committee to provide technical assistance and expertise.**

### **Proposition 3 –**

**That Chief Pleas approves a three-year period of exclusivity with Mike Locke and CentralNic (see Appendix) with quarterly reporting to Chief Pleas.**

## **Appendix List**

New HoA (Appendix A)

SarkNic Companies House Information 2 docs and statement (appendix B1 & 2)

Glossary for ISO 3166 - Codes for countries and their subdivision (see below)

## **Glossary**

**ISO** International Standards Organisation. Creates, maintains and publishes international standards in all areas. Specifically, ISO 3166 is the official standard for country and territory codes used in any application worldwide. It is used by any other body as can be seen in any of the “drop-down” lists used on the internet and elsewhere.

**IANA** Internet Assigned Numbers Authority. A function of ICANN which co-ordinates IP addressing, Domain Name Server Root and other technical internet matters globally.

**ICANN** Internet Corporation for Assigned Names and Numbers. The not-for-profit corporation responsible for technical matters. Specifically, responsible for domain name system management on the internet.

**BSI** British Standards Institute. Liaises with ISO and other international standards bodies, carries out standards work and publishes BSI standards. As the National Standards Body for the Crown, it is Sark’s National Standards Body (as well as for the UK, CDs and BOTs).

**ccTLD** country code Top Level Domain. The two-letter code after the dot in email and web addresses. Assigned by ICANN/IANA but only to countries and territories that appear on ISO 3166.

**SarkID Group** The locally registered NPO setup in 2016 to provide local input, consultation and direction to the process.

**SarkNic CC** A Community Interest Company, regulated in the UK, for day to day operation and management according to policy as approved by Chief Pleas

**ISO 3166** The International standard for Codes for representation of names of countries and their subdivisions. Specifically, part 1 Country Codes which “establishes codes that represent the current names of countries, dependencies and other areas of particular geopolitical interest, on the basis of lists of country names obtained from the United Nations”. ICANN/IANA will only issue ccTLDs to territories on this list.

**TLD** Top Level Domain. The basic way the internet address space is organised and translated from IP addresses into, for example .com, .uk etc. There are non-country TLDs such as .com (commerce) .ac (academic) .org (organisation) and so on. There are also country code TLDs (ccTLDs) which are only assigned to territories in ISO 3166.

**MSO** Manager and Sponsoring Organisation

**Conseiller Alan Blythe**  
**Chairman, Top Level Domain Special Committee**

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## **Heads of Agreement Sark ISO/ICANN/IANA ccTLD application process**

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**BETWEEN THE PARTIES:**

(1) Chief Pleas of Sark, The Sark Government, La Chasse Marette, Sark, Channel Islands GY10 1SF

**AND**

(2) Michael Locke t/a Webster Marketing, Topsails, Colwell Chine Road, Freshwater, Isle of Wight PO40 9NP

**AND**

(3) SarkNic CIC, Unit 2, 99-101 Kingsland Road, London E2 8AG

**WHEREAS: -**

The Parties wish to continue to collaborate to mutual benefit on the project of gaining Sark a Country Code Top Level Domain, commercialising the opportunities derived therefrom and developing internet business related to and for the benefit of the government and community of Sark (the "Project").

**NOW THEREFORE IT IS HEREBY AGREED** as follows: -

**1. Introduction**

- 1.1 In 1999, Michael Locke ("MJL") approached the late Seigneur, Michael Beaumont with a proposal to apply for and commercialise to Sark's benefit a Country Code Top Level Domain ("ccTLD") as issued by the responsible authority, the Internet Corporation for Assigned Names and Numbers ("ICANN"). This proposal was supported by the Seigneur and General Purposes and Advisory Committee.
  - 1.2 Before an application to ICANN, Sark must be included on the International Standards Organisation list of country codes, ISO 3166 as maintained by the Maintenance Agency, "ISO 3166/MA".
  - 1.3 This process includes, inter alia, recognition of the UN Statistics Code List. A successful application was made to the United Nations for inclusion on this list.
  - 1.4 Despite this, previous applications to ISO 3166/MA had not been successful. However, thorough analysis of the reasons for this and consultations in 2015 with industry experts in the field confirmed that a successful application could be prepared and submitted,
  - 1.5 Subsequent to an ISO 3166 application being successful an Accountability Framework with ICANN must be entered into, to agree that the ccTLD will be managed in an internet standards compliant manner by an operating management company ("OpCo" as the "Manager and Sponsoring Organisation" or "MSO").
  - 1.6 An updated Roadmap was submitted to Chief Pleas (Sark Roadmap update v2 9 Nov 15 – final)
  - 1.7 Webster Marketing and SarkNic requests renewal of the authorisation to proceed based on previous agreements and as presented in this agreement to carry out the 2015 Plan as updated in the Roadmap and, subject to acceptable progress, renewable on mutually acceptable terms.
-

## **2. The 2015 Plan: Sark eResource Development Plan**

As detailed in the 2015 Plan, MJL has:

- 2.1.a Provided advice and consultancy to the relevant committee(s) of Chief Pleas as to the benefits and process
- 2.1.b Drafted documents and agreements for Chief Pleas including the proposed Licence
- 2.1.c Held discussions with external bodies such as ISO, BSI, DCMS, MoJ, ICANN etc. in order to advise CP accordingly
- 2.1.d Drafted and agree such applications and agreements that are necessary for Sark to be allocated an ISO 3166 Country Code

and commits to:

- 2.1.e Draft and agree such agreements that are necessary for Sark to be allocated a ccTLD with ICANN in consultation with industry experts such as CentralNic
- 2.1.f Propose the business plan(s) by which revenue will be maximised for Sark government and for Sark businesses and community as a whole.

It is envisaged that this Agreement will pave the way for a resulting structure such as included in the 2015 Plan (and as updated in Aug 2015 to the appended Sark orgchart v5.docx 23 Aug 2015)

whereby:

- 2.1.g Sark Chief Pleas sets policy through a Policy Board – which Licenses the OpCo (SarkNic CIC) to carry out tasks adhering to Sark Policy
- 2.1.h The OpCo (SarkNic CIC) will act as MSO for ICANN, remit revenue share to Sark and contract with external bodies as required to fulfil the ICANN Accountability Framework and maximise eBusiness and Social Benefit for Sark

## **3 Proposal**

### **IT IS PROPOSED THAT...**

- 3.1 Chief Pleas grant authorisation to Mike Locke as Webster Marketing and SarkNic CIC following on from previous agreements and as presented in this Agreement to apply for an ICANN/IANA ccTLD based on the ISO Country Code to be assigned following the 26/27 Feb 2020 decision of the ISO TMB (International Standards Organisation Technical Management Board).
  - 3.2 The maximum amount payable by Chief Pleas of Sark in connection with the subject matter of this Agreement shall be the consideration of £100. Mike Locke and SarkNic are otherwise working entirely at their own risk. No further sum or sums shall be due or payable under or in connection with this Agreement unless a separate package of work clearly defined together with a fixed price for the same is agreed in writing by both parties prior to any work being carried out and that the work under such additional package is completed to the satisfaction of the Chief Pleas of Sark.
-

- 3.3 This agreement may in the absolute discretion of Chief Pleas of Sark be extended for such duration as it sees fit. At this stage in the application process a term of three years with exclusivity would provide continuity and security for both parties.
- 3.4 Notwithstanding any other provision of this Agreement Chief Pleas of Sark may terminate this Agreement for any reason whatsoever on giving not less than 6 months' prior written notice, with no liability to Chief Pleas of Sark arising from such termination.
- 3.5 Nothing in this Agreement shall in any way fetter the discretion of the Chief Pleas of Sark in relation to the granting of any rights, licences concessions or otherwise or the award of any future contracts to any person arising out of or in connection with the subject matter of this Agreement (or in relation to any other matter), or the competing of any opportunities in relation to any of the same.
- 3.6 Nothing contained or implied in this Agreement will prejudice or affect any of the rights, powers or duties of the Chief Pleas of Sark as a legislature, government, regulatory, licensing, permitting or other similar authority (Relevant Authority) and all such rights, powers and duties will, in regard to the activities and business of Webster Marketing and SarkNic CIC and any third party (and their respective officers, members and personnel) be enforceable and exercisable by the Chief Pleas of Sark as fully and freely as if this Agreement had not been executed and any act or omission of the Chief Pleas of Sark arising under this Agreement shall operate only in the capacity of the Chief Pleas of Sark as party to this Agreement and not as a Relevant Authority and shall not operate as a consent, approval, agreement, release or waiver in respect of any requirement under any law.
- 3.7 This Agreement is governed by the law of Guernsey and shall be subject to the non-exclusive jurisdiction of the Court of the Seneschal

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the day and year first above written.

**SIGNED** for and on behalf of

**Chief Pleas of Sark**

**SIGNED** for and on behalf of

**SarkNic C.I.C**

\_\_\_\_\_  
**SIGNED** for and on behalf of

**Webster Marketing**

\_\_\_\_\_  
Michael John Locke  
MD

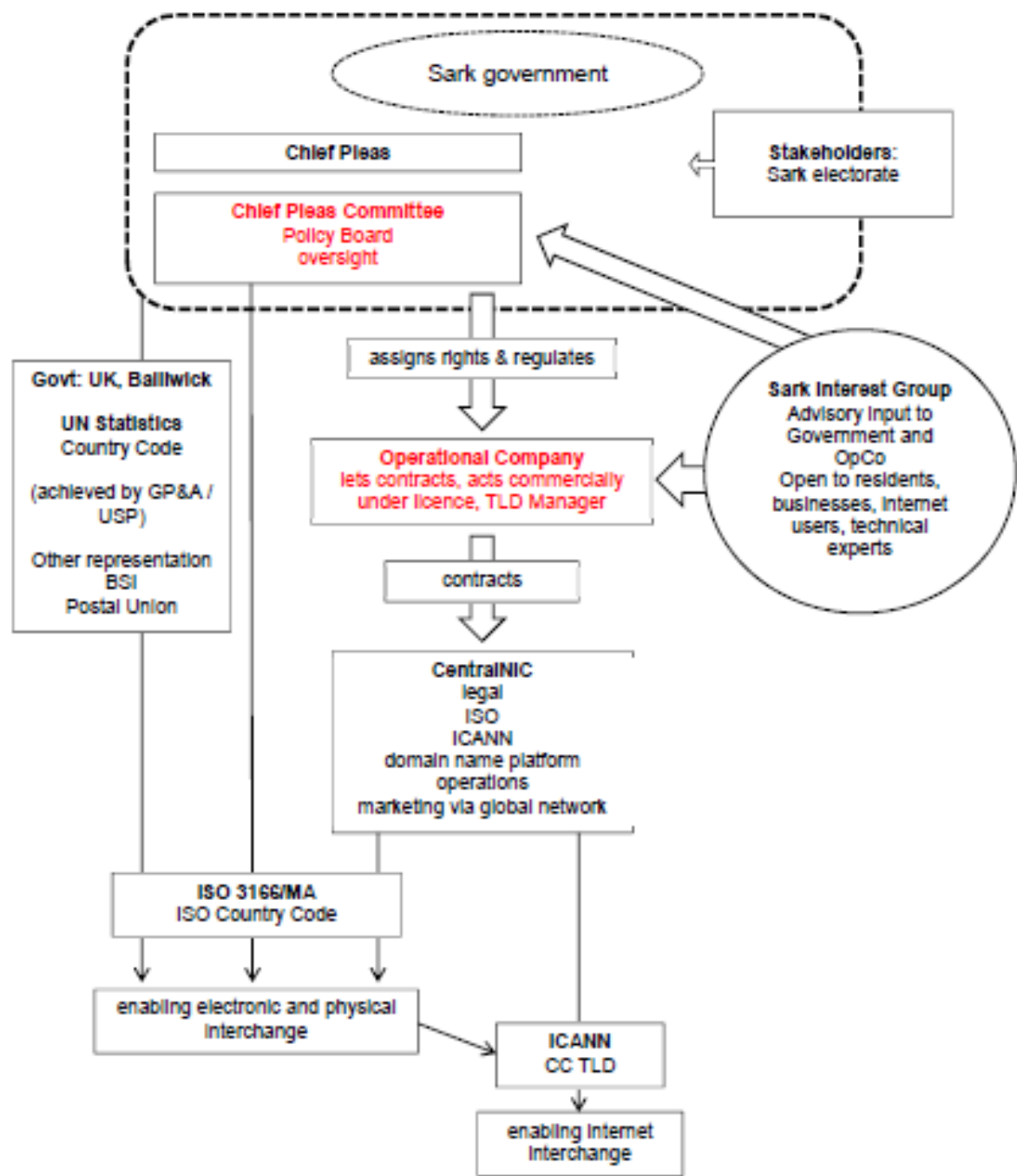
\_\_\_\_\_  
Michael John Locke  
Proprietor

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4     **Appendix - Summary of Structure as proposed in 2015 Plan**  
as updated v5 23 Aug 2015

Confidential

eSark: Organisations







**FILE COPY**

**CERTIFICATE OF INCORPORATION  
OF A  
COMMUNITY INTEREST COMPANY**

Company Number **10596043**

The Registrar of Companies for England and Wales, hereby certifies that:

**SARKNIC C.I.C.**

is this day incorporated under the Companies Act 2006 as a Community Interest Company; is a private company, that the company is limited by shares; and the situation of the registered office is in England and Wales



**\*N10596043F\***

Given at Companies House on **1st February 2017**.



**Companies House**



**THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES**

IN01

Application to register a company



Companies House

A fee is payable with this form  
Please see 'How to pay' on the last page

☒ **What this form is for**  
You may use this form to register a  
private or public company

☒ **What this form is NOT for**  
You cannot use this form to register  
a limited liability partnership.  
If you are using this form to register  
a company with significant control  
information, or you have already  
applied for a company number,  
you must use the separate form  
for public register companies.

For further information, please  
visit our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)



A17 \*A5YWDWBU\* 26/01/2017 #62  
COMPANIES HOUSE  
A06 \*A5Y44H5T\* 14/01/2017 #93

**Part 1 Company details**

**A1**

**Company name**

Check if a company name is available by using our name availability search  
[www.companieshouse.gov.uk/info](http://www.companieshouse.gov.uk/info)

Please show the proposed company name below.

Proposed company  
name in full ①

SarkNic C I C.

For official use

--	--	--	--	--	--	--	--	--	--

**→ Filling in this form**

Please complete in typescript or in  
bold black capitals

All fields are mandatory unless  
specified or indicated by \*

**① Duplicate names**

Duplicate names are not permitted.  
A list of registered names can  
be found on our website. There  
are various rules that may affect  
your choice of name. More  
information on this is available in  
our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

**A2**

**Company name restrictions ②**

Please tick the box only if the proposed company name contains sensitive  
or restricted words or expressions that require you to seek comments of a  
government department or other specified body.

☐ I confirm that the proposed company name contains sensitive or restricted  
words or expressions and that approval, where appropriate, has been  
sought of a government department or other specified body and I attach a  
copy of their response

**② Company name restrictions**

A list of sensitive or restricted  
words or expressions that require  
consent can be found in our  
guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

**A3**

**Exemption from name ending with 'Limited' or 'Cyfyngedig' ③**

Please tick the box if you wish to apply for exemption from the requirement to  
have the name ending with 'Limited', 'Cyfyngedig' or permitted alternative

☐ I confirm that the above proposed company meets the conditions for  
exemption from the requirement to have a name ending with 'Limited',  
'Cyfyngedig' or permitted alternative

**③ Name ending exemption**

Only private companies that are  
limited by guarantee and meet other  
specific requirements or private  
companies that are charities are  
eligible to apply for this. For more  
details, please go to our website  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

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Application to register a company

A4

Company type<sup>1</sup>

Please tick the box that describes the proposed company type and members' liability (only one box must be ticked)

- ☐ Public limited by shares  
☒ Private limited by shares  
☐ Private limited by guarantee  
☐ Private unlimited with share capital  
☐ Private unlimited without share capital

<sup>1</sup> Company type

If you are unsure of your company's type, please go to our website [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

A5

Principal business activity

Please show the trade classification code number(s) for the principal activity or activities <sup>2</sup>

Classification code 1	6	2	0	9	0
Classification code 2					
Classification code 3					
Classification code 4					

If you cannot determine a code, please give a brief description of the company's business activity below

Principal activity description


<sup>2</sup> Principal business activity

You must provide a trade classification code (SIC code 2007) or a description of your company's main business in this section

A full list of the trade classification codes is available on our website [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

A6

Situation of registered office <sup>3</sup>

Please tick the appropriate box below that describes the situation of the proposed registered office (only one box must be ticked)

- ☒ England and Wales  
☐ Wales  
☐ Scotland  
☐ Northern Ireland

<sup>3</sup> Registered office

Every company must have a registered office and this is the address to which the Registrar will send correspondence

For England and Wales companies, the address must be in England or Wales

For Welsh, Scottish or Northern Ireland companies, the address must be in Wales, Scotland or Northern Ireland respectively

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## Application to register a company

**A7** Registered office address ①

	Please give the registered office address of your company
Building name/number	115b
Street	Drysdale Street
Post town	LONDON
County/Region	
Postcode	N11 6ND

**① Registered office address**

You must ensure that the address shown in this section is consistent with the situation indicated in section A6

You must provide an address in England or Wales for companies to be registered in England and Wales

You must provide an address in Wales, Scotland or Northern Ireland for companies to be registered in Wales, Scotland or Northern Ireland respectively

**A8** Articles of association ①

	Please choose one option only and tick one box only
Option 1	<p>I wish to adopt one of the following model articles in its entirety Please tick only <b>one</b> box</p> <p><input type="checkbox"/> Private limited by shares</p> <p><input type="checkbox"/> Private limited by guarantee</p> <p><input type="checkbox"/> Public company</p>
Option 2	<p>I wish to adopt the following model articles with additional and/or amended provisions I attach a copy of the additional and/or amended provision(s) Please tick only <b>one</b> box</p> <p><input type="checkbox"/> Private limited by shares</p> <p><input type="checkbox"/> Private limited by guarantee</p> <p><input type="checkbox"/> Public company</p>
Option 3	<p><input checked="" type="checkbox"/> I wish to adopt entirely bespoke articles I attach a copy of the bespoke articles to this application</p>

**①** For details of which company type can adopt which model articles, please go to our website [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

A Community Interest Company (CIC) cannot adopt model articles If you are incorporating a CIC you must tick option 3 and attach a copy of the bespoke articles

**A9** Restricted company articles ①

Please tick the box below if the company's articles are restricted

☐
**① Restricted company articles**

Restricted company articles are those containing provision for entrenchment For more details, please go to our website [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

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Application to register a company

## Part 2 Proposed officers

For private companies the appointment of a secretary is optional, however, if you do decide to appoint a company secretary you must provide the relevant details. Public companies are required to appoint at least one secretary.

Private companies must appoint at least one director who is an individual. Public companies must appoint at least two directors, one of which must be an individual.

For a secretary who is an individual, go to Section B1; For a corporate secretary, go to Section C1; For a director who is an individual, go to Section D1; For a corporate director, go to Section E1.

### Secretary

#### B1 Secretary appointments ①

Please use this section to list all the secretary appointments taken on formation.  
For a corporate secretary, complete Sections C1-C4.

Title*	
Full forename(s)	
Surname	
Former name(s) ②	

##### ① Corporate appointments

For corporate secretary appointments, please complete section C1-C4 instead of section B.

##### Additional appointments

If you wish to appoint more than one secretary, please use the 'Secretary appointments' continuation page.

##### ② Former name(s)

Please provide any previous names (including maiden or married names) which have been used for business purposes in the last 20 years.

#### B2 Secretary's service address ①

Building name/number	
Street	
Post town	
County/Region	
Postcode	
Country	

##### ① Service address

This is the address that will appear on the public record. This does not have to be your usual residential address.

Please state 'The Company's Registered Office' if your service address will be recorded in the proposed company's register of secretaries as the company's registered office.

If you provide your residential address here it will appear on the public record.

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Application to register a company

**Corporate secretary****C1 Corporate secretary appointments ①**

Please use this section to list all the corporate secretary appointments taken on formation

Name of corporate body/firm

Building name/number

Street

Post town

County/Region

Postcode

Country

**① Additional appointments**

If you wish to appoint more than one corporate secretary, please use the 'Corporate secretary appointments' continuation page

**Registered or principal address**

This is the address that will appear on the public record. This address must be a physical location for the delivery of documents. It cannot be a PO box number (unless contained within a full address), DX number or LP (Legal Post in Scotland) number

**C2 Location of the registry of the corporate body or firm**

Is the corporate secretary registered within the European Economic Area (EEA)?

→ Yes Complete **Section C3 only**→ No Complete **Section C4 only****C3 EEA companies ②**

Please give details of the register where the company file is kept (including the relevant state) and the registration number in that register

Where the company/firm is registered ②

Registration number

**② EEA**A full list of countries of the EEA can be found in our guidance [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**③** This is the register mentioned in Article 3 of the First Company Law Directive (68/151/EEC)**C4 Non-EEA companies**

Please give details of the legal form of the corporate body or firm and the law by which it is governed. If applicable, please also give details of the register in which it is entered (including the state) and its registration number in that register

Legal form of the corporate body or firm

Governing law

If applicable, where the company/firm is registered ④

Registration number

**④ Non-EEA**

Where you have provided details of the register (including state) where the company or firm is registered, you must also provide its number in that register

IN01

Application to register a company

**Director**

<b>D1</b>	<b>Director appointments <sup>①</sup></b>	<p><b>① Appointments</b> Private companies must appoint at least one director who is an individual. Public companies must appoint at least two directors, one of which must be an individual.</p> <p><b>② Former name(s)</b> Please provide any previous names (including maiden or married names) which have been used for business purposes in the last 20 years.</p> <p><b>③ Country/State of residence</b> This is in respect of your usual residential address as stated in section D4.</p> <p><b>④ Month and year of birth</b> Please provide month and year only.</p> <p><b>⑤ Business occupation</b> If you have a business occupation, please enter here. If you do not, please leave blank.</p> <p><b>Additional appointments</b> If you wish to appoint more than one director, please use the 'Director appointments' continuation page.</p>
	Please use this section to list all the director appointments taken on formation. For a corporate director, complete Sections E1-E4.	
Title*	Mr	
Full forename(s)	Michael John	
Surname	Locke	
Former name(s) <sup>②</sup>		
Country/State of residence <sup>③</sup>	UK	
Nationality	British	
Month/year of birth <sup>④</sup>	X X 0 6 1 9 5 8	
Business occupation (if any) <sup>⑤</sup>	Director	

<b>D2</b>	<b>Director's service address <sup>⑥</sup></b>	<p><b>⑥ Service address</b> This is the address that will appear on the public record. This does not have to be your usual residential address.</p> <p>Please state 'The Company's Registered Office' if your service address will be recorded in the proposed company's register of directors as the company's registered office.</p> <p>If you provide your residential address here it will appear on the public record.</p>
	Please complete the service address below. You must also fill in the director's usual residential address in Section D4.	
Building name/number	115b	
Street	Drysdale Street	
Post town	London	
County/Region		
Postcode	N1 6ND	
Country	UK	

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Application to register a company

**Director****D1****Director appointments <sup>①</sup>**

Please use this section to list all the director appointments taken on formation  
For a corporate director, complete Sections E1-E4.

Title*	Mr
Full forename(s)	Albert Steven
Surname	Turner
Former name(s) <sup>②</sup>	
Country/State of residence <sup>③</sup>	UK
Nationality	British
Month/year of birth <sup>④</sup>	X X 0 9 1 9 7 0
Business occupation (if any) <sup>⑤</sup>	Director

**① Appointments**

Private companies must appoint at least one director who is an individual. Public companies must appoint at least two directors, one of which must be an individual.

**② Former name(s)**

Please provide any previous names (including maiden or married names) which have been used for business purposes in the last 20 years.

**③ Country/State of residence**

This is in respect of your usual residential address as stated in section D4.

**④ Month and year of birth**

Please provide month and year only

**⑤ Business occupation**

If you have a business occupation, please enter here. If you do not, please leave blank.

**Additional appointments**

If you wish to appoint more than one director, please use the 'Director appointments' continuation page.

**D2****Director's service address <sup>⑥</sup>**

Please complete the service address below. You must also fill in the director's usual residential address in Section D4.

Building name/number	115b
Street	Drysdale Street
Post town	LONDON
County/Region	
Postcode	N1 6ND
Country	UK

**⑥ Service address**

This is the address that will appear on the public record. This does not have to be your usual residential address.

Please state 'The Company's Registered Office' if your service address will be recorded in the proposed company's register of directors as the company's registered office.

If you provide your residential address here it will appear on the public record.



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Application to register a company

**Director****D1****Director appointments ①**

Please use this section to list all the director appointments taken on formation  
For a corporate director, complete Sections E1-E4.

Title*	Mr
Full forename(s)	Jamie Duncan
Surname	McGilvray
Former name(s) ②	
Country/State of residence ③	UK
Nationality	British
Month/year of birth ④	XX 05 1983
Business occupation (if any) ⑤	Director

**① Appointments**

Private companies must appoint at least one director who is an individual. Public companies must appoint at least two directors, one of which must be an individual.

**② Former name(s)**

Please provide any previous names (including maiden or married names) which have been used for business purposes in the last 20 years.

**③ Country/State of residence**

This is in respect of your usual residential address as stated in section D4.

**④ Month and year of birth**

Please provide month and year only.

**⑤ Business occupation**

If you have a business occupation, please enter here. If you do not, please leave blank.

**Additional appointments**

If you wish to appoint more than one director, please use the 'Director appointments' continuation page.

**D2****Director's service address ⑥**

Please complete the service address below. You must also fill in the director's usual residential address in Section D4.

Building name/number	115b
Street	Drysdale Street
Post town	LONDON
County/Region	
Postcode	N1 6NN
Country	UK

**⑥ Service address**

This is the address that will appear on the public record. This does not have to be your usual residential address.

Please state 'The Company's Registered Office' if your service address will be recorded in the proposed company's register of directors as the company's registered office.

If you provide your residential address here it will appear on the public record.

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## Application to register a company

### Corporate director

<b>E1</b>	<b>Corporate director appointments</b> ①	
	Please use this section to list all the corporate directors taken on formation	
Name of corporate body or firm		
Building name/number		
Street		
Post town		
County/Region		
Postcode	<div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div>	
Country		
	<b>① Additional appointments</b> If you wish to appoint more than one corporate director, please use the 'Corporate director appointments' continuation page  <b>Registered or principal address</b> This is the address that will appear on the public record. This address must be a physical location for the delivery of documents. It cannot be a PO box number (unless contained within a full address), DX number or LP (Legal Post in Scotland) number	
<b>E2</b>	<b>Location of the registry of the corporate body or firm</b>	
	Is the corporate director registered within the European Economic Area (EEA)? → Yes Complete <b>Section E3 only</b> → No Complete <b>Section E4 only</b>	
<b>E3</b>	<b>EEA companies</b> ②	
	Please give details of the register where the company file is kept (including the relevant state) and the registration number in that register	
Where the company/firm is registered ③		
Registration number		
	<b>② EEA</b> A full list of countries of the EEA can be found in our guidance <a href="http://www.gov.uk/companieshouse">www.gov.uk/companieshouse</a>  <b>③ This is the register mentioned in Article 3 of the First Company Law Directive (68/151/EEC)</b>	
<b>E4</b>	<b>Non-EEA companies</b>	
	Please give details of the legal form of the corporate body or firm and the law by which it is governed. If applicable, please also give details of the register in which it is entered (including the state) and its registration number in that register	
Legal form of the corporate body or firm		
Governing law		
If applicable, where the company/firm is registered ④		
If applicable, the registration number		
	<b>④ Non-EEA</b> Where you have provided details of the register (including state) where the company or firm is registered, you must also provide its number in that register	

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**Part 3 Statement of capital**

Does your company have share capital?

→ Yes Complete the sections below

→ No Go to Part 4 (Statement of guarantee).

**F1****Statement of capital**

Complete the table(s) below to show the share capital

Complete a separate table for each currency (if appropriate). For example, add pound sterling in 'Currency table A' and Euros in 'Currency table B'

Continuation pages

Please use a continuation page if necessary

Currency Complete a separate table for each currency	Class of shares E.g. Ordinary/Preference etc	Number of shares	Aggregate nominal value (£, €, \$, etc) Number of shares issued multiplied by nominal value	Total aggregate amount to be unpaid, if any (£, €, \$, etc) Including both the nominal value and any share premium
---	---	------------------	---	--

**Currency table A**

GBP	Ordinary	1000	£1000	
Totals		1000	£1000	

**Currency table B**

Totals				

**Currency table C**

Totals				

	Total number of shares	Total aggregate nominal value ❶	Total aggregate amount unpaid ❶
Totals (including continuation pages)	1000	£1000	0

❶ Please list total aggregate values in different currencies separately  
For example £100 + €100 + \$10 etc

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Application to register a company

F2

**Statement of capital** (Prescribed particulars of rights attached to shares)Please give the prescribed particulars of rights attached to shares for each class of share shown in the statement of capital share tables in **Section F1**

Class of share

Prescribed particulars

1

Ordinary

All rights attached,  
Full voting and equity rights.**1 Prescribed particulars of rights attached to shares**

The particulars are

- a particulars of any voting rights, including rights that arise only in certain circumstances,
- b particulars of any rights, as respects dividends, to participate in a distribution,
- c particulars of any rights, as respects capital, to participate in a distribution (including on winding up), and
- d whether the shares are to be redeemed or are liable to be redeemed at the option of the company or the shareholder

A separate table must be used for each class of share

**Continuation pages**

Please use the next page or a 'Statement of Capital (Prescribed particulars of rights attached to shares)' continuation page if necessary

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## Application to register a company

Class of share		
Prescribed particulars ①		<p><b>① Prescribed particulars of rights attached to shares</b></p> <p>The particulars are</p> <ul style="list-style-type: none"> <li>a particulars of any voting rights, including rights that arise only in certain circumstances,</li> <li>b particulars of any rights, as respects dividends, to participate in a distribution,</li> <li>c particulars of any rights, as respects capital, to participate in a distribution (including on winding up), and</li> <li>d whether the shares are to be redeemed or are liable to be redeemed at the option of the company or the shareholder</li> </ul> <p>A separate table must be used for each class of share</p> <p><b>Continuation pages</b></p> <p>Please use a 'Statement of capital (Prescribed particulars of rights attached to shares)' continuation page if necessary</p>

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Application to register a company

F3

## Initial shareholdings

This section should only be completed by companies incorporating with share capital.

Please complete the details below for each subscriber

The addresses will appear on the public record. These do not need to be the subscribers' usual residential address.

## Initial shareholdings

Please list the company's subscribers in alphabetical order.

Please use an 'Initial shareholdings' continuation page if necessary.

Subscriber's details	Class of share	Number of shares	Currency	Nominal value of each share	Amount (if any) to be unpaid on each share (including the nominal value and any share premium)	Amount to be paid on each share (including the nominal value and any share premium)
Name Michael John Locke	Ordinary	950	GBP	£1	0	£1
Address 115b Drysdale Street London N1 6ND						
Name Albert Steven Turner	Ordinary	25	GBP	£1	0	£1
Address 115b Drysdale Street London N1 6ND						
Name Jamie Duncan McGilvray	Ordinary	25	GBP	£1	0	£1
Address 115b Drysdale Street London N1 6ND						
Name						
Address						

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Application to register a company

**Part 4****Statement of guarantee**

Is your company limited by guarantee?

→ Yes Complete the sections below

→ No Go to **Part 5** People with significant control (PSC)**G1****Subscribers**

Please complete this section if you are a subscriber of a company limited by guarantee. The following statement is being made by each and every person named below

I confirm that if the company is wound up while I am a member, or within one year after I cease to be a member, I will contribute to the assets of the company by such amount as may be required for

- payment of debts and liabilities of the company contracted before I cease to be a member,
- payment of costs, charges and expenses of winding up, and,
- adjustment of the rights of the contributors among ourselves, not exceeding the specified amount below

**① Name**

Please use capital letters

**② Address**

The addresses in this section will appear on the public record. They do not have to be the subscribers' usual residential address.

**③ Amount guaranteed**

Any valid currency is permitted

**④ Class of members**

Only complete this if there will be more than one class of members and if the subscribers are electing to keep members' information on the public register.

**Continuation pages**

Please use a 'Subscribers' continuation page if necessary

**Subscriber's details**

Forename(s) ①

Surname ①

Address ②

Postcode

Amount guaranteed ③

Class of member  
(if applicable) ④**Subscriber's details**

Forename(s) ①

Surname ①

Address ②

Postcode

Amount guaranteed ③

Class of member  
(if applicable) ④

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## Application to register a company

### Subscriber's details

Forename(s) ❶

Surname ❶

Address ❷

Postcode

Amount guaranteed ❸

Class of member  
(if applicable) ❹

### Subscriber's details

Forename(s) ❶

Surname ❶

Address ❷

Postcode

Amount guaranteed ❸

Class of member  
(if applicable) ❹

### Subscriber's details

Forename(s) ❶

Surname ❶

Address ❷

Postcode

Amount guaranteed ❸

Class of member  
(if applicable) ❹

### Subscriber's details

Forename(s) ❶

Surname ❶

Address ❷

Postcode

Amount guaranteed ❸

Class of member  
(if applicable) ❹

#### ❶ Name

Please use capital letters.

#### ❷ Address

The addresses in this section will appear on the public record. They do not have to be the subscribers' usual residential address.

#### ❸ Amount guaranteed

Any valid currency is permitted

#### ❹ Class of members

Only complete this if there will be more than one class of members and if the subscribers are electing to keep members' information on the public register

#### Continuation pages

Please use a 'Subscribers' continuation page if necessary



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Application to register a company

## Part 5

### People with significant control (PSC)

Use this Part to tell us about people with significant control or registrable relevant legal entities in respect of the company. Do not use this Part to tell us about any individual people with significant control whose particulars must not be disclosed on the public record. You must use a separate form, which you can get by contacting us [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

If on incorporation there will be someone who will count as a person with significant control (either a registrable person or registrable relevant legal entity (RLE)) in relation to the company, tick the box in H1 and complete any relevant sections. If there will be no registrable person or RLE tick the box in H2 and go to Part 6 Election to keep information on the public register

H1

#### Statement of initial significant control <sup>1</sup>

☒ On incorporation, there will be someone who will count as a person with significant control (either a registrable person or registrable RLE) in relation to the company

##### <sup>1</sup> Statement of initial significant control

If there will be a registrable person (which includes 'other registrable persons') or RLE, please complete the appropriate details in sections H, I & J

Please use the PSC continuation pages if necessary

H2

#### Statement of no PSC

(Please tick the statement below if appropriate)

☐ The company knows or has reason to believe that there will be no person with significant control (either a registrable person or RLE) in relation to the company

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Application to register a company

## Individual PSC

H3

## Individual's details

Use sections H3-H9 as appropriate to tell us about individuals with significant control who are registrable persons and the nature of their control in relation to the company

Title*	Mr
Full forename(s)	Michael John
Surname	Locke
Country/State of residence <sup>1</sup>	Uk
Nationality	British
Month/year of birth <sup>2</sup>	X   X   0   6   1   9   5   8

<sup>1</sup> Country/State of residence

This is in respect of the usual residential address as stated in section H6

<sup>2</sup> Month and year of birth

Please provide month and year only

H4

Individual's service address<sup>1</sup>

Please complete the individual's service address below. You must also complete the individual's usual residential address in Section H6

Building name/number	115b
Street	Drysdale Street
Post town	London
County/Region	
Postcode	N1   6   ND
Country	UK

<sup>1</sup> Service address

This is the address that will appear on the public record. This does not have to be the individual's usual residential address.

If you provide the individual's residential address here it will appear on the public record

H7

**Nature of control for an individual<sup>①</sup>**

Please indicate how the individual is a person with significant control over the company

**Ownership of shares**

The individual holds, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☒ 75% or more

**Ownership of voting rights**

The individual holds, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☒ 75% or more

**Ownership of right to appoint/remove directors**

- ☒ The individual holds, directly or indirectly, the right to appoint or remove a majority of the board of directors of the company

**Significant influence or control (Only tick if none of the above apply)**

- ☐ The individual has the right to exercise, or actually exercises, significant influence or control over the company

① Tick each that apply

H8

**Nature of control by a firm over which the individual has significant control<sup>①</sup>**

The individual has the right to exercise or actually exercises significant influence or control over the activities of a firm that is not a legal person under its governing law, and

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the members of that firm (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the members of that firm (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

① Tick each that apply

H9

**Nature of control by a trust over which the individual has significant control <sup>1</sup>**

The individual has the right to exercise or actually exercises significant influence or control over the activities of a trust and

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

☐ the trustees of that trust (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

☐ the trustees of that trust (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

**<sup>1</sup>Tick each that apply**

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Application to register a company

## Individual PSC

**H3** Individual's details

Use sections H3-H9 as appropriate to tell us about individuals with significant control who are registrable persons and the nature of their control in relation to the company

Title*	
Full forename(s)	
Surname	
Country/State of residence <sup>①</sup>	
Nationality	
Month/year of birth <sup>②</sup>	<div> <div>X</div> <div>X</div> <div>m</div> <div>m</div> <div>y</div> <div>y</div> <div>y</div> <div>y</div> </div>

**① Country/State of residence**

This is in respect of the usual residential address as stated in section H6

**② Month and year of birth**

Please provide month and year only

**H4** Individual's service address <sup>①</sup>

Please complete the individual's service address below. You must also complete the individual's usual residential address in Section H6

Building name/number	
Street	
Post town	
County/Region	
Postcode	
Country	

**① Service address**

This is the address that will appear on the public record. This does not have to be the individual's usual residential address.

If you provide the individual's residential address here it will appear on the public record.

H7

**Nature of control for an individual<sup>①</sup>**

Please indicate how the individual is a person with significant control over the company

**Ownership of shares**

The individual holds, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

**Ownership of voting rights**

The individual holds, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

**Ownership of right to appoint/remove directors**

- ☐ The individual holds, directly or indirectly, the right to appoint or remove a majority of the board of directors of the company

**Significant influence or control (Only tick if none of the above apply)**

- ☐ The individual has the right to exercise, or actually exercises, significant influence or control over the company

**① Tick each that apply**

H8

**Nature of control by a firm over which the individual has significant control<sup>①</sup>**

The individual has the right to exercise or actually exercises significant influence or control over the activities of a firm that is not a legal person under its governing law, and

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the members of that firm (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the members of that firm (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

**① Tick each that apply**

IN01

Application to register a company

H9

**Nature of control by a trust over which the individual has significant control <sup>①</sup>**

The individual has the right to exercise or actually exercises significant influence or control over the activities of a trust and

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the trustees of that trust (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the trustees of that trust (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

**① Tick each that apply**

# IN01

## Application to register a company

### Relevant legal entity (RLE)

I1 RLE details <sup>①</sup>	
Corporate or firm name	
Building name/number	
Street	
Post town	
County/Region	
Postcode	
Country	

**① Registered or principal office address**  
 This is the address that will appear on the public record

I2 Legal form and governing law	
	Please give details of the legal form of the RLE and the law by which it is governed If applicable, please also give details of the register of companies in which it is entered (including the country/state) and its registration number in that register
Legal form	
Governing law	
If applicable, register in which RLE is entered <sup>①</sup>	
Country/State <sup>①</sup>	
Registration number <sup>①</sup>	

**① Registration number**  
 Where you have provided details of the register (including country/state) where the RLE is registered, you must also provide its number in that register



# IN01

## Application to register a company

13

### Nature of control for the RLE <sup>①</sup>

Please indicate how the RLE has significant control over the company

① Tick each that apply

#### Ownership of shares

The RLE holds, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

#### Ownership of voting rights

The RLE holds, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

#### Ownership of right to appoint/remove directors

- ☐ The RLE holds the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

#### Significant influence or control (only tick if none of the above apply)

- ☐ The RLE has the right to exercise, or actually exercises, significant influence or control over the company

14

### Nature of control by a firm over which the RLE has significant control <sup>①</sup>

The RLE has the right to exercise or actually exercises significant influence or control over the activities of a firm that is not a legal person under its governing law, and

① Tick each that apply

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the members of that firm (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the members of that firm (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

15

**Nature of control by a trust over which the RLE has significant control <sup>①</sup>**

The RLE has the right to exercise or actually exercises significant influence or control over the activities of a trust and

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the trustees of that trust (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the trustees of that trust (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

**① Tick each that apply**

IN01

Application to register a company

Other registrable person (ORP)

J1

ORP details

An 'other registrable person' is

- a corporation sole
- a government or government department of a country or territory or a part of a country or territory
- an international organisation whose members include two or more countries or territories (or their governments)
- a local authority or local government body in the UK or elsewhere

Name of ORP

J2

Principal office address ①

Building name/number

Street

Post town

County/Region

Postcode

Country

① Principal office address

This is the address that will appear on the public record

J3

Legal form and governing law

Legal form

Governing law

J4

**Nature of control <sup>①</sup>**

Please show how the ORP has significant control over the company

**① Tick each that apply**

**Ownership of shares**

The ORP holds, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

**Ownership of voting rights**

The ORP holds, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

**Ownership of right to appoint/remove directors**

- ☐ The ORP holds, directly or indirectly, the right to appoint or remove a majority of the board of directors of the company

**Significant influence or control (Only tick if none of the above apply)**

- ☐ The ORP has the right to exercise, or actually exercises, significant influence or control over the company

J5

**Nature of control by a firm over which the ORP has significant control <sup>①</sup>**

The ORP has the right to exercise or actually exercises significant influence or control over the activities of a firm that is not a legal person under its governing law, and

**① Tick each that apply**

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the members of that firm (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

- ☐ the members of that firm (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

- ☐ the members of that firm (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

J6

**Nature of control by a trust over which the ORP has significant control <sup>1</sup>**

The ORP has the right to exercise or actually exercises significant influence or control over the activities of a trust and

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of shares in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

the trustees of that trust (in their capacity as such) hold, directly or indirectly, the following percentage of voting rights in the company (tick only one)

- ☐ more than 25% but not more than 50%
- ☐ more than 50% but less than 75%
- ☐ 75% or more

☐ the trustees of that trust (in their capacity as such) hold the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company

☐ the trustees of that trust (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company

**<sup>1</sup> Tick each that apply**

IN01

Application to register a company

## Part 6 Election to keep information on the public register (if applicable)

The subscribers of a private company can agree to elect to keep certain information on the public register at Companies House, rather than keeping their own registers. Tick the appropriate box to show which information the subscribers are electing to keep on the public register. If the subscribers have not agreed to keep any of this information on the public register, go to Part 7 Consent to Act.

### K1 Election to keep secretaries' register information on the public register <sup>①</sup>

☐ All subscribers elect to keep secretaries' register information on the public register

<sup>①</sup> only applies if the proposed company will have a secretary

### K2 Election to keep directors' register information on the public register

**IMPORTANT:**

If the subscribers elect to keep this information on the public register, everyone who is an individual director while the election is in force will have their full date of birth available on the public record <sup>②</sup>

☐ All subscribers elect to keep directors' register information on the public register

<sup>②</sup> If the subscribers don't make this election, only the month and year of birth will be available on the public record

### K3 Election to keep directors' usual residential address (URA) register information on the public register

If the subscribers elect to keep this information on the public register, the URA will not be publicly available

☐ All subscribers elect to keep directors' URA register information on the public register

### K4 Election to keep members' register information on the public register

**IMPORTANT:**

If the subscribers elect to keep this information on the public register, everyone who is a member while the election is in place will have their name and address available on the public record

☐ All subscribers elect to keep members' register information on the public register

☐ The company will be a single member company (Tick if applicable)

### K5 Election to keep PSC register information on the public register

**IMPORTANT:**

If the subscribers elect to keep this information on the public register, everyone who is an individual PSC while the election is in force will have their full date of birth available on the public record <sup>③</sup>

☐ All subscribers elect to keep PSC register information on the public register

☐ No objection was received by the subscribers from any eligible person <sup>④</sup> within the notice period before making the election

<sup>③</sup> If the subscribers don't make this election, only the month and year of birth will be available on the public record

**<sup>④</sup> Eligible person**

An eligible person is a person whose details would have to be entered in the company's PSC register

IN01

Application to register a company

## Part 7 Consent to act

### L1 Consent statement

Please tick the box to confirm consent

- ☒ The subscribers confirm that each of the persons named as a director or secretary has consented to act in that capacity

## Part 8 Statement about individual PSC particulars

### M1 Particulars of an individual PSC <sup>①</sup>

Please tick the box to confirm

- ☒ The subscribers confirm that each person named in this application as an individual PSC knows that their particulars are being supplied as part of this application

<sup>①</sup> Only tick this if you have completed details of one or more individual PSCs in sections H3-H9

## Part 9 Statement of compliance

This section must be completed by all companies

Is the application by an agent on behalf of all the subscribers?

- No Go to Section N1 (Statement of compliance delivered by the subscribers)  
→ Yes Go to Section N2 (Statement of compliance delivered by an agent)

### N1 Statement of compliance delivered by the subscribers <sup>②</sup>

Please complete this section if the application is not delivered by an agent for the subscribers of the memorandum of association.

I confirm that the requirements of the Companies Act 2006 as to registration have been complied with

Subscriber's signature	Signature X	X
Subscriber's signature	Signature X	X
Subscriber's signature	Signature X	X
Subscriber's signature	Signature X	X

<sup>②</sup> **Statement of compliance delivered by the subscribers**  
Every subscriber to the memorandum of association must sign the statement of compliance

**Continuation pages**  
Please use a 'Statement of compliance delivered by the subscribers' continuation page if more subscribers need to sign

IN01

Application to register a company

N2

Statement of compliance delivered by an agent

Please complete this section if this application is delivered by an agent for the subscribers to the memorandum of association

Agent's name

First Corporate Law Services

Building name/number

16

Street

Churchill Way

Post town

Cardiff

County/Region

Postcode

CF10 2DX

Country

UK

I confirm that the requirements of the Companies Act 2006 as to registration have been complied with

Agent's signature

Signature

X Sawen

X



IN01

Application to register a company



## Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record

Contact name Samantha Owen

Company name First Corporate Law Services

Address 116 Churchill Way

Post town Cardiff

County/Region

Postcode CF10 2DX

Country UK

DX /

Telephone 02920 229080



## Certificate

We will send your certificate to the presenters address (shown above) or if indicated to another address shown below

☐ At the registered office address (Given in Section A7)

☒ At the agents address (Given in Section N2)



## Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following.

- ☐ You have checked that the proposed company name is available as well as the various rules that may affect your choice of name. More information can be found in guidance on our website
- ☐ If the name of the company is the same as one already on the register as permitted by The Company LLP and Business (Names and Trading Disclosures) Regulations 2015, please attach consent
- ☐ You have used the correct appointment sections
- ☐ Any addresses given must be a physical location. They cannot be a PO Box number (unless part of a full service address), DX or LP (Legal Post in Scotland) number
- ☐ The document has been signed, where indicated
- ☐ All relevant attachments have been included
- ☐ You have enclosed the Memorandum of Association
- ☐ You have enclosed the correct fee



## Important information

Please note that all information on this form will appear on the public record, apart from information relating to usual residential addresses. Day of birth will only be shown on the public record if the subscribers have elected to keep PSC and/or directors' information on the public register.



## How to pay

A fee is payable on this form. Make cheques or postal orders payable to 'Companies House'. For information on fees, go to [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)



## Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the appropriate address below:

**For companies registered in England and Wales:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ  
DX 33050 Cardiff

**For companies registered in Scotland:**

The Registrar of Companies, Companies House,  
Fourth floor, Edinburgh Quay 2,  
139 Fountainbridge, Edinburgh, Scotland, EH3 9FF  
DX ED235 Edinburgh 1  
or LP - 4 Edinburgh 2 (Legal Post)

**For companies registered in Northern Ireland**

The Registrar of Companies, Companies House,  
Second Floor, The Linenhall, 32-38 Linenhall Street,  
Belfast, Northern Ireland, BT2 8BG  
DX 481 N R Belfast 1

**Section 243 or 790ZF exemption**

If you are applying for, or have been granted a section 243 or 790ZF exemption, please post this whole form to the different postal address below  
The Registrar of Companies, PO Box 4082,  
Cardiff, CF14 3WE



## Further information

For further information, please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

The Companies Act 2006

Community Interest Company Limited by Shares

---

**Memorandum of Association**

**of**

**SarkNic C.I.C.**

---

**The Companies Act 2006**  
**Community Interest Company Limited by Shares**  
**Memorandum of Association**  
**of**  
**SarkNic C.I.C.**

Each subscriber to this Memorandum of Association wishes to form a company under the Companies Act 2006 and agrees to become a member of the Company and to take at least one share

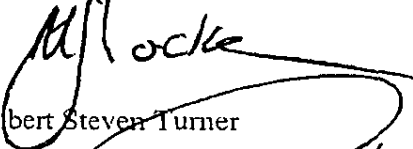
---

*Name of each subscriber*

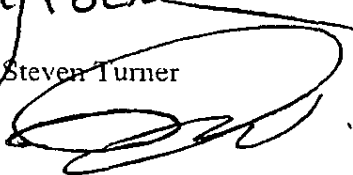
*Authentication by each subscriber*

---

Michael John Locke



Albert Steven Turner



Jamie Duncan McGilvray



Dated: 10<sup>th</sup> January 2017

The Companies Act 2006

Community Interest Company Limited by Shares

---

**Articles of Association**

**of**

**SarkNic C.I.C.**

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(CIC Limited by Shares, Schedule 2, Small Membership)

## **The Companies Act 2006**

### **Community Interest Company Limited by Shares**

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**The Companies Act 2006**

**Articles of Association**

**of**

**SarkNic C.I.C.**

**INTERPRETATION**

**1. Defined terms**

1.1 The interpretation of these Articles is governed by the provisions set out in the Schedule to the Articles.

**COMMUNITY INTEREST COMPANY AND ASSET LOCK**

**2. Community Interest Company**

2 1 The Company shall be a community interest company

**3. Asset Lock**

3 1 The Company shall not transfer any of its assets other than for full consideration

3 2 Provided the conditions in Article 3 3 are satisfied, Article 3 1 shall not apply to

(a) the transfer of assets to any specified asset-locked body, or (with the consent of the Regulator) to any other asset-locked body, and

(b) the transfer of assets made for the benefit of the community other than by way of a transfer of assets into an asset-locked body

3 3 The conditions are that the transfer of assets must comply with any restrictions on the transfer of assets for less than full consideration which may be set out elsewhere in the Memorandum and Articles of the Company

3 4 If

3 4 1 the Company is wound up under the Insolvency Act 1986, and

3 4.2 all its liabilities have been satisfied

any residual assets shall be given or transferred to the asset-locked body specified in Article 3 5 below

3 5 For the purposes of this Article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under Articles 3 2 and 3 4

3 6 Name [ ]

3.7 Charity Registration Number (if applicable) [ ]

3.8 Company Registration Number (if applicable) [ ]

3.9 Registered Office [ ]

**4. Not for profit**

4.1 The Company is not established or conducted for private gain any profits or assets are used principally for the benefit of the community

**OBJECTS, POWERS AND LIMITATION OF LIABILITY**

**5. Objects**

The objects of the Company are to carry on activities which benefit the community and in particular (without limitation) to develop and commercialise internet opportunities for Sark's community, businesses, residents and other community groups. The fundamental activity is to establish Sark's accreditation for a Country Code to support Sark's identity on the internet and then to commercialise it by licensing domain rentals and other suitable internet opportunities.

**6. Powers**

6.1 To further its objects the Company may do all such lawful things as may further the Company's objects and, in particular, but, without limitation, may borrow or raise and secure the payment of money for any purpose including for the purposes of investment or of raising funds.

**7. Liability of shareholders**

7.1 The liability of the shareholders is limited to the amount, if any, unpaid on the shares held by them

**DIRECTORS**

**DIRECTORS' POWERS AND RESPONSIBILITIES**

**8. Directors' general authority**

8.1 Subject to the Articles, the Directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company

**9. Shareholders' reserve power**

9.1 The shareholders may, by special resolution, direct the Directors to take, or refrain from taking, specific action

9.2 No such special resolution invalidates anything which the Directors have done before the passing of the resolution



**10. Chair**

10 1 The Directors may appoint one of their number to be the chair of the Directors for such term of office as they may determine and may at any time remove him or her from office

**11. Directors may delegate**

11 1 Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Articles or the implementation of their decisions or day to day management of the affairs of the Company

- (a) to such person or committee,
- (b) by such means (including by power of attorney),
- (c) to such an extent,
- (d) in relation to such matters or territories, and
- (e) on such terms and conditions,

as they think fit.

11 2 If the Directors so specify, any such delegation may authorise further delegation of the Directors' powers by any person to whom they are delegated

11 3 The Directors may revoke any delegation in whole or part, or alter its terms and conditions

**DECISION-MAKING BY DIRECTORS**

**12. Directors to take decisions collectively**

Any decision of the Directors must be either a majority decision at a meeting or a decision taken in accordance with Article 18 In the event of the Company being a single director company, a majority decision is made when that single Director makes a decision

**13. Calling a Directors' meeting**

13 1 Two Directors may (and the Secretary, if any, must at the request of two Directors) call a Directors' meeting.

13 2 A Directors' meeting must be called by at least seven Clear Days' notice unless either

13 2 1 all the Directors agree, or

13 2 2 urgent circumstances require shorter notice

13.3 Notice of Directors' meetings must be given to each Director

13.4 Every notice calling a Directors' meeting must specify:

13.4.1 the place, day and time of the meeting, and

13.4.2 if it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting

13.5 Notice of Directors' meetings need not be in Writing

13.6 Notice of Directors' meetings may be sent by Electronic Means to an Address provided by the Director for the purpose

#### **14. Participation in Directors' meetings**

14.1 Subject to the Articles, Directors participate in a Directors' meeting, or part of a Directors' meeting, when:

14.1.1 the meeting has been called and takes place in accordance with the Articles, and

14.1.2 they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting

14.2 In determining whether Directors are participating in a Directors' meeting, it is irrelevant where any Director is or how they communicate with each other

14.3 If all the Directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is

#### **15. Quorum for Directors' meetings**

15.1 At a Directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.

15.2 The quorum for Directors' meetings may be fixed from time to time by a decision of the Directors, but it must never be less than two, and unless otherwise fixed it is two or one-third of the total number of Directors, whichever is the greater.

15.3 If the total number of Directors for the time being is less than the quorum required, the Directors must not take any decision other than a decision

15.3.1 to appoint further Directors, or

15.3.2 to call a general meeting so as to enable the shareholders to appoint further Directors

#### **16. Chairing of Directors' meetings**

The Chair, if any, or in his or her absence another Director nominated by the Directors present shall preside as chair of each Directors' meeting

**17. Voting**

17 1 Questions arising at a Directors' meeting shall be decided by a majority of votes

17 2 In all proceedings of Directors each Director must not have more than one vote

**18. Decisions without a meeting**

18 1 The Directors may take a unanimous decision without a Directors' meeting by indicating to each other by any means, including without limitation by Electronic Means, that they share a common view on a matter. Such a decision may, but need not, take the form of a resolution in Writing, copies of which have been signed by each Director or to which each Director has otherwise indicated agreement in Writing

18 2 A decision which is made in accordance with Article 18 1 shall be as valid and effectual as if it had been passed at a meeting duly convened and held, provided the following conditions are complied with

18 2 1 approval from each Director must be received by one person being either such person as all the Directors have nominated in advance for that purpose or such other person as volunteers if necessary ("the Recipient"), which person may, for the avoidance of doubt, be one of the Directors,

18 2 2 following receipt of responses from all of the Directors, the Recipient must communicate to all of the Directors by any means whether the resolution has been formally approved by the Directors in accordance with this Article 18 2,

18.2.3 the date of the decision shall be the date of the communication from the Recipient confirming formal approval,

18 2 4 the Recipient must prepare a minute of the decision in accordance with Article 47

**19. Conflicts of interest**

19 1 Whenever a Director finds himself or herself in a situation that is reasonably likely to give rise to a Conflict of Interest, he or she must declare his or her interest to the Directors unless, or except to the extent that, the other Directors are or ought reasonably to be aware of it already

19 2 If any question arises as to whether a Director has a Conflict of Interest, the question shall be decided by a majority decision of the other Directors

19 3 Whenever a matter is to be discussed at a meeting or decided in accordance with Article 18 and a Director has a Conflict of Interest in respect of that matter then, subject to Article 20, he or she must

19 3 1 remain only for such part of the meeting as in the view of the other Directors is necessary to inform the debate,

19.3 2 not be counted in the quorum for that part of the meeting; and

19 3 3 withdraw during the vote and have no vote on the matter.

19 4 When a Director has a Conflict of Interest which he or she has declared to the Directors, he or she shall not be in breach of his or her duties to the Company by withholding confidential information from the Company if to disclose it would result in a breach of any other duty or obligation of confidence owed by him or her

## **20. Directors' power to authorise a conflict of interest**

20 1 The Directors have power to authorise a Director to be in a position of Conflict of Interest provided

20 1 1 in relation to the decision to authorise a Conflict of Interest, the conflicted Director must comply with Article 19;

20 1 2 in authorising a Conflict of Interest, the Directors can decide the manner in which the Conflict of Interest may be dealt with and, for the avoidance of doubt, they can decide that the Director with a Conflict of Interest can participate in a vote on the matter and can be counted in the quorum,

20 1 3 the decision to authorise a Conflict of Interest can impose such terms as the Directors think fit and is subject always to their right to vary or terminate the authorisation.

20 2 If a matter, or office, employment or position, has been authorised by the Directors in accordance with Article 20 1 then, even if he or she has been authorised to remain at the meeting by the other Directors, the Director may absent himself or herself from meetings of the Directors at which anything relating to that matter, or that office, employment or position, will or may be discussed

20.3 A Director shall not be accountable to the Company for any benefit which he or she derives from any matter, or from any office, employment or position, which has been authorised by the Directors in accordance with Article 20 1 (subject to any limits or conditions to which such approval was subject)

## **21. Register of Directors' interests**

The Directors shall cause a register of Directors' interests to be kept A Director must declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the Company or in any transaction or arrangement entered into by the Company which has not previously been declared

## **APPOINTMENT AND RETIREMENT OF DIRECTORS**

### **22. Methods of appointing Directors**

22 1 Those persons notified to the Registrar of Companies as the first Directors of the Company shall be the first Directors

- 22 2 Any person who is willing to act as a Director, and is permitted by law to do so, may be appointed to be a Director by a decision of the Directors

**23. Termination of Director's appointment**

23.1 A person ceases to be a Director as soon as

- (a) that person ceases to be a Director by virtue of any provision of the Companies Act 2006, or is prohibited from being a Director by law,
- (b) a bankruptcy order is made against that person, or an order is made against that person in individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy,
- (c) a composition is made with that person's creditors generally in satisfaction of that person's debts;
- (d) the Directors reasonably believe he or she is suffering from mental disorder and incapable of acting and they resolve that he or she be removed from office,
- (e) notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms (but only if at least two Directors will remain in office when such resignation has taken effect), or
- (f) the Director fails to attend three consecutive meetings of the Directors and the Directors resolve that the Director be removed for this reason.

**24. Directors' remuneration**

24 1 Directors may undertake any services for the Company that the Directors decide.

24 2 Subject to the Articles and in particular Article 3 Directors are entitled to such remuneration as the Directors determine

- (a) for their services to the Company as Directors, and
- (b) for any other service which they undertake for the Company.

24 3 Subject to the Articles and in particular Article 3, a Director's remuneration may

- (a) take any form, and
- (b) include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that Director

24 4 Unless the Directors decide otherwise, Directors' remuneration accrues from day to day

- 24 5 Unless the Directors decide otherwise, Directors are not accountable to the Company for any remuneration which they receive as Directors or other officers or employees of the Company's subsidiaries or of any other body corporate in which the Company is interested

**25. Directors' expenses**

25 1 The Company may pay any reasonable expenses which the Directors properly incur in connection with their attendance at

- (a) meetings of Directors or committees of Directors,
- (b) general meetings, or
- (c) separate meetings of the holders of any class of shares or of debentures of the Company,

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company

**SHARES**

**26. All shares to be fully paid up and issued at nominal value to a Director**

26 1 No share is to be issued for less than the aggregate of its nominal value and any premium to be paid to the Company in consideration for its issue

26 2 This does not apply to shares taken on the formation of the Company by the subscribers to the Company's Memorandum.

26 3 No share shall be issued to a person except a Director.

**27. Powers to issue different classes of share**

27 1 Subject to the Articles, but without prejudice to the rights attached to any existing share, the Company may issue shares with such rights or restrictions as may be determined by ordinary resolution

27 2 The Company may issue shares which are to be redeemed, or are liable to be redeemed at the option of the Company or the holder, and the Directors may determine the terms, conditions and manner of redemption of any such shares

**28. Company not bound by less than absolute interests**

28 1 Except as required by law, no person is to be recognised by the Company as holding any share upon any trust, and except as otherwise required by law or the Articles, the Company is not in any way to be bound by or recognise any interest in a share other than the holder's absolute ownership of it and all the rights attaching to it

**29. Share certificates**

29 1 The Company must issue each shareholder, free of charge, with one or more certificates in respect of the shares which that shareholder holds.

29 2 Every certificate must specify

- (a) in respect of how many shares, of what class, it is issued,
- (b) the nominal value of those shares,
- (c) that the shares are fully paid, and
- (d) any distinguishing numbers assigned to them.

29 3 No certificate may be issued in respect of shares of more than one class

29 4 If more than one person holds a share, only one certificate may be issued in respect of it

29 5 Certificates must

- (a) have affixed to them the Company's common seal, or
- (b) be otherwise executed in accordance with the Companies Acts

### **30. Replacement share certificates**

30.1 If a certificate issued in respect of a shareholder's shares is

- (a) damaged or defaced, or
- (b) said to be lost, stolen or destroyed,

that shareholder is entitled to be issued with a replacement certificate in respect of the same shares.

30 2 A shareholder exercising the right to be issued with such a replacement certificate

- (a) may at the same time exercise the right to be issued with a single certificate or separate certificates;
- (b) must return the certificate which is to be replaced to the Company if it is damaged or defaced, and
- (c) must comply with such conditions as to evidence, indemnity and the payment of a reasonable fee as the Directors decide

### **31. Share transfers**

31.1 Shares may be transferred by means of an instrument of transfer in any usual form or any other form approved by the Directors, which is executed by or on behalf of the transferor.

- 31 2 No fee may be charged for registering any instrument of transfer or other Document relating to or affecting the title to any share
- 31.3 The Company may retain any instrument of transfer which is registered
- 31 4 The transferor remains the holder of a share until the transferee's name is entered in the register of shareholders as holder of it
- 31 5 The Directors may refuse to register the transfer of a share to a person of whom they do not approve
- 31 6 They may also refuse to register the transfer unless it is lodged at the registered office of the Company or at such other place as the Directors may appoint and is accompanied by such evidence as the Directors may reasonably require to show the right of the transferor to make the transfer, and by such other information, as they may reasonably require
- 31 7 If the Directors refuse to register such a transfer, they shall, within two months after the date on which the transfer was lodged with the Company send to the transferee notice of the refusal
- 31 8 The provisions of this Article apply in addition to any restrictions on the transfer of a share which maybe set out elsewhere in the Memorandum or Articles of the Company

## **32. Purchase of own shares**

32 1 Subject to the articles, the Company may purchase its own shares (including any redeemable shares) and may make a payment in respect of the redemption or purchase of its own shares otherwise than out of the distributable profits of the Company or the proceeds of a fresh issue of shares Any share so purchased shall be purchased at its nominal value

## **33. Transmission of shares**

- 33 1 If title to a share passes to a transmittee, the Company may only recognise the transmittee as having any title to that share
- 33 2 A transmittee who produces such evidence of entitlement to shares as the Directors may properly require
- (a) may, subject to the Articles, choose either to become the holder of those shares or to have them transferred to another person, and
  - (b) subject to the Articles, and pending any transfer of the shares to another person, has the same rights as the holder had
- 33 3 But transmittees do not have the right to attend or vote at a general meeting, or agree to a proposed written resolution, in respect of shares to which they are entitled, by reason of the holder's death or bankruptcy or otherwise, unless they become the holders of those shares



**34. Exercise of transmitters' rights**

- 34 1 Transmitters who wish to become the holders of shares to which they have become entitled must notify the Company in Writing of that wish
- 34 2 If the transmitter wishes to have a share transferred to another person, the transmitter must execute an instrument of transfer in respect of it
- 34 3 Any transfer made or executed under this Article is to be treated as if it were made or executed by the person from whom the transmitter has derived rights in respect of the share, and as if the event which gave rise to the transmission had not occurred

**35. Transmitters bound by prior notices**

- 35 1 If a notice is given to a shareholder in respect of shares and a transmitter is entitled to those shares, the transmitter is bound by the notice if it was given to the shareholder before the transmitter's name has been entered in the register of shareholders

**DIVIDENDS AND OTHER DISTRIBUTIONS**

**36. Procedure for declaring dividends**

- 36 1 Subject to the Companies Acts, the Regulations and the Articles, the Company may by ordinary resolution declare dividends, and the Directors may, provided that such decision is authorised by an ordinary resolution of the shareholders, decide to pay interim dividends
- 36.2 For the avoidance of doubt the payment of dividends shall be considered to be a transfer of assets other than for full consideration and shall not be permitted other than in the circumstances prescribed in Article 3.
- 36 3 A dividend must not be declared unless the Directors have made a recommendation as to its amount. Such a dividend must not exceed the amount recommended by the Directors
- 36 4 No dividend may be declared or paid unless it is in accordance with shareholders' respective rights
- 36 5 Unless the shareholders' resolution to declare or Directors' decision to pay a dividend, or the terms on which shares are issued, specify otherwise, it must be paid by reference to each shareholder's holding of shares on the date of the resolution or decision to declare or pay it
- 36 6 If the Company's share capital is divided into different classes, no interim dividend may be paid on shares carrying deferred or non-preferred rights if, at the time of payment, any preferential dividend is in arrear
- 36 7 The Directors may pay at intervals any dividend payable at a fixed rate if it appears to them that the profits available for distribution justify the payment.

- 36 8 If the Directors act in good faith, they do not incur any liability to the holders of shares conferring preferred rights for any loss they may suffer by the lawful payment of an interim dividend on shares with deferred or non-preferred rights

**37. Payment of dividends and other distributions**

- 37 1 Where a dividend or other sum which is a distribution is payable in respect of a share, it must be paid by one or more of the following means:

- (a) transfer to a bank or building society account indicated by the distribution recipient either in Writing or as the Directors may otherwise decide,
- (b) sending a cheque made payable to the distribution recipient by post to the distribution recipient at the distribution recipient's registered Address (if the distribution recipient is a holder of the share), or (in any other case) to an Address indicated by the distribution recipient either in Writing or as the Directors may otherwise decide;
- (c) sending a cheque made payable to such person by post to such person at such Address as the distribution recipient has indicated either in Writing or as the Directors may otherwise decide, or
- (d) any other means of payment as the Directors agree with the distribution recipient either in Writing or by such other means as the Directors decide

- 37 2 In the Articles, "the distribution recipient" means, in respect of a share in respect of which a dividend or other sum is payable

- (a) the holder of the share, or
- (b) if the share has two or more joint holders, whichever of them is named first in the register of members, or
- (c) if the holder is no longer entitled to the share by reason of death or bankruptcy, or otherwise by operation of law, the transmittee

**38. No interest on distributions**

- 38.1 The Company may not pay interest on any dividend or other sum payable in respect of a share unless otherwise provided by

- (a) the terms on which the share was issued, or
- (b) the provisions of another agreement between the holder of that share and the Company.

**39. Unclaimed distributions**

39 1 All dividends or other sums which are:

- (a) payable in respect of shares, and
- (b) unclaimed after having been declared or become payable,

may be invested or otherwise made use of by the Directors for the benefit of the Company until claimed

39 2 The payment of any such dividend or other sum into a separate account does not make the Company a trustee in respect of it.

39 3 If

- (a) twelve years have passed from the date on which a dividend or other sum became due for payment, and
- (b) the distribution recipient has not claimed it,

the distribution recipient is no longer entitled to that dividend or other sum and it ceases to remain owing by the Company

#### **40. Non-cash distributions**

40 1 Subject to the terms of issue of the share in question, the Company may, by ordinary resolution on the recommendation of the Directors, decide to pay all or part of a dividend or other distribution payable in respect of a share by transferring non-cash assets of equivalent value (including, without limitation, shares or other securities in any company)

40.2 For the purposes of paying a non-cash distribution, the Directors may make whatever arrangements they think fit, including, where any difficulty arises regarding the distribution

- (a) fixing the value of any assets;
- (b) paying cash to any distribution recipient on the basis of that value in order to adjust the rights of recipients, and
- (c) vesting any assets in trustees

#### **41. Waiver of distributions**

41 1 Distribution recipients may waive their entitlement to a dividend or other distribution payable in respect of a share by giving the Company notice in Writing to that effect, but if

- (a) the share has more than one holder, or
- (b) more than one person is entitled to the share, whether by reason of the death or bankruptcy of one or more joint holders, or otherwise,

the notice is not effective unless it is expressed to be given, and signed, by all the holders or persons otherwise entitled to the share

## **CAPITALISATION OF PROFITS**

### **42. Authority to capitalise and appropriation of capitalised sums**

42.1 Subject to the Articles, the Directors may, if they are so authorised by an ordinary resolution:

- (a) decide to capitalise any profits of the Company (whether or not they are available for distribution) which are not required for paying a preferential dividend, or any sum standing to the credit of the Company's share premium account or capital redemption reserve, and
- (b) appropriate any sum which they so decide to capitalise (a "capitalised sum") to the persons who would have been entitled to it if it were distributed by way of dividend (the "persons entitled") and in the same proportions

42.2 Capitalised sums must be applied.

- (a) on behalf of the persons entitled; and
- (b) in the same proportions as a dividend would have been distributed to them.

42.3 Any capitalised sum may be applied in paying up new shares of a nominal amount equal to the capitalised sum which are then allotted credited as fully paid to the persons entitled or as they may direct

42.4 A capitalised sum which was appropriated from profits available for distribution may be applied in paying up new debentures of the Company which are then allotted credited as fully paid to the persons entitled or as they may direct

42.5 Subject to the Articles the Directors may

- (a) apply capitalised sums in accordance with Articles 42.3 and 42.4 partly in one way and partly in another,
- (b) make such arrangements as they think fit to deal with shares or debentures becoming distributable in fractions under this Article (including the issuing of fractional certificates or the making of cash payments), and
- (c) authorise any person to enter into an agreement with the Company on behalf of all the persons entitled which is binding on them in respect of the allotment of shares and debentures to them under this Article

## **DECISION-MAKING BY SHAREHOLDERS**

### **43. Meetings**

43.1 The Directors may call a general meeting at any time

- 43.2 General meetings must be held in accordance with the provisions regarding such meetings in the Companies Act
- 43 3 A person who is not a shareholder of the Company shall not have any right to vote at a general meeting of the Company, but this is without prejudice to any right to vote on a resolution affecting the rights attached to a class of the Company's debentures
- 43 4 Article 43 3 shall not prevent a person who is a proxy for a member or a duly authorised representative of a member from voting at a general meeting of the Company.

#### **44. Written resolutions**

- 44 1 Subject to Article 44 3, a written resolution of the Company passed in accordance with this Article 44 shall have effect as if passed by the Company in general meeting:
- 44 1 1 A written resolution is passed as an ordinary resolution if it is passed by a simple majority of the total voting rights of eligible shareholders
- 44 1 2 A written resolution is passed as a special resolution if it is passed by shareholders representing not less than 75% of the total voting rights of eligible shareholders. A written resolution is not a special resolution unless it states that it was proposed as a special resolution.
- 44.2 In relation to a resolution proposed as a written resolution of the Company the eligible shareholders are the shareholders who would have been entitled to vote on the resolution on the Circulation Date of the resolution
- 44 3 A shareholders' resolution under the Companies Acts removing a Director or an auditor before the expiration of his or her term of office may not be passed as a written resolution
- 44 4 A copy of the written resolution must be sent to every shareholder together with a statement informing the shareholder how to signify their agreement to the resolution and the date by which the resolution must be passed if it is not to lapse  
Communications in relation to written notices shall be sent to the Company's auditors in accordance with the Companies Acts.
- 44 5 A shareholder signifies their agreement to a proposed written resolution when the Company receives from him or her an authenticated Document identifying the resolution to which it relates and indicating his or her agreement to the resolution
- 44 5 1 If the Document is sent to the Company in Hard Copy Form, it is authenticated if it bears the shareholder's signature
- 44 5.2 If the Document is sent to the Company by Electronic Means, it is authenticated [if it bears the shareholder's signature] or [if the identity of the shareholder is confirmed in a manner agreed by the Directors] or [if it is accompanied by a statement of the identity of the shareholder and the Company has no reason to doubt the truth of that statement] or [if it is from an email Address notified by the shareholder to the Company for the purposes of receiving Documents or information by Electronic Means]

- 44 6 A written resolution is passed when the required majority of eligible shareholders have signified their agreement to it
- 44 7 A proposed written resolution lapses if it is not passed within 28 days beginning with the Circulation Date.

## **ADMINISTRATIVE ARRANGEMENTS AND MISCELLANEOUS**

### **45. Means of communication to be used**

- 45 1 Subject to the Articles, anything sent or supplied by or to the Company under the Articles may be sent or supplied in any way in which the Companies Act 2006 provides for Documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company
- 45 2 Subject to the Articles, any notice or Document to be sent or supplied to a Director in connection with the taking of decisions by Directors may also be sent or supplied by the means by which that Director has asked to be sent or supplied with such notices or Documents for the time being.
- 45 3 A Director may agree with the Company that notices or Documents sent to that Director in a particular way are to be deemed to have been received within an agreed time of their being sent, and for the agreed time to be less than 48 hours

### **46. Irregularities**

The proceedings at any meeting or on the taking of any poll or the passing of a written resolution or the making of any decision shall not be invalidated by reason of any accidental informality or irregularity (including any accidental omission to give or any non-receipt of notice) or any want of qualification in any of the persons present or voting or by reason of any business being considered which is not referred to in the notice unless a provision of the Companies Acts specifies that such informality, irregularity or want of qualification shall invalidate it

### **47. Minutes**

- 47 1 The Directors must cause minutes to be made in books kept for the purpose.
- 47 1 1 of all appointments of officers made by the Directors,
- 47 1 2 of all resolutions of the Company and of the Directors (including, without limitation, decisions of the Directors made without a meeting), and
- 47.1 3 of all proceedings at meetings of the Company and of the Directors, and of committees of Directors, including the names of the Directors present at each such meeting;

and any such minute, if purported to be signed (or in the case of minutes of Directors' meetings signed or authenticated) by the chair of the meeting at which the proceedings were had, or by the chair of the next succeeding meeting, shall, as against any shareholder or Director of the Company, be sufficient evidence of the proceedings

- 47 2 The minutes must be kept for at least ten years from the date of the meeting, resolution or decision

#### **48. Records and accounts**

The Directors shall comply with the requirements of the Companies Acts as to maintaining a shareholders' register, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Regulator of

- 48 1 annual reports,

- 48 2 annual returns; and

- 48 3 annual statements of account

- 48 4 Except as provided by law or authorised by the Directors or an ordinary resolution of the Company, no person is entitled to inspect any of the Company's accounting or other records or documents merely by virtue of being a shareholder.

#### **49. Indemnity**

- 49.1 Subject to Article 49 2, a relevant Director of the Company or an associated company may be indemnified out of the Company's assets against

(a) any liability incurred by that Director in connection with any negligence, default, breach of duty or breach of trust in relation to the Company or an associated company;

(b) any liability incurred by that Director in connection with the activities of the Company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006); and

(c) any other liability incurred by that Director as an officer of the Company or an associated company

- 49 2 This Article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law

- 49 3 In this Article:

(a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate, and

- (b) a “relevant Director” means any Director or former Director of the Company or an associated company

**50. Insurance**

50 1 The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant Director in respect of any relevant loss

50 2 In this Article

- (a) a “relevant Director” means any Director or former Director of the Company or an associated company,
- (b) a “relevant loss” means any loss or liability which has been or may be incurred by a relevant Director in connection with that Director’s duties or powers in relation to the Company, any associated company or any pension fund or employees’ share scheme of the Company or associated company; and
- (c) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

**51. Exclusion of model articles**

- The relevant model articles for a company limited by shares are hereby expressly excluded.





to another organisation or otherwise) that conflicts or might conflict with the interests of the Company,

**“Director”**

means a director of the Company, and includes any person occupying the position of director, by whatever name called;

**“distribution recipient”**

has the meaning given in Article 37;

**“Document”**

includes, unless otherwise indicated, any document sent or supplied in Electronic Form,

**“Electronic Form and Electronic Means”**

have the meanings respectively given to them in section 1168 of the Companies Act 2006,

**“fully paid”**

in relation to a share, means that the nominal value and any premium to be paid to the Company in respect of that share have been paid to the Company;

**“Hard Copy Form”**

has the meaning given in section 1168 of the Companies Act 2006,

**“holder”**

in relation to shares means the person whose name is entered in the register of shareholders as the holder of the shares,

**“instrument”**

means a Document in Hard Copy Form,

**“Memorandum”**

the Company’s memorandum of association,

**“paid”**

means paid or credited as paid,

**“participate”**

in relation to a Directors’ meeting, has the meaning given in Article 14,

**“Permitted Industrial and Provident Society”**

means an industrial and provident society which has a restriction on the use of its assets in accordance with regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006 or regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006,

**“the Regulator”**

means the Regulator of Community Interest Companies,

**“the Regulations”**

means the Community Interest Company Regulations 2005 (as amended),

<b>“Secretary”</b>	the secretary of the Company (if any),
<b>“shareholder”</b>	means a person who is the holder of a share,
<b>“shares”</b>	means shares in the Company,
<b>“specified”</b>	means specified in the memorandum or articles of association of the Company for the purposes of this paragraph,
<b>“subsidiary”</b>	has the meaning given in section 1159 of the Companies Act 2006,
<b>“transfer”</b>	includes every description of disposition, payment, release or distribution, and the creation or extinction of an estate or interest in, or right over, any property,
<b>“transmittee”</b>	means a person entitled to a share by reason of the death or bankruptcy of a shareholder or otherwise by operation of law; and
<b>“Writing”</b>	means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in Electronic Form or otherwise

- 2 Subject to clause 3 of this Schedule, any reference in the Articles to an enactment includes a reference to that enactment as re-enacted or amended from time to time and to any subordinate legislation made under it
- 3 Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Acts as in force on the date when these Articles become binding on the Company

Please ensure this form is placed at the top of your application when posted to Companies House.

# CIC 36

## Declarations on Formation of a Community Interest Company<sup>1</sup>

*Please  
complete in  
typescript,  
or in bold  
black  
capitals.*

**Company Name in full**

SarkNic C.I.C.

### **SECTION A: COMMUNITY INTEREST STATEMENT – beneficiaries**

- 1 We/I, the undersigned, declare that the company will carry on its activities for the benefit of the community, or a section of the community<sup>2</sup>. [Insert a short description of the community, or section of the community, which it is intended that the company will benefit below]<sup>3</sup>

*The company's activities will provide benefit to ...*

The CIC activities are to develop and commercialise internet opportunities for Sark's community, businesses, residents and other community groups. The fundamental activity is to establish Sark's accreditation for a Country Code to support Sark's identity on the internet and then to commercialise it by licensing domain rentals and other suitable internet opportunities.

The first benefit is to gain Sark's control over its own online identity so that it has an asset that can be retained and used. The second benefit is so that island groups and businesses can be identified and located correctly on the internet. Commercialising this asset will provide an income stream to plough back into the community.

**COMPANY NAME**

SarkNic C.I.C

**SECTION B: Community Interest Statement – Activities & Related Benefit**

Please indicate how it is proposed that the company's activities will benefit the community, or a section of the community. Please provide as much detail as possible to enable the CIC Regulator to make an informed decision about whether your proposed company is eligible to become a community interest company. It would be useful if you were to explain how you think your company will be different from a commercial company providing similar services or products for individual or personal gain.

<b>Activities</b> (Tell us here what the company is being set up to do)	<b>How will the activity benefit the community?</b> (The community will benefit by )
the CIC will pursue, in conjunction with the SarkID Group (the Non Profit Organisation registered on Sark for these activities), the accreditation process necessary to establish Sark's qualification for an ISO Country Code and then an ICANN cc Top Level Domain	This process involves gathering the evidence and documentation confirming the qualification with the various international bodies concerned. An application will be made based on this evidence. In parallel, the CIC will be working with commercial partners such as CentralNic to put in place the technical arrangements for operating the TLD to ICANN's requirements.
If the company makes any surplus it will be used for. Any surplus of funds will be utilised to support and develop the internet economy of the island. The areas will be decided in conjunction with the SarkID group, community and Chief Pleas.	

(Please continue on separate sheet if necessary.)

**COMPANY NAME**

SarkNic C.I.C.

**SECTION C:**

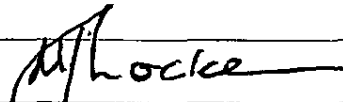
1. We/I, the undersigned, declare that the company in respect of which this application is made will not be:

- (a) a political party;
- (b) a political campaigning organisation; or
- (c) a subsidiary of a political party or of a political campaigning organisation.<sup>4</sup>

**SECTION D:**


Each person who will be a first director of the company must sign the declarations.

Signed



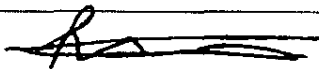
Date 10/1/2017

Signed



Date 10/1/2017

Signed



Date 10/1/2017

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## **CHECKLIST**

### **Have the first directors signed the CIC36?**

This form must be accompanied by the following documents

- (a) Memorandum of Association
- (b) Articles of Association, which comply with requirements imposed by section 32 of the Act and Part 3 of the Regulations or which are otherwise appropriate in connection with becoming a community interest company
- (c) Form IN01- you need to indicate that the proposed company is adopting bespoke articles.
- (d) Any completed continuation sheets
- (e) A cheque or postal order for £35 made payable to Companies House

You do not have to give any contact information in the box opposite but if you do, it will help the Registrar of Companies to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the public record.

Samantha Owen	
First Corporate Law Services	
16 Churchill Way	
Cardiff	Tel 02920 229080
DX Number	DX Exchange

**When you have completed and signed this form, please ensure it is placed at the top of your application and send it to the Registrar of Companies at:**

*For companies registered in England and Wales:* New Companies Section, Companies House, Crown Way, Cardiff, CF14 3UZ  
DX 33050 Cardiff

*For companies registered in Scotland:* Companies House, 4<sup>th</sup> Floor, Edinburgh Quay 2, 139 Fountainbridge, EH3 9FF DX 235 Edinburgh

*For companies registered in Northern Ireland:* Companies House, 2nd Floor, The Linenhall, 32-38 Linenhall Street, Belfast, BT2 8BG

## **NOTES**

<sup>1</sup> This form will be placed on the public record. Any information relevant to the application that you do not wish to appear on the public record, should be described in a separate letter addressed to the CIC Regulator and delivered to the Registrar of Companies with the other documents

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<sup>2</sup> The community interest test is referred to in section 35 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 and is expanded upon in regulations 3, 4 & 5 of the Regulations

<sup>3</sup> E.g. "the residents of Oldtown" or "those suffering from XYZ disease".

<sup>4</sup> A company is not eligible to be formed as a community interest company if it will be an "excluded company". If you are not sure whether the company which you wish to form falls into any of these categories, you should refer to the definitions of the terms "political party", "political campaigning organisation" and "subsidiary" (and of the related terms "election", "governmental authority", "public authority" and "referendum") in Regulation 2 of the Regulations before completing this form.





**CERTIFICATE OF INCORPORATION  
OF A  
COMMUNITY INTEREST COMPANY**

Company Number **10596043**

The Registrar of Companies for England and Wales, hereby certifies that

**SARKNIC C.I.C.**

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House on **1st February 2017**



Companies House



THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES

**POLICY & FINANCE COMMITTEE**

Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020

**THE PROTECTION OF VULNERABLE ADULTS SPECIAL  
COMMITTEE**

**Background**

The Child Protection (Sark) Law 2020, which was brought before Christmas Chief Pleas (22<sup>nd</sup> January 2020) is near completion and awaiting royal approval. Chief Pleas now needs to start work on a similar law for the protection of vulnerable adults.

This work needs to begin immediately, to ensure the protection of Sark's vulnerable adults.

**Proposal**

The Policy & Finance Committee is proposing that a new Special Committee be formed, given the task of completing the work and to be named The Protection of Vulnerable Adults Special Committee. This new Special Committee to comprise of three Conseillers and up to two non-Chief Pleas Members.

.

**Proposition 1 –**

**That Chief Pleas approves the formation of a Special Committee to be given the task of producing a Vulnerable Adults Protection Law, said Committee to be named The Protection of Vulnerable Adults Special Committee and to be populated as described in the report, upon approval of this proposition.**

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

**POLICY & FINANCE COMMITTEE**

**Report with Proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

**SARK PANDEMIC EMERGENCY COMMITTEE**

**Background**

In light of the current COVID-19 pandemic, it has become apparent that there is a requirement for a specific Committee to prepare and co-ordinate any and all measures necessary to deal with a possible pandemic outbreak. Currently, this Committee is operating under the auspices of the Avian Flu Committee, which was established in 2011.

**Proposal**

The Policy & Finance Committee is proposing that a Committee be formed, adapting the premise of the previously established Avian Flu Committee to apply to a generic pandemic Committee. This Committee will be given the task of completing the work and to be named the Sark Pandemic Emergency Committee. This Committee to be comprised as stated in the mandate attached to this report.

**Proposition –**

**That Chief Pleas approves the formation of a Committee to prepare and co-ordinate any and all measures necessary to deal with a possible pandemic outbreak. Said Committee to be named the Sark Pandemic Emergency Committee and to be populated as described in the mandate attached to this report, upon approval of this proposition.**

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

# **SARK PANDEMIC EMERGENCY COMMITTEE**

## **MANDATE**

### **CONSTITUTION:**

- The Chairman of the following Committees – Medical & Emergency Services Committee, Agriculture, Environment and Sea Fisheries Committee, Harbours, Shipping and Pilotage Committee, Tourism Committee, Policy & Finance Committee and the Douzaine Committee or their Deputies,
- The Chairman and Deputy Chairman of the Pandemic Emergency Committee is to be voted in by the members of the Pandemic Emergency Committee.
- A quorum shall consist of three members.
- The Sark Medical Officer, Sark Constable and Sark Safeguarding Officer shall be members *ex officio*.
- The Committee has the power to co-opt any person without recourse to Chief Pleas.

### **MANDATE:**

1. To prepare and co-ordinate any and all measures necessary to deal with a possible pandemic outbreak on Sark.

**MEDICAL & EMERGENCY SERVICES COMMITTEE**

Report with proposition to Easter Chief Pleas, 22<sup>nd</sup> April 2020

**ADDITION TO MEDICAL & EMERGENCY SERVICES  
COMMITTEE MANDATE**

**Background**

The Sark Ambulance has always been a self-governing entity, with little guidance in the past from St Johns Ambulance Service in Guernsey. The Committee are beginning to implement a new model of care for Sark residents which includes the introduction of Community First Aid Responders and First Aiders.

This group of people will be assisting the doctor in our emergency treatment of patients. This plan also necessitates the overhaul of the ambulance station with up to date equipment, and regular training for First Aiders and Community First Aid Responders.

St Johns Ambulance in Guernsey have been extremely supportive of this new model of care and have been advising and assisting us along the way. They will continue this support with the Ambulance Station.

The Committee feel the Ambulance Service should now be under the umbrella of the Medical & Emergency Services Committee Mandate so it can be closely monitored and governed correctly with the assistance of St. Johns.

**Proposition -**

**That Chief Pleas approves the addition of the Sark Ambulance Service to the Medical & Emergency Services Mandate.**

**Conseiller Helen Plummer  
Chairman, Medical & Emergency Services Committee**

## **ITEM 14**

### **POLICY & FINANCE COMMITTEE**

**Report with proposition to Easter Chief Pleas, 22nd April, 2020**

### **TERM OF OFFICE FOR THE SPEAKER OF CHIEF PLEAS**

The Reform Law provides for a term of office for the Speaker and his Deputy of between three and five years.

The Speaker was elected at an extraordinary meeting of Chief Pleas on Wednesday 22nd January 2020, but his term of office was not agreed at that meeting.

The proposition attached to this report rectifies this situation and agrees a term for the Speaker of three years from the 27<sup>th</sup> February 2020 until 26<sup>th</sup> February 2023.

#### **Proposition 1–**

**That Chief Pleas agrees that the term of office for the Speaker of Chief Pleas is three years from his election on the 27<sup>th</sup> February 2020 until 26<sup>th</sup> February 2023.**

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

**POLICY & FINANCE COMMITTEE**

**Report with proposition to Easter Chief Pleas, 22nd April, 2020**

**CHANGES TO THE START TIMES OF CHIEF PLEAS  
MEETINGS**

At a meeting of the Policy and Development Group (PDG), it was decided that it would be beneficial if Chief Pleas meetings were held at 5pm on the prescribed dates, instead of 10am. This would remove the need for Conseillers to take time off work to attend meetings and may encourage more residents to stand at elections. The times at which Chief Pleas meetings should be held is not specified in the Reform (Sark) Law, 2008 or any subsequent ordinances of same.

Therefore, the following proposition is put to Chief Pleas:

**Proposition –**

**That Chief Pleas agrees to change the times of Chief Pleas meetings from 10am to 5pm.**

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

## **ITEM 16**

### **AGRICULTURE, ENVIRONMENT & SEA FISHERIES COMMITTEE**

**Information Report to Easter Chief Pleas, 22<sup>nd</sup> April 2020**

### **THE NEW SLAUGHTERHOUSE PROJECT**

#### **Procurement, construction and site work.**

**Site work:** Island Builders have made good progress despite the very mixed weather over the past 3 months. The site has been levelled, the building foundations and sub-floor drainage are laid and the concrete floor slab is complete so we are ready to receive the building. Work in hand includes dividing the site from the rest of the field (so Danny Wakley can graze his horses), completion of site concreting and laying in the electricity supply.

**Building:** The building is ready to ship from Mole Valley Farmers. We have arranged for it to be delivered to Poole early this coming week for shipment to Guernsey on 26<sup>th</sup> March.

**Other procurement:** We have now committed to 93% of the total value of the project with all major orders placed. Our commitment includes placing orders for the three sets of external contractors (panel erectors and flooring from the UK and refrigeration installers from Guernsey) including their travel and accommodation costs. The main group of items not yet committed to is the specialist fit out equipment which we do not need to commit to until June (but see note below regarding the old slaughterhouse).

**Timetable:** As things stand, we are on schedule for completion by October (**Appendix A**). The big unknown, of course, is the effect of coronavirus from now on. Providing that the building is shipped next week then there will be sufficient work on Sark to continue on schedule until June, which is when the next batch of materials are due from the UK and also the first group of contractors who are due on site at the end of that month. .

#### **Old slaughterhouse.**

As a result of a visit by Charlotte Jones (Environmental Health Officer) in January we have decided to pull forward some of the expenditure on fittings and equipment that will be destined for the new slaughterhouse and temporarily fit them in the old slaughterhouse until the new one is ready. This is part of our answer to the criticisms that were made in Charlotte's report. In order to stretch our budget we have gone for good quality second hand equipment where possible rather than new (as was budgeted). Some second hand equipment has been made available from Guernsey which we will repair. The items which are due to be shipped from the UK w/c 23/3/20 are:



- 3 replacement heaters (2 for the second-hand knife steriliser/hand wash units from Guernsey, 1 spare). Fit 1 repaired knife steriliser/hand wash in butcher's room and there other to replace the hand wash in the slaughter room; plumb both with hot and cold water and provide 240 v fused spur to each). To be transferred to new s/house later.
- Hand wash unit (store for new facility)
- Butchers tables (second-hand, 1 red polytop for cutting, 1 stainless for packing, mincing etc.). Replace old tables. Transfer replacement tables to new s/house later.
- Apron wash (store for new facility)
- Soap dispensers and paper towel dispensers (2 of each– fit in old s/house by knife sterilisers/hand wash; transfer to new later).
- Boot washes (2: fit tall one with brush by entry to butchers' room and plumb with cold water, store the other for new s/house)

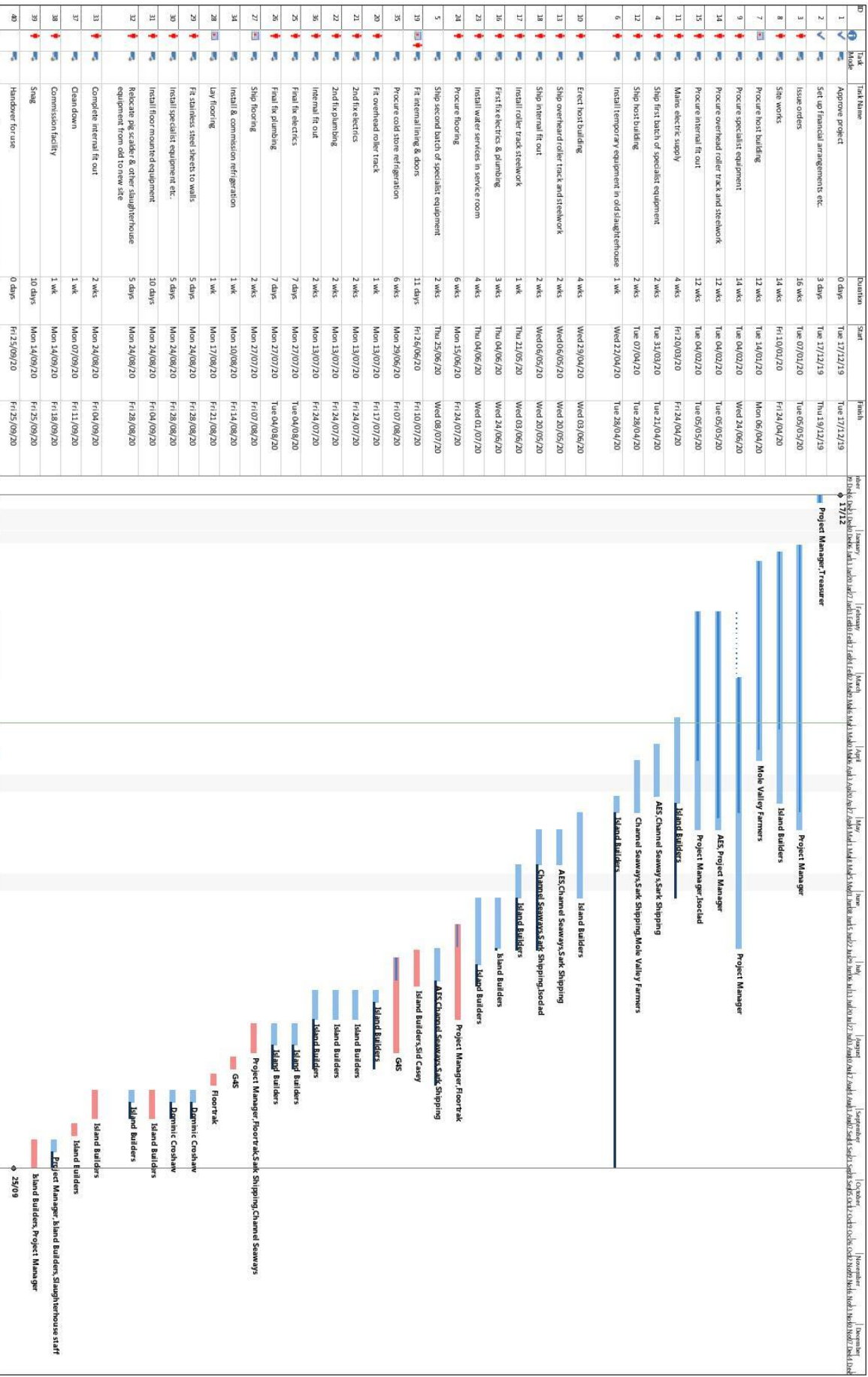
A summary report is attached on this work (**Appendix B**).

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

Please scroll down. Appendix A is on the next page.

1. Programme of works

APPENDIX A



Issued: Wednesday, 1 April 2020

**APPENDIX A: OLD SARK SLAUGHTERHOUSE**  
**SUMMARY OF IMPROVEMENTS, ACTIONS & RESPONSIBILITIES FOLLOWING INSPECTION BY GUERNSEY ENVIRONMENTAL HEALTH 29th JANUARY 2020.**

Issued: Wednesday, 1 April 2020

ITEM		TIME LIMIT	ACTION	RESPONSIBLE
1	At the time of the inspection it was not clear whether you were using an antibacterial product which meets the relevant British Standards as the product seen was unlabelled. To control cross contamination you must use a sanitizer that meets BS EN 1276 or BS EN 13697, and following the manufacturer's instructions on dilution and contact time. (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(f)).	Immediate and ongoing matter	Take advice from Guernsey abattoir and procure approved alternative antibacterial product (labelled)	Complete
2	You must ensure that knives and sharpening steels are adequately sterilised before use in both the slaughter area and the cutting room. The meat operated sink has a direct feed from the hot water cylinder, but the actual water temperature discharging in to the sink is not checked to ensure it is at least 82 °C.	Immediate and ongoing matter	Procured 2 second-hand hand wash/knife sterilisers from Guernsey abattoir. Replacement heaters ordered by JR for local fitting. Fit one unit in each of butchers room and slaughter room. Also second-hand hand wash procured from UK (being shipped). All units to be transferred to new slaughterhouse.	John Robinson (JR), GN, Rod Lallo (RL)
3	Ensure adequate knife sterilisation procedures are in place. (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(f)) and (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 2).	Immediate and ongoing matter	Reviewed and removed wooden pulleys, rope & string. Inspect to determine location & source. See item 12 below. JR suggests that the Committee arrange for a training session by Charlotte Jones for all personnel using the slaughterhouse in the basic procedures required and that this is followed up by a simple laminated poster on the walls of the slaughterhouse summarising the key operational requirements.	Complete
	Food, including raw meat must not be exposed to the risk of microbiological or physical contamination. Some steps are in place to minimise faecal contamination of the meat at slaughter, but improvement is needed to keep this to a minimum. It is foreseeable that the following could lead to contamination:			
	- Rough and fraying rope that cannot be kept in a clean condition must not be kept in the cutting room			
	- Paint flakes and rust flakes			
	- Mouse droppings			
	- Rust from inside the mincer			
	- Food debris from inside the mincer due to poor cleaning			
	- Rubber bands found on the preparation surface by the mincer			
	- Dogs			
	- Inadequate disinfection of cleaning brushes			
	- Lack of handwashing facilities			
	- Wood splinters from the damaged doors			
4	Equipment must not be used when its condition has deteriorated to the point that it cannot be effectively cleaned or it poses a foreign body hazard or any other risk of contamination (Regulation 852/2004, Annex 2, Chapter 5, Paragraph 1).	One month	Procured good quality second-hand wash unit from UK, being shipped. Will use combined knife steriliser/hand wash units only in old slaughterhouse so store hand wash only unit for new facility.	JR, GN
	The risk of physical and microbiological contamination must be avoided.			
	(Regulation 852/2004, Annex 2, Chapter 1, Paragraph 2 (c)) and (Regulation 852/2004, Annex 2, Chapter 9, Paragraph 2).			
5	A suitable wash hand basin with hot and cold water (or appropriately mixed water) must be provided in a location that allows convenient access. In my opinion this should be in the in both the slaughter hall and cutting room	N/A	No action required	
	(Regulation 852/2004, Annex 2, Chapter 1, Paragraph 3).			
6	The new facility will require wash hand basins which could be installed at the current location and transferred to the new building at a later date.			
7	The flooring within the slaughterhouse and cutting room is constructed of a material that is not appropriate for food rooms. Provide a floor covering constructed of a material that is impervious, non-absorbent, washable and non-toxic, unless you can satisfy this department that other materials are appropriate before carrying out the work (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(a)).	Ongoing matter	Keep stock of suitable paint & arrange to re-paint as required.	Completed
8	Replacing the floor finish is not practical and I do not expect the floor to be improved providing the new facility progresses in a timely manner.			
9	The painted wall finish to the slaughter room and cutting room is currently adequate but ultimately it is not durable and will require regular upkeep until the new facility is ready. (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(b)).	One month	Repaired the damage and paint the door frames and window boards with a cleanable paint or sealed finish	Completed
10	The double doors to the slaughter room have boarded over windows where the glass is missing and damage to the wood leaving it splintered and revealing bare wood which cannot easily be cleaned.	One month	Procured 2 good quality second-hand butcher's tables from UK (being shipped). To be transferred to new slaughterhouse.	JR
	(Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(a)).			
	The following surfaces were not capable of being kept in a clean condition:			
	- The enamel surfaces to the preparation tables within the cutting room were noted to be worn			
	- The base to the metal table was rusted through and shedding rust particles.			
11	- The sealant to the sink unit was perished			
	- Wooden pulleys, rope and string can't be kept clean.			
	You must provide surfaces that can be kept clean and disinfected. (Regulation 852/2004, Annex 2, Chapter 2, Paragraph 1(f)).			
	Strongly advise you to consider purchasing suitable tables for use with immediate effect, as they can be kept in the new facility, once it is ready.			
12	The mincer was rusty inside and the outside painted finish was peeling and chipped and could not be kept in a clean condition.	Immediate and ongoing matter	Butchers have confirmed on-going requirement. JR sourcing replacement.	JR
13	Remove the rust and provide a surface suitable for use in food preparation and re-finish the painted surface. (Regulation 852/2004, Annex 2, Chapter 5, Paragraph 1).			
14	Strongly advise you to consider purchasing a replacement mincer for use now, as it can be transferred to the new facility once it is ready.			
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APPENDIX A: OLD SARK SLAUGHTERHOUSE

Issued: Wednesday, 1 April 2020

SUMMARY OF IMPROVEMENTS, ACTIONS & RESPONSIBILITIES FOLLOWING INSPECTION BY GUERNSEY ENVIRONMENTAL HEALTH 29th JANUARY 2020.

By: JR

ITEM	TIME LIMIT	ACTION	RESPONSIBLE
10	The standard of cleaning must be improved to ensure all surfaces are adequately cleaned and disinfected. The following areas needed improvement: - Mouse droppings were found on the work surface and under the mincer - The mincer auger had dried on meat debris, the exterior and plug had a build-up of dirt - The tap heads had meat debris on them - The ceiling within the chiller had mould growth. (Regulation 85/2/2004, Annex 2, Chapter 1, Paragraph 2 (b)).	See Item 12 below Review cleaning procedures with butchers	HP?  
11	The current layout, design and construction of the slaughterhouse, cutting room and chillers does not permit good hygiene practices. Meat must be transferred back and forth between the externally located chillers and the main building which is unhygienic and on wet days allows yard mud to track from one location to the next. The floor cleaner is kept in area that cannot be kept clean. These issues cannot be overcome, therefore you must implement measures to minimise the risk of contamination as much as possible until the new facility is ready for use. (Regulation 85/2/2004, Annex 2, Chapter 1, Paragraph 2 (c)).	Procured second-hand boot wash (to be transferred to new slaughterhouse). Being shipped. Fit temporarily at entry to butchers room.  Fit boot wash	JR   RL
12	Mouse activity was noted in the cutting room and slaughter room. Due to the nature of the building construction it is not possible to pest proof the building. Therefore measures must be implemented to ensure the premises are checked and every surface is cleaned and disinfected thoroughly before every use. (Regulation 85/2/2004, Annex 2, Chapter 1, Paragraph 2 (c)).	Arrange with Chris Drilhot to set up rodent control measures.	HP
13	I advise you to provide rodent baits around the perimeter of the building and along the ledges at the top of the walls to reduce the number of mice and to allow you to monitor the extent of the problem. I also recommend the area within the barn structure is cleaned of leave and debris, and non-essential items removed to reduce harbourage for rodents. It is a legal requirement that all food businesses must assess their food safety hazards and make sure they have suitable controls in place to prevent problems occurring. A written record must also be made of this assessment. (Regulation 85/2/2004, Article 5). You will need to have this in place for the new facility and the hygiene processes and records needed will be very similar. Please contact me if you need advice on this.	Get help from Charlotte Jones	HP

**POLICY & FINANCE COMMITTEE**  
**Information Report to Easter Chief Pleas, 22nd April, 2020**

**TRANSFER OF THE JURISDICTION OF THE  
ECCLESIASTICAL COURT TO THE ROYAL COURT IN  
RELATION TO THE GRANTS OF PROBATE FOR PERSONAL  
PROPERTY IN THE BAILIWICK OF GUERNSEY.**

Chief Pleas members will be aware of the proposal to transfer the jurisdiction for the grant of probate from the Ecclesiastical Court to the Royal Court. The Policy & Finance Committee have been engaged in discussions with Policy & Resources in Guernsey to safeguard the interests of Sark in the context of the estates of deceased Sark residents. The record of the Ecclesiastical Court shows that the charges exceed the costs of collection and thus should be regarded as a tax. The proposals are that the rate of the levy in future will be set by the Policy & Resources Committee in Guernsey. The view of the Policy and Finance Committee is that a rate of tax which affects Sark residents, or their estates should be set by Sark Chief Pleas.

This is an information report to record the differences which Policy & Finance have failed to resolve and in the light of the fact that a Policy Letter has been issued in Guernsey.

The areas of disagreement to date are as follows:

1. The proposals require all jurisdiction including appeals to be to the Royal Court. Policy & Finance believe that appeals in the matter of Sark estates should, in the first instance, be to the Seneschals Court.
2. That Chief Pleas should set the rate of levy relating to Sark deceased estates, even if this is by agreement with Policy & Resources in Guernsey.
3. In the event that agreement is reached on other matters that the rate of collection fee levied by Guernsey will be capped at an agreed rate, with the balance of the levy less the charge being paid to Sark.
4. That as Sark leaseholds are personal property and in Guernsey real property (Freeholds) are exempt from levy, Policy & Finance are proposing that that no probate will be levied on Sark leasehold property.

Discussions with the Guernsey authorities will continue, but in view of the publication of the Policy Letter the committee decided that Chief Pleas should be kept informed of the debate.

**Conseiller Peter La Trobe-Bateman**

**Chairman, Policy & Finance Committee**

**POLICY & FINANCE COMMITTEE**  
**Report to Easter Chief Pleas, 22nd April 2020**

**DRAFT PROJET FOR CONSIDERATION – CHANGES TO THE  
ORGAN DONATION SCHEME**

The Projet de Loi entitled, 'The Human Tissue & Transplantation (Bailiwick of Guernsey) Law 2020' is being brought to Chief Pleas to ascertain the views of Conseillers prior to the Committee returning at Midsummer with the finalised Projet for approval.

**Background**

Currently, Guernsey has an "opt-in" system for organ donation. This means that people who wish to donate in the event of their death need to make their wishes clear. This can be by telling family or friends, giving their consent through their driving licence, or joining the NHS Organ Donor Register. However, there are many people who, although they do believe in organ donation, have not joined the Organ Donor Register. Without making this express decision, it is more difficult for doctors to establish a patient's wishes and more difficult for friends and family to honour them.

Guernsey's Committee for Health and Social Care have put forward proposals which would reflect changes made in Wales. These have resulted in an increase in donations by moving towards a deemed consent, or soft opt-out system. The proposals would mean that residents of Guernsey (and potentially of Sark) would request that they are removed from the register, either totally, or with respect to particular organs, if they did not wish them to be donated when they die. Central to the system would be ensuring that sensitive processes are in place to enable all islanders to have the opportunity to record their decision clearly and for families to be consulted before any organs are taken. It should be recognised that organ donation is an immensely sensitive and personal matter, and a decision that no one wants to make on behalf of a family member.

**Proposal**

The proposal is to introduce a "soft opt-out" scheme for organ donation in Sark in parallel to the Guernsey proposals. It is recognised that there are many practical challenges which present themselves in Sark and which make it impossible for the organs of people who die in Sark to be donated. However, there are occasions when people who are resident in Sark die in Guernsey, the UK or elsewhere and in such cases a "soft opt-out" organ donation scheme may result in organ donation which could help to save or prolong life. The cost of introducing a change in the law would be modest and in practice there would be no change to arrangements in Sark. Sark residents will be, from time to time, beneficiaries of organ donation in Guernsey, the UK or elsewhere. So being part of a "soft opt-out" scheme would be a reciprocal act in saving and improving life. A public consultation was carried out in the form of a house-to-house mail drop. The closing date for response was March 16<sup>th</sup>, 2020. Of the responses received, the majority were in favour of the soft opt-out scheme.

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

# PROJET DE LOI

ENTITLED

## **The Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020**

### ARRANGEMENT OF SECTIONS

#### PART I PRELIMINARY

1. Object.
2. Meaning of "regulated activity", "transplantation" and "transplantation activity".

#### PART II AUTHORISATION AND CONTROL OF REGULATED ACTIVITIES

3. Authorisation of regulated activities.
4. Prohibition of regulated activities.
5. Conditions for removal of human tissue from deceased persons.
6. Preservation for transplantation.

#### PART III CONSENT

7. Express consent for adults.
8. Deemed consent for adults.
9. Express consent for children.
10. Appointment of persons to deal with consent.
11. Competence of guardians of adults.
12. Competence of children.
13. Restrictions on consent where post-mortem, etc. may be required.

PART IV  
FURTHER OFFENCES AND PENALTIES

14. Providing false, deceptive or misleading information.
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# PROJET DE LOI

ENTITLED

## **The Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020**

**THE STATES**, in pursuance of their Resolution of the 28<sup>th</sup> November, 2018<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I PRELIMINARY

#### **Object.**

1. The object of this Law is –
  - (a) to authorise and regulate certain activities in relation to the removal of a human body, or removal of human tissue from a body, and
  - (b) to set out how consent may be given for those activities, including the circumstances in which consent is deemed to be given.

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<sup>a</sup> Article XIV of Billet d'État No. XXV of 2018.

**Meaning of "regulated activity", "transplantation" and "transplantation activity".**

2. (1) In this Law –

**"regulated activity"** means –

- (a) any transplantation activity;
- (b) the removal of human tissue from the body of a deceased person, or removal of the body of a deceased person, for a teaching, research or therapeutic purpose,
- (c) any other prescribed activity, and

**"transplantation activity"** means –

- (a) storing the body of a deceased person for the purpose of transplantation,
- (b) carrying out tests and investigations to determine whether human tissue is suitable for the purpose of transplantation,
- (c) removing from the body of a deceased person for the purpose of transplantation any human tissue of which the body consists or which it contains,
- (d) storing for the purpose of transplantation any human tissue which has come from the body of a person,

- (e) using for the purpose of transplantation any human tissue which has come from the body of a person, or
- (f) any prescribed activity.

(2) In this Law, a reference to transplantation –

- (a) is a reference to transplantation to a human body, and
- (b) includes transfusion.

## PART II

### AUTHORISATION AND CONTROL OF REGULATED ACTIVITIES

#### Authorisation of regulated activities.

3. (1) Despite any custom or rule of law to the contrary, a person may carry out a regulated activity if it satisfies one or more of conditions A, B, C and D.

(2) Condition A is that the activity is carried out with express consent or deemed consent.

(3) Condition B is that the activity falls within paragraph (d) or (e) of the definition of "**transplantation activity**" in section 2(1), and the human tissue –

(a) was –

- (i) lawfully removed from the person's body outside the Bailiwick, and

- (ii) lawfully imported into the Bailiwick, or
- (b) was lawfully removed from the person's body in the Bailiwick.
- (4) Condition C is that the activity is authorised by section 6.
- (5) Subsection (1) does not apply if the activity is carried out in breach of section 5(1) or 13(2).
- (6) This section must not be construed so as to –
  - (a) make unlawful any dealing with the body of a deceased person or any human tissue from it that would be lawful otherwise than under this Law, or
  - (b) limit the effect of section 5 or 13.

**Prohibition of regulated activities.**

- 4. (1) A person must not carry out a regulated activity unless it is authorised by section 3.
- (2) A person who contravenes or fails to comply with subsection (1) is guilty of an offence.

**Conditions for removal of human tissue from deceased persons.**

- 5. (1) Unless both conditions A and B and any other prescribed condition are satisfied, a person must not remove any human tissue from the body of a deceased person for –

- (a) a transplantation activity,
  - (b) a teaching, research or therapeutic purpose, or
  - (c) any other prescribed activity.
- (2) Condition A is that the person removing the human tissue –
- (a) is a registered practitioner, or
  - (b) is not a registered practitioner but satisfies the conditions in section 1(1)(a) and (b) of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015<sup>b</sup> or section 1(1)(a) and (b) of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017<sup>c</sup>.
- (3) Subject to subsection (4), condition B is that –
- (a) two registered practitioners have issued a certificate to the effect that they each have by personal examination of the body satisfied themselves that life is extinct, and
  - (b) an authorised person has issued a certificate to the

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<sup>b</sup> Ordinance No. XXII of 2015; amended by No. L of 2015 and No. IX of 2016.

<sup>c</sup> Sark Ordinance No. VI of 2017.

effect that the person is of the opinion that there is express consent or deemed consent for the removal of that human tissue for the activity or purpose concerned.

(4) A person removing or using the human tissue must not issue a certificate for the purposes of subsection (3).

(5) A person who contravenes or fails to comply with subsection (1) is guilty of an offence.

**Preservation for transplantation.**

6. (1) Where human tissue from the body of a deceased person lying in a hospital, nursing home, mortuary or other institution is or may be suitable for use for transplantation, the controller of the institution may do all or any of the following –

- (a) take steps for the purpose of preserving the body or human tissue for use for transplantation,
- (b) store the body or human tissue for the purpose mentioned in paragraph (a), and
- (c) carry out any other prescribed activity.

(2) Subsection (1)(a) only authorises –

- (a) the taking of minimum steps necessary for the purpose mentioned in that provision, and

(b) the use of the least invasive procedure.

(3) Subsection (1) ceases to apply once the controller is aware or has reason to believe that, for the removal of the human tissue from the body for transplantation –

(a) express consent has not been and will not be given,  
and

(b) there is no deemed consent.

(4) For the avoidance of doubt, subsection (1) does not apply where the body is entrusted to the controller only for the purpose of its interment or cremation.

(5) In this section "**controller**", in relation to any institution –

(a) means the person that has the control or management of the institution, and

(b) includes any person authorised by the person described in paragraph (a) to carry out an activity mentioned in subsection (1).

PART III  
CONSENT

**Express consent for adults.**

7. (1) Express consent is given for a regulated activity involving the removal of human tissue from the body of an adult, or removal of the body of a deceased adult, in each case described in column 1 of Table 1 where the person specified in column 2 of the table has given express consent to the activity –

TABLE 1

Column 1		Column 2
Case		Person giving express consent
1.	The adult is alive.	That adult
2.	The adult has died and a decision of the adult as to consent to the regulated activity was in effect immediately before the adult's death.	That adult
3.	The adult has died, case 2 does not apply, the adult had appointed a person under section 10 to deal with the issue of express consent and the appointed person is available to give express consent under the appointment.	The appointed person
4.	The adult has died, case 2 does not apply and the adult had appointed a person under section 10 to deal with the issue of express consent but the appointed person is unavailable to give express consent under the appointment.	Any person who stood in a qualifying relationship to the adult immediately before the adult's death.



Column 1		Column 2
Case		Person giving express consent
5.	The adult has died and none of cases 2, 3 or 4 applies in relation to that adult.	Any person who stood in a qualifying relationship to the adult immediately before the adult's death.

(2) For the avoidance of doubt, case 1 in Table 1 does not apply to a regulated activity involving the removal of human tissue from the body of a deceased adult or the removal of the body of a deceased adult.

**Deemed consent for adults.**

8. (1) Consent is deemed to be given for a transplantation activity involving the removal of human tissue from the body of a deceased adult unless –

- (a) the human tissue concerned is or contains excluded material,
- (b) the case falls within the description of case 2, 3 or 4 of Table 1 in section 7,
- (c) a decision of the adult not to consent to transplantation activity is in effect,
- (d) the adult is an excepted adult,
- (e) the adult would not have consented to the transplantation activity, or

- (f) proceeding with the transplantation activity would lead to severe distress in or severe conflict amongst persons who stood in a qualifying relationship to the adult immediately before death.

(2) The Committee may make regulations to regulate the issue by an authorised person of a certificate to the effect that there is deemed consent for the purposes of section 5(3)(b), including regulations prescribing –

- (a) the procedure to be followed by an authorised person to determine whether or not there is deemed consent,
- (b) the matters to be considered by an authorised person to determine whether or not there is deemed consent, and
- (c) the manner and form in which a certificate may be issued.

**Express consent for children.**

9. (1) Express consent is given for a regulated activity involving the removal of human tissue from the body of a child, or removal of the body of a deceased child, in each case described in column 1 of Table 2 where the person specified in column 2 of the table has given express consent to the activity –

TABLE 2

Column 1		Column 2
Case		Person by whom the express consent is given
1.	The child is alive, no decision of the child as to consent to the regulated activity is in effect, and either the child is not competent to deal with the issue of express consent or is competent to deal with the issue but fails to do so.	Any person who has parental responsibility for the child
2.	The child is alive and case 1 does not apply.	That child
3.	The child has died and a decision of the child as to consent to the regulated activity was in effect immediately before that child's death.	That child
4.	The child has died, case 3 does not apply, the child had appointed a person under section 10 to deal with the issue of express consent and the appointed person is available to give express consent under the appointment.	The appointed person
5.	The child has died, case 3 does not apply and the child had appointed a person under section 10 to deal with the issue of express consent but the appointed person is unavailable to give express consent under the appointment.	Any person who had parental responsibility for the child immediately before the child's death, or where no such person exists, the consent of any person who stood in a qualifying relationship to that child immediately before that

Column 1		Column 2
Case		Person by whom the express consent is given
		child's death.
6.	The child has died and none of cases 3, 4 or 5 applies in relation to that child.	Any person who had parental responsibility for the child immediately before the child's death, or where no such person exists, the consent of any person who stood in a qualifying relationship to that child immediately before that child's death.

(2) For the avoidance of doubt, neither case 1 nor case 2 in Table 2 applies to a regulated activity involving the removal of human tissue from the body of a deceased child or the removal of the body of a deceased child.

**Appointment of persons to deal with consent.**

10. (1) A person may appoint one or more individuals to represent the person after death to deal with the issue of express consent for the purposes of this Law.

(2) An appointment may be –

- (a) general, or
- (b) limited to express consent to one or more regulated activities specified in the appointment.

(3) An appointment may be made orally or in writing.

(4) An oral appointment is valid only if made in the presence of at least two witnesses present at the time the appointment is made.

(5) A written appointment is valid only if–

(a) it is signed by the person making it in the presence of at least one witness who attests to the signature,

(b) it is signed at the direction of the person making it, in that person's presence and in the presence of at least one witness who attests to the signature,

(c) it is contained in the will of the person making it,

(d) it is an appointment made in a lasting power of attorney relating to the person's health and welfare under the Capacity (Bailiwick of Guernsey) Law, 2020<sup>d</sup>,  
or

(e) it is made in any other circumstances, or in accordance with any other procedures, prescribed by regulations made by the Committee.

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<sup>d</sup> Order in Council No. \*\* of 2020.

(6) Where a person appoints two or more individuals to deal with the issue of express consent to the same regulated activity, those two or more individuals are to be regarded as appointed to act jointly and severally unless the appointment provides that they are appointed only to act jointly.

(7) An appointment may be revoked or amended at any time and subsections (3), (4) and (5) apply with appropriate modifications to a revocation or an amendment as they apply to the making of an appointment.

(8) An appointed person may at any time renounce the appointment.

(9) An appointed person is to be treated as being unavailable to give express consent under the appointment if –

- (a) the appointed person is a child,
- (b) the appointed person is proscribed by regulations made by the Committee,
- (c) the appointed person is dead or physically or legally incapable of giving express consent,
- (d) it is not reasonably practicable to communicate with the appointed person within the time available if express consent is to be acted upon, or
- (e) the appointed person has renounced the appointment.

**Competence of guardians of adults.**

11. (1) This section applies where a person ("A") is the guardian of an adult ("B") under any custom or rule of law.

(2) For the avoidance of doubt, A is not competent to do any of the following by virtue only of being the guardian of B –

- (a) to give express consent on behalf of B,
- (b) to appoint one or more persons to represent B after death to deal with the issue of express consent for the purposes of this Law, or
- (c) to otherwise deal with the issue of express consent for B.

**Competence of children.**

12. (1) Unless shown to the contrary, a child is presumed to be competent if the child is of or over the designated age.

(2) Subsection (1) has effect despite any custom or rule of law or any provision in any other enactment to the contrary.

(3) In this section –

"**competent**", in relation to any child, means competent –

- (a) to give express consent,

- (b) to appoint one or more persons to represent the child after death to deal with the issue of express consent, or
- (c) to otherwise deal with the issue of express consent, and

"designated age" means –

- (a) the age of 12 years, or
- (b) any other age prescribed in place of the age in paragraph (a).

**Restrictions on consent where post-mortem, etc. may be required.**

13. (1) This section applies where a person ("A") has died and another person ("B") is aware or has reason to believe that Her Majesty's Procureur might require a post-mortem examination to be carried out on A's body or might direct an inquest to be held into A's death.

(2) Where this section applies, B must not give or act on any consent to a regulated activity involving A's body or human tissue from it unless authorised by Her Majesty's Procureur.

(3) A person who contravenes or fails to comply with subsection (2) is guilty of an offence and liable on summary conviction or conviction on indictment to a fine not exceeding twice level 5 on the uniform scale.

(4) Subsection (3) has effect subject to the limits on the criminal



jurisdiction of the Court of the Seneschal imposed by section 11 of the Reform (Sark) Law, 2008<sup>e</sup>.

PART IV  
FURTHER OFFENCES AND PENALTIES

**Providing false, deceptive or misleading information.**

14. (1) A person is guilty of an offence if –
- (a) in purported compliance with any condition, requirement or duty imposed under this Law, or
  - (b) otherwise than as mentioned in paragraph (a) but in circumstances where the person knows, or could reasonably be expected to know, that the information would or could be used or relied on by any other person for the purpose of making a determination or carrying out an activity under this Law,

that person does any of the following –

- (i) makes a statement which that person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

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<sup>e</sup> Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. II of 2017; Sark Ordinance Nos. II and VI of 2015; No. XI of 2017; No. VII of 2018

- (ii) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (iii) produces or furnishes, or causes or permits to be produced or furnished, any information which that person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (iv) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information which is false, deceptive or misleading in a material particular.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction or conviction on indictment to a fine not exceeding level 3 on the uniform scale.

(3) In subsection (1), "**making a determination or carrying out an activity under this Law**" –

- (a) means any determination or activity required or authorised by any provision of this Law, and
- (b) without limiting the generality of paragraph (a), includes –

- (i) carrying out a regulated activity,
- (ii) issuing any certificate required by or under any provision of this Law, and
- (iii) determining whether or not there is express or deemed consent in any particular case.

**General penalty**

15. (1) A person who is guilty of an offence for which no other provision in this Law provides a penalty is liable –

- (a) on summary conviction to imprisonment for a term not exceeding two years, a fine not exceeding twice level 5 on the uniform scale, or both, and
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, a fine, or both.

(2) Subsection (1)(a) has effect subject to –

- (a) the limits on the criminal jurisdiction of the Court of Alderney imposed by section 13 of the Government of Alderney Law, 2004<sup>f</sup>, and

- (b) the limits on the criminal jurisdiction of the Court of the

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<sup>f</sup> Order in Council No. III of 2005; as amended by Order in Council No. XXII of 2010; No. XI of 2012; No. V of 2014; Alderney Ordinance No. IX of 2016.

Seneschal imposed by section 11 of the Reform (Sark)  
Law, 2008.

**Defence of due diligence.**

16. (1) In proceedings for an offence under this Law, it is a defence for the defendant ("A") to prove that both –

- (a) the commission of the offence was due to a mistake or the reliance on information supplied to A, or to the act or default of another person, an accident or some other cause beyond A's control, and
- (b) A exercised due diligence and took all reasonable precautions to avoid commission of the offence.

(2) If reliance on the defence provided by subsection (1) involves the allegation that the commission of the offence was due to reliance on information supplied by another person or to the act or default of another person, A is not, without leave of the court, entitled to rely on that defence unless, not less than 7 working days before the hearing, A has served on the prosecutor written notice providing information identifying, or assisting in the identification of, that other person.

(3) Subsection (1) does not apply to an offence under section 14.

**Criminal liability of directors and other officers.**

17. (1) Where an offence under this Law is committed by a body corporate, limited partnership with legal personality or foundation and is proved to have been committed with the consent or connivance of, or to be attributable to any

neglect on the part of –

- (a) in the case of a body corporate, any director, controller, manager, secretary or other similar officer,
- (b) in the case of a limited partnership with legal personality, any general partner,
- (c) in the case of a foundation, any foundation official, or
- (d) any person purporting to act in a capacity described in paragraph (a), (b) or (c),

that person as well as the body corporate, limited partnership or foundation is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with the member's functions of management as if the member were a director.

**Criminal proceedings against unincorporated bodies.**

18. (1) Where an offence under this Law is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) in the case of a partnership (not being a limited partnership with legal personality, or a limited liability partnership incorporated under the Limited Liability

Partnerships (Guernsey) Law, 2013<sup>8</sup>), any partner,

- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty of which the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or
- (c) any person purporting to act in a capacity described in paragraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where an offence under this Law is alleged to have been committed by an unincorporated body, proceedings for the offence must, without prejudice to subsection (1), be brought in the name of the body and not in the name of any of its members.

(3) A fine imposed on an unincorporated body on its conviction for an offence under this Law must be paid from the funds of the body.

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<sup>8</sup> Order in Council No. VI of 2014; amended by No. VI of 2017; Ordinance No. XII of 2015; No. IX of 2016 and the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018 (No. XXVII of 2018).

PART V  
GENERAL AND MISCELLANEOUS

**Post-mortem examinations, inquests, etc. excluded from this Law.**

19. This Law does not apply to anything done for the purposes of discharging or facilitating the discharge of any function of the Law Officers of the Crown or any court of the Bailiwick in relation to a post-mortem examination or an inquest.

**Codes of practice and guidance.**

20. (1) The Committee may issue a code of practice for the purposes of this Law and, in particular (but without limitation) –

- (a) for the guidance of any person acting under this Law in connection with any regulated activity, or
- (b) with respect to any other matter that the Committee considers appropriate.

(2) A person must have regard to any relevant code when acting under this Law.

(3) Subsection (4) applies where it appears to a court or tribunal, when conducting any civil or criminal proceedings, that either or both of the following are relevant to a question arising in those proceedings –

- (a) any provision of a code, or
- (b) a failure to comply with any provision of a code.

(4) Where this subsection applies -

- (a) failure to comply with a relevant provision of a code issued under this section may be relied upon as tending to establish liability in those proceedings, and
- (b) compliance with a relevant provision of such a code may be relied upon as tending to negative liability in those proceedings.

(5) Section 25 (except subsection (1)(c) of that section) applies with all necessary modifications to a code as that section applies to regulations made under this Law.

(6) Before issuing, amending or revoking a code, the Committee must consult stakeholders in a manner that the Committee considers appropriate.

(7) The Committee must publish a code and any amendment or revocation of it in a manner that the Committee considers appropriate to bring it to the attention of stakeholders.

(8) With a view to securing compliance with this Law, including any code, the Committee may issue guidance on any matter it considers appropriate.

(9) In this section –

**"code"** means a code of practice issued under subsection (1), and



"**stakeholders**", in relation to a code, means bodies or persons likely to be concerned with or affected by the provisions of the code.

**General power to make Ordinances.**

21. (1) The States of Deliberation may by Ordinance make any provision that the States considers appropriate for the purpose of giving effect to this Law.

(2) Without limiting the generality of subsection (1), the States of Deliberation may make an Ordinance for all or any of the following purposes –

- (a) further regulating any regulated activity,
- (b) exempting any regulated activity from a provision of this Law, and
- (c) prescribing or otherwise providing for any matter required or authorised to be prescribed or otherwise provided for by any provision of this Law.

(3) Subject to subsection (4), an Ordinance may–

- (a) provide for the creation, trial (summarily or on indictment) and punishment of offences,
- (b) give any function to any committee of the States of Guernsey, the States of Alderney, the Chief Pleas of Sark or any other person,

- (c) empower any committee of the States of Guernsey, the States of Alderney, the Chief Pleas of Sark or any other person to –
    - (i) make subordinate legislation, or
    - (ii) issue a code of practice or guidance,
  - (d) provide that no liability is to be incurred by any person in respect of anything done or omitted in the discharge or purported discharge of the person's functions under this Law unless the thing is done or omitted in bad faith,
  - (e) repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
  - (f) make any such provision to any extent that 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.
- (4) An Ordinance may 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 12 months, or a fine exceeding level 5 on the uniform scale, or
- (ii) on conviction on indictment, of imprisonment for a term exceeding two years.

(5) Before recommending that the States of Deliberation agree to make an Ordinance under this Law, the Committee must consult –

- (a) in the case of an Ordinance having effect in Alderney, the Policy & Finance Committee of the States of Alderney, and
- (c) in the case of an Ordinance having effect in Sark, the Policy and Finance Committee of the Chief Pleas of Sark,

in relation to the terms of the proposed Ordinance; but a failure to comply with this subsection does not invalidate any Ordinance made under this Law.

(6) An Ordinance made under this Law ceases to have effect –

- (a) in Alderney if, within the period of four months immediately following the approval date, the States of Alderney resolve to disapprove its application to Alderney, and

- (b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the approval date, the Chief Pleas resolve to disapprove its application to Sark.

(7) If the States of Alderney or the Chief Pleas of Sark resolve to disapprove the application of an Ordinance in accordance with subsection (6), the Ordinance ceases to have effect in Alderney or (as the case may be) Sark, but without prejudice to –

- (a) anything done under the Ordinance in Alderney or (as the case may be) Sark, or
- (b) the making of a new Ordinance having effect in Alderney or (as the case may be) Sark.

(8) In this section, "**approval date**", in relation to an Ordinance, means the date on which the Ordinance is approved by the States of Deliberation.

**Power to amend Law by Ordinance.**

22. The States of Deliberation may by Ordinance amend or substitute all or any of the following provisions of this Law –

- (a) Table 1 in section 7,
- (b) Table 2 in section 9,
- (c) section 8,
- (d) section 10, and

- (e) section 26.

**General provisions as to Ordinances.**

- 23. (1) An Ordinance under this Law –
  - (a) may be amended or repealed by a subsequent Ordinance, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to any enactment).
- (2) Any power to make an Ordinance under this Law may be exercised –
  - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and
  - (b) so as to make, as respects the cases in relation to which it is exercised –
    - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes, or
- (iii) any such provision either unconditionally or subject to any prescribed conditions.

**Power to make regulations.**

24. (1) The Committee may make regulations for all or any of the following purposes –

- (a) registering, recognising, confirming or otherwise giving effect to –
  - (i) the giving of express consent to a regulated activity, or
  - (ii) a decision not to consent to a regulated activity,
- (b) charging fees for the provision or issue of any report or certificate or the exercise or performance of any other function under this Law, or
- (c) prescribing or otherwise providing for any matter required or authorised, by any provision of this Law or any Ordinance made under it, to be prescribed or provided for by regulations.

(2) Regulations made under subsection (1)(b) may –

- (a) specify who must pay the fee to whom,
- (b) specify the fee payable or a method by which the fee payable must be calculated, and
- (c) specify the manner and time in which the fee must be paid.

(3) Before making any regulations under this Law, the Committee must consult –

- (a) in the case of regulations having effect in Alderney, the Policy & Finance Committee of the States of Alderney, and
- (c) in the case of regulations having effect in Sark, the Policy and Finance Committee of the Chief Pleas of Sark,

in relation to the terms of the proposed regulations; but a failure to comply with this subsection does not invalidate any regulations made under this Law.

(4) Regulations made under this Law cease to have effect –

- (a) in Alderney if, within the period of four months immediately following the relevant date, the States of

Alderney resolve to disapprove the application of those regulations to Alderney, and

- (b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the relevant date, the Chief Pleas resolve to disapprove the application of those regulations to Sark.

(5) If the States of Alderney or the Chief Pleas of Sark resolve to disapprove the application of any regulations in accordance with subsection (6), those regulations cease to have effect in Alderney or (as the case may be) Sark, but without prejudice to –

- (a) anything done under those regulations in Alderney or (as the case may be) Sark, or
- (b) the making of new regulations having effect in Alderney or (as the case may be) Sark.

(6) In this section, "**relevant date**", in relation to any regulations, means the date on which those regulations are made by the Committee.

**General provisions as to regulations.**

25. (1) Regulations under this Law –

- (a) may be amended or revoked by subsequent regulations,
- (b) may contain such consequential, incidental,



supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and

- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

- (b) so as to make, as respects the cases in relation to which it is exercised -

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

**Meaning of "excepted adult".**

26. (1) A person is an excepted adult for the purposes of this Law only if the person is an adult who has died, and –

- (a) during all or the greater part of the designated period, had lacked capacity to understand the notion that consent to a regulated activity can be deemed to be given, or
- (b) had not been ordinarily resident in the Bailiwick for the duration of the designated period.

(2) The Committee may make regulations prescribing circumstances in which a person is to be regarded to be, or not to be, ordinarily resident in any country or territory for the purposes of this section.

(3) In this section, "**the designated period**" means the period of 12 months immediately before dying.

**Meaning of "qualifying relationship".**

27. (1) For the purposes of express consent to a regulated activity, a person ("**A**") stands in a qualifying relationship to another person ("**B**") in any of the following circumstances –

- (a) A is a spouse or civil partner of B,

- (b) A is a parent or child of B,
- (c) A is a brother or sister of B,
- (d) A is a grandparent or grandchild of B,
- (e) A is the brother or sister of a parent of B,
- (f) B is the brother or sister of a parent of A,
- (g) A is the stepfather or stepmother of B,
- (h) A is a long standing friend of B,
- (i) B is living in the care of A pursuant to an order made under section 14 of the Children (Guernsey and Alderney) Law, 2008<sup>h</sup> or section 13 of the Children (Sark) Law, 2016<sup>i</sup>, or
- (j) any other prescribed circumstances.

(2) For the purposes of subsection (1), a relationship of a whole blood includes a relationship of a half-blood.

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<sup>h</sup> Order in Council No. XIV of 2009; amended by No. XI of 2009 and No. IV of 2018; Ordinance No. XLVIII of 2009, Nos. IX and XX of 2016 and No. VI of 2017.

<sup>i</sup> Order in Council No. VIII of 2016; amended by Guernsey Ordinance No. IX of 2016; Sark Ordinance No. I of 2017.

(3) For the purposes of subsection (1)(a), A is a "**civil partner**" of B if –

- (a) A and B are in a civil partnership which exists under or by virtue of the Civil Partnership Act 2004<sup>j</sup> or equivalent legislation in force anywhere in the British Islands,
- (b) A and B are in a same sex relationship registered outside the British Islands which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or equivalent legislation in force anywhere in the British Islands, or
- (c) A is living with B as an unmarried partner (whether same sex or not) in a relationship akin to marriage or a civil partnership (within the meaning of paragraph (a) or (b)) and neither of them is a spouse or civil partner (within the meaning of this definition) of any other person.

**Human tissue from a body.**

28. In this Law –

- (a) a reference to human tissue from the body of a living

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<sup>j</sup> An Act of Parliament (Chapter 33 of 2004).

person is a reference to human tissue from the body of a person who is alive at the point of the separation of the human tissue from the body,

(b) a reference to human tissue from the body of a deceased person is a reference to human tissue from the body of a person who is not alive at the point of the separation of the human tissue from the body, and

(c) a reference to human tissue from a body excludes anything created outside the body.

**Interpretation.**

29. In this Law, unless the context requires otherwise –

"**adult**" means a person who is 18 years of age or more,

"**appointed person**" means an individual appointed under section 10 to represent a person after death to deal with the issue of express consent for the purposes of this Law,

"**authorised person**" means a person authorised for the purposes of this Law –

(a) by regulations made by the Committee, or

(b) otherwise in writing by the Committee,

"**the Bailiwick**" means the Bailiwick of Guernsey,

"**certificate**" means a certificate in a form approved by the Committee,

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

"**code of practice**" means a code of practice issued under section 20,

"**the Committee**" means the Committee for Health & Social Care,

"**consent**" means express consent or deemed consent,

"**deemed consent**" means consent deemed to be given under section 8,

"**embryo**" –

(a) means a live human embryo where fertilisation is complete, and

(b) is deemed to include an egg in the process of fertilisation, and

for the purposes of paragraph (a), fertilisation is not complete until the appearance of a two-cell zygote,

"**excepted adult**" has the meaning given by section 26,

"**excluded material**" means any prescribed human tissue,

"**express consent**" means express consent given in accordance with

section 7 or 9,

**"foundation"** means –

- (a) a foundation created under the Foundations (Guernsey) Law, 2012<sup>k</sup>, or
- (b) an equivalent or similar body (however named) created or established under the law of any other jurisdiction,

**"human tissue"** –

- (a) means material which consists of or includes human cells, but
- (b) excludes –
  - (i) live human gametes (other than eggs in the process of fertilisation),
  - (ii) embryos outside the human body,
  - (iii) hair or nail from the body of a living person, and

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<sup>k</sup> Order in Council No. I of 2013; amended by No. VI of 2017; Ordinance No. IX of 2016 and the Director of Income Tax (Transfer of Functions)(Guernsey) Ordinance, 2018 (No. XXVII of 2018).

- (iv) any other prescribed material,

"**this Law**" includes any Ordinance, regulations or code of practice made under a provision of this Law,

"**limited partnership**" means –

- (a) an arrangement which is registered as a limited partnership, and in respect of which there is a valid certificate of registration, under the Limited Partnerships (Guernsey) Law, 1995<sup>I</sup>, or
- (b) an arrangement entered into under the laws of a jurisdiction outside Guernsey between two or more persons, under which –
  - (i) one or more of them is, or are jointly and severally, liable without limitation for all debts and obligations to third parties incurred pursuant to the arrangement, and
  - (ii) the others have, by whatever means, contributed or agreed to contribute specified amounts pursuant to the arrangement and are not liable for those debts and obligations (unless

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<sup>I</sup> Ordres en Conseil Vol. XXXVI, p. 264; amended by Vol. XXXVI, p. 571; Order in Council No. IV of 2001, No. X of 2007 and No. VIII of 2008; Ordinance No. XXXIII of 2003 and No. IX of 2016; G.S.I. No. 89 of 2008 and No. 51 of 2016.



they participate in controlling the business or are otherwise subjected to a greater liability by those laws in specified circumstances) beyond the amount contributed or agreed to be contributed,

whether with or without legal personality,

**"parental responsibility"**, in relation to any child, has the meaning given by section 5 of the Children (Guernsey and Alderney) Law, 2008 or section 4 of the Children (Sark) Law, 2016,

**"prescribed"** means prescribed by an Ordinance made by the States of Deliberation,

**"qualifying relationship"**: see section 27,

**"registered practitioner"** means a registered practitioner within the meaning of section 26(1) of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 or section 47(1) of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017,

**"regulated activity"** has the meaning given by section 2(1),

**"teaching, research or therapeutic purpose"** means

- (a) the teaching of anatomy,

(b) medical education or research, or

(c) a therapeutic purpose,

**"transplantation"**: see section 2(2), and

**"transplantation activity"** has the meaning given by section 2(1).

**Repeal.**

30. The Human Tissue (Bailiwick of Guernsey) Law, 1981<sup>m</sup> is repealed.

**Citation.**

31. This Law may be cited as the Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020.

**Commencement.**

32. (1) This Law shall come into force on the date appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

(2) An Ordinance made under subsection (1) may not provide for section 8 to come into force earlier than the anniversary of the date on which this Law is registered by the Royal Court.

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<sup>m</sup> Ordres en Conseil Vol. XXVI, p. 299; amended by Ordinance No. XXXIII of 2003 and No. IX of 2016.