

## ISLAND OF SARK

**EXTRAORDINARY MEETING of the CHIEF PLEAS to be held on  
WEDNESDAY 15th July 2020 at 7.00 PM in the ASSEMBLY ROOM**

### AGENDA

1. To CONSIDER a Report with Propositions from the Policy and Finance Committee entitled "**The Election of Conseillers 19th August 2020**" and to Approve the Ordinance entitled "**The Reform (Election of Conseillers (By-Election) (Sark) (No. 2) Ordinance, 2020**" (copies enclosed).

13th July 2020

Lt Col RJ Guille MBE  
Speaker of Chief Pleas

#### NOTES:

1. This meeting has been called under The Reform (Sark) Law, 2008, Section 32 (2) (b) "by the Speaker, with the consent of the Seigneur."
2. Under the Provisions of Rule 12(11) of the Rules of Procedure of the Chief Pleas of Sark the Speaker of Chief Pleas has waived the notice required and allowed this meeting to be called.
3. The Agenda, Report and supporting papers may be seen on the Sark Government Website at: [www.sarkgov.co.uk](http://www.sarkgov.co.uk)
4. The Reform (Election of Conseillers (By-Election) (Sark) (No. 2) Ordinance, 2020 remains unchanged and previous copies should be used for reference.

## **ITEM 01**

### **POLICY & FINANCE COMMITTEE**

**Report with propositions to Extraordinary Chief Pleas, 15<sup>th</sup> July 2020**

#### **The Election of Conseillers 19<sup>th</sup> August 2020.**

Following the Midsummer meeting of Chief Pleas, held on the 8<sup>th</sup> July 2020, the Policy & Finance Committee wish to return to the Assembly to ask Conseillers to reconsider the decision of the Midsummer meeting not to hold a by-election and to revoke Proposition 2 of Agenda item 14.

Legal advice has been given to the effect that the decision of Chief Pleas not to hold a by-election within the prescribed time as noted in The Reform Law (Sark) 2008, Section 23A, is incorrect.

It is also noted that the decision to defer the by-election may not be compliant with The Human Rights (Bailiwick of Guernsey) Law 2000.

A revised election timetable is appended to this report.

**Proposition 1: That Chief Pleas rescind proposition 2 on Agenda item 14 brought before Midsummer Chief Pleas 8<sup>th</sup> July 2020.**

**Proposition 2: That Chief Pleas approve the Ordinance entitled The Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020.**

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

**REVISED**

**TIMETABLE FOR BY-ELECTION OF 4 CONSEILLERS – 19<sup>th</sup> August 2020**

Thur 16 Jul 20	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of forthcoming election. Notice gives date and time when final nominations are to be received etc.</p> <p>Nomination forms will be available for collection from the Speaker and Greffe offices, prior to nominations opening during published office hours. When completed, but not before 1 pm on Monday 20 Jul, the forms are to be delivered by one of the persons named on the form to the Speaker of Chief Pleas (Returning Officer) between 1 pm and 3 pm Mon - Fri, ending on Fri 31 Jul between 10 am and 12 noon.</p>
Fri 17 Jul 20	<p>Electoral Register closes and remains closed until election process is complete.</p>
Mon 20 Jul 20	<p>Nominations open at 1 pm.</p> <p>A daily list of nominations received will be posted in Sark Gazette Officielle and St Peter's Church Notice Box; nominations will be listed in the order received.</p>
Fri 31 Jul 20	<p>Nominations to close at 12 noon. [Thereafter the Returning Officer will post Official Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes; application for these functions to close at 3pm on Fri 14 Aug.]</p>
Fri 31 Jul 20	<p>Notice in Sark Gazette Officielle and St Peter's Church Notice Box of Candidates with Proposers and Seconders.</p> <p>Notice sent to the printers with the List of Candidates for the printing of Voting Papers.</p>
Wed 19 Aug 20	<p>By-Election polling from 10am until 6.00pm – Polling Station in Toplis Room, Island Hall - Count in Main Hall Room. (The Count is to begin as soon after polls close as possible.)</p>
Thur 20 Aug 20	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of Result.</p>
	<p>In the event of a 'tie' between two candidates, when the addition of one more vote would have caused a person to be elected, a second election is to be held. (New Voting Papers are to be produced for the tied candidates and Notices of the second election are to be published in Sark Gazette Officielle and St. Peter's Church Notice Box venues, as for Fri 19 Aug 20.)</p>
Wed 16 Sep 20	<p>By-Election re-run, only for candidates tied at 19 Aug 20. (No other nominations allowed.)</p>
Thur 17 Sep 20	<p>Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of second election Result.</p>
Note:	<p>A Court will be arranged to administer the Oath/Affirmation of Allegiance and Oath/Affirmation of Office to the newly elected Conseillers, as required.</p>

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

## **(Sark) (No. 2) Ordinance, 2020**

**THE CHIEF PLEAS OF SARK**, in exercise of the powers conferred on them by sections 23A, 25(5) and 29(6) of the Reform (Sark) Law, 2008<sup>a</sup>, hereby order:-

### **Date fixed for by-election.**

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

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

(b) occurring, for any reason, on or before Friday 17<sup>th</sup>  
July, 2020,

shall be held on Wednesday 19<sup>th</sup> August, 2020.

(2) In the event of two or more candidates at the said election securing an equal number of votes, and by reason thereof a further election being required to be held in pursuance of the provisions of section 25(5) of the Reform (Sark) Law, 2008, in respect of such candidates only without further nomination, such further election shall be held on Wednesday 16<sup>th</sup> September, 2020.

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<sup>a</sup> Order in Council No. V of 2009; 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 2018.

**Date of closure of register.**

2. The Register of Electors shall close, pursuant to section 29(6) of the Reform (Sark) Law, 2008, on Friday, 17<sup>th</sup> July 2020.

**Citation.**

3. This Ordinance may be cited as the Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020.