

# CHIEF PLEAS OF SARK RULES OF PROCEDURE

Current Rules of Procedure were made by Resolution of Chief Pleas on the 2<sup>nd</sup> Day of October 2002 as amended by further Resolutions of Chief Pleas on 19<sup>th</sup> Day of January 2005, 2<sup>nd</sup> Day of July 2008, 22<sup>nd</sup> Day of April 2009, 14<sup>th</sup> Day of April 2010 and consequential upon amendment made to the Law by The Reform (Sark) (Amendment) (No. 2) Law, 2010.

**Accepted by Michaelmas Chief Pleas at its meeting on 2<sup>nd</sup> October 2013 and further approved, as presented to Chief Pleas, on 1<sup>st</sup> October 2014 and further amended 15<sup>th</sup> April 2015, 30<sup>th</sup> September 2015, 10<sup>th</sup> November 2016 and 26<sup>th</sup> April 2017**

The Chief Pleas of Sark, in exercise of the powers conferred upon it by Section 36 of the Reform (Sark) Law, 2008, has approved the following Rules of Procedure in relation to the proceedings of Chief Pleas.

## Convening of Meetings

1. (1) In accordance with the provisions of The Reform (Sark) Law, 2008 the Chief Pleas shall meet in each year on the first Wednesday after 15<sup>th</sup> January (Christmas Meeting), the second Wednesday after Easter (Easter Meeting), the second Wednesday after the 24<sup>th</sup> June (Midsummer Meeting) and the first Wednesday after the 29<sup>th</sup> September (Michaelmas Meeting), and shall in addition meet;
  - (a) whenever they are so directed by His Excellency the Lieutenant Governor and Commander-in-Chief (herein after referred to as “the Lieutenant Governor”),
  - (b) are summoned by the Speaker of Chief Pleas (hereinafter referred to as “the Speaker”) with the consent of the Seigneur, or
  - (c) with the consent of the Speaker, whenever requested in writing so to do by at least nine Conseillers.
- (2) Subject to the Lieutenant Governor’s said right, every Meeting of Chief Pleas (hereinafter referred to as “a Meeting”) shall be convened by the Speaker by means of an Agenda containing particulars of the matters to be debated thereat together with Propositions designed to enable Chief Pleas to take Resolutions thereon.
- (3) The Speaker shall accept Reports and Propositions from Chief Pleas Committees for inclusion on the Agenda. The Speaker may also accept Reports/Propositions from any Conseiller if duly seconded, provided that the matter has been rejected by the Policy Development Group and that only one such item will be considered for inclusion on the agenda for any one Chief Pleas meeting. Any Meeting that is required to adjourn with unfinished business shall reconvene at the same place and the same start time on the following day (excluding weekends).
- (4) A notice (in French) of every Meeting shall be signed by the Seigneur and

Speaker, placed in the official Island Notice Boxes no later than twenty-one days before all Meetings, together with the Agenda. At the same time the Agenda and all relevant papers shall be distributed to all Members and in addition to the Lieutenant Governor, the Bailiff, and H.M. Procureur. All Reports must be publicly available in paper form and posted on the official Sark Government Web site ([www.gov.sark.gg](http://www.gov.sark.gg)).

### **Extraordinary Meetings**

2. Notwithstanding section 1. (4) above where a matter of urgency needs to be put to Chief Pleas the Speaker may waive the notice period of twenty-one days to a lesser notice period as is deemed necessary when an Extraordinary Meeting (see Section 4. (1)) is required (see also rule 12. (1)).

### **Informal Meeting of Chief Pleas**

3. At the request of a Chief Pleas Committee which wishes to discuss a matter that it has been directed by Chief Pleas to investigate, or on which it needs to brief Chief Pleas Members, may request the Speaker to give notice to Chief Pleas Members to attend an Informal Meeting and that such time and place to be contained in the notice sent. For the avoidance of doubt an Informal Meeting means a Meeting to which only Chief Pleas Members are to attend and that no Propositions can be put forward in any documentation circulated to Members. Minutes shall be taken of the Meeting and these shall be circulated to all Members.  
The Speaker must attend an Informal Meeting but shall not be required to preside over the Meeting unless requested by the Committee to do so; any other Officer of Chief Pleas may attend at their own discretion.

### **His Excellency the Lieutenant Governor**

4. (1) The Speaker, before convening an Extraordinary Meeting, shall inform the Lieutenant Governor of the date proposed for the Meeting and shall, so far as possible, endeavour to meet the convenience of His Excellency.  
(2) If the Lieutenant Governor decides to attend any Meeting, the Prévôt shall escort him into Chief Pleas and announce him.

### **Opening and Closing Prayers**

5. The Greffier shall recite the Lord's Prayer (in French) at the commencement of a Meeting and shall pronounce the Grace (in French) at its close.

### **Roll Call (Evocation)**

6. (1) The Greffier shall, immediately after the opening prayer, call the roll of Members. Members present when their names are called shall reply

“Présent”.

- (2) A Member who is absent when his name is called shall not be entitled to speak or vote until his presence has been recorded.

#### **Questions not related to the Business of the Day**

7. Before the commencement of the business contained in the Agenda, unless the Speaker otherwise directs, questions not related to the published business may be addressed to the Chairman of the Chief Pleas Committee concerned. Provided that a Conseiller shall not address a question, other than a supplementary question, unless;
- (a) He has furnished a written copy thereof to the Speaker and to the Chairman of the Committee concerned not less than five clear days before the day of the Meeting, or;
  - (b) having furnished a written copy thereof to the Speaker and to the Chairman of the Committee concerned before the commencement of the Meeting, the Chairman of that Committee acquiesces in the putting of that question.

Provided also that, if, at the conclusion of twenty minutes after the commencement of question time, all the questions have not been disposed of, the Speaker shall postpone dealing with questions not then disposed of until the matters on the Agenda for discussion have been dealt with.

#### **Supplementary Questions not related to the Business of the Day**

8. Supplementary questions on matters not related to the business of the day may be addressed to the Chairman of the Committee concerned at any Meeting by any Conseiller as may be allowed by the Speaker:

Provided that -

- (a) such a supplementary questions arise out of a reply to a question of which notice has been given is put or the business of the day is proceeded with, as the case may be; and
- (b) the Chairman of the Committee to whom a supplementary question is addressed may decline to answer the question if, in his opinion, any answer might be inaccurate or misleading provided the answer is given to the Chief Pleas at its next sitting.

#### **Questions not in the Public Interest**

9. The Speaker may, on grounds of public interest, decline to allow a question to be put, or rule that a question need not be answered,

providing that any Conseiller shall be entitled to ask for a disclosure of what constitutes the public interest in the particular question.

### The Business of the Day

10. The business contained in the Agenda shall be taken in the order in which that business appears therein:

Provided that Chief Pleas may resolve, on the basis of developments after the Agenda is published, that the order of business be changed. The Speaker or any Conseiller may propose a change to the order of business and if supported by a simple majority the order of business shall be altered.

### Order

11. (1) The Speaker shall be responsible for maintaining order at a Meeting and, subject to the provisions of these rules, shall regulate the conduct of business therein.
- (2) The Speaker shall be assisted in the preservation of order by the Prévôt, who in turn may call upon the assistance of the Constable and Vingtenier.
- (3) It shall be the duty of every Conseiller to observe due decorum in a Meeting and, in particular, to observe the rulings of the Speaker.
- (4) The Speaker, after having called the attention of Chief Pleas to the conduct of a Conseiller who persists in irrelevance or tedious repetition of his or other Conseiller's arguments in the debate, may direct the said Conseiller to discontinue his speech.
- (5) The Speaker may order a member of the public whose conduct is grossly disorderly to withdraw from the precincts of the building within which the Meeting is being held until close of business of the Meeting.
- (6) If on any occasion the Speaker considers that the conduct of a Conseiller is grossly disorderly, or offensive, or with malice he may forthwith put the following proposition in relation to the said Conseiller, namely -
- “Conseiller ..... (Naming the said Conseiller) be suspended from the service of Chief Pleas”
- And no debate on or amendment to any such proposition shall be allowed. A Conseiller suspended as aforesaid shall be directed forthwith by the Speaker to withdraw from the Meeting and leave the precincts of the building and such suspension shall continue to have effect until the close of business of the Meeting.
- (7) Where a case of grave disorder arises in a Meeting the Speaker may, if

he thinks it necessary, adjourn the Meeting without putting a proposition.

### Rules of Debate

12. (1) The Speaker shall read aloud each Agenda item and such propositions as have been made in support of the matter.
- (2) Any two or more Conseiller may solicit an amendment to any proposition contained in the Agenda by delivering, in writing, signed copies thereof to the Speaker, and the Greffier four clear working days before the matter is due to be debated in Chief Pleas PROVIDED THAT the Speaker may, in his discretion, dispense with this requirement by permitting it to be moved either with lesser notice or without notice. This rule does not apply to a Committee submitting a matter for debate which wishes to move an amendment to its proposition from the floor.
- (3) A debate on any matter before a Meeting, including an amendment, shall be opened by a representative of the Committee or those Conseiller from whom the matter originated and a representative of the Committee or of those Conseiller shall be entitled to reply on the debate.
- (4) Where an amendment to any matter before a Meeting is proposed the Chairman of the Committee from whom the matter originated shall have the right to speak on the said amendment if he has not already spoken thereon immediately before the proposer of the said amendment exercises his right to reply to the debate on the amendment.
- (5) Where an amendment goes further than the original proposition so as that Chief Pleas Members and the Committee concerned are taken to have no foreknowledge of the matter within the scope of the amendment because it goes beyond the original proposition, the amendment should be delivered, in writing, to the Speaker, Greffier and the Chairman of the Committee concerned, five working days before the matter is to be debated in Chief Pleas.
- (6) Debate must be relevant to the matter before the Meeting.
- (7) A Conseiller may speak more than once on the same matter.
- (8) Where more than one amendment to the same matter is proposed, the Speaker shall, at his discretion, decide the order in which amendment shall be debated and voted upon. If an amendment is carried, the original matter shall be put as amended if need be. An amendment may be, or include, a proposition to withdraw the matter, or refer it back to the Committee, or to defer the vote until the next Meeting of Chief Pleas.
- (9) Where a Conseiller proposes to move an amendment to a Projet de Loi or a draft Ordinance he shall send the amendment to the Committee bringing the legislation forward no later than ten working days before the

Chief Pleas Meeting. No such restriction shall apply to an amendment proposed on behalf of the Committee submitting the original legislation.

- (10) Where a Conseiller or Committee proposes to spend a sum of money not previously budgeted for, that Conseiller must inform the Chairman of the Finance & Resources Committee of their intention at least thirty days before the Chief Pleas Meeting save that, when circumstances are deemed necessary when prior notice is given to the Finance & Resources Committee, by a simple majority of Chief Pleas, this requirement may be waived.
- (11) When circumstances prevail in which a Committee needs to put propositions urgently before Chief Pleas at lesser notice than specified in rule 1. (4), the Speaker may waive the requirement as to notice (see also rule 2.).

#### **Motion to annul or disapply an Ordinance or Order (Statutory Instrument, Regulation etc)**

13. (1) This Rule applies to any Ordinance or Order laid before the Chief Pleas pursuant to a Law or Ordinance providing that it may be annulled (or disapplied).
- (2) Every motion to annul must be in writing, and must state the name of its proposer and seconder.
- (3) A Conseiller who proposes to move a motion of annulment (or disapplication) must furnish the proposed motion to the Speaker and send a copy to the Chairman of the Committee laying before Chief Pleas the Ordinance or Order. The motion is to be delivered not later than 5 clear days (excluding Saturdays, Sundays and Public Holidays) before the meeting of the Chief Pleas at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such motions the Speaker shall cause a copy thereof to be delivered to each Member. Where such motion to annul is received the Chairman of the Committee shall immediately cause a copy thereof to be sent to H.M. Procureur.
- (4) When notice of a proposed motion of annulment has been given in accordance with subparagraph (3), the Speaker shall invite the Chairman of the Committee which made the Ordinance or Order to speak first on the matter. The proposer and seconder shall then be entitled to speak. After general debate, if any, the Chairman of the Committee may respond to the debate, following which the proposer of the motion shall be entitled to respond to the debate.

#### **Declaration of Interest**

14. (1) Conseillers shall submit a declaration of interests form to the Greffier on or before, or within two days of being sworn in to the office of Conseiller.

These will be updated by the Greffier requesting changes/updates annually during December. Forms can be examined at the Greffe Office but will not be placed on the Government Website. A further copy of the declarations shall be held by the Speaker of Chief Pleas. Observation of this rule of procedure, as with all other rules of procedure, shall be a requirement of taking part in meetings of Chief Pleas. Conseillers failing to submit a form, or provide updated information when requested, shall be named at each meeting and shall not speak or vote until a written declaration, or any updated information, is submitted.

- (2) Subject to paragraph (3), where any Conseiller of Chief Pleas has a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character, in the subject submitted to the Assembly he shall, as soon as practical, declare his interest and withdraw from the Chamber during the consideration of, and voting on the issue.
- (3) When a Conseiller declares an interest in accordance with paragraph (2), The Speaker shall ask if there are any requests for that Conseiller to remain in the Chamber and, if any other Conseiller then requests for that Conseiller to remain and the request is supported by a simple majority of Chief Pleas, the Conseiller may remain in the Chamber during the consideration of and voting on the issue in question.
- (4) A Conseiller who remains in the Chamber in accordance with paragraph (3) may not take part in general debate of, or vote on the issue in question however, if so requested by any other Conseiller, he may contribute factual or technical information for the purpose of any general debate of the issue in question.

### **Code of Conduct**

15. Conseillers shall abide by the “Code of Conduct – Conseillers of Chief Pleas”.

### **Points of Order**

16. A point of order may only be raised for the purpose of drawing the attention to a breach of a Rule of Procedure or on seeking clarification from the Speaker on the Rules of Procedure.

### **Interruptions on Points of Order and Corrections or Explanations of Statements**

17. A Member shall not interrupt another Member who is addressing a Meeting save:
  - (1) on a point of order or clarification of the subject;

- (2) to correct an inaccurate or misleading statement made by that other Member;
- (3) to explain any statement previously made by him in the course of the debate that is being misconstrued.

### **Communications with Members of the Public etc**

18. (1) A Conseiller shall not, during a Meeting communicate (whether orally or in writing or otherwise) with a member of the public.
- (2) Electronic devices (Mobile telephones, recorders, cameras etc., other than those devices used by Members of Chief Pleas to read stored records of Chief Pleas, agendas and other Chief Pleas related documents) are not to be activated during a Meeting of Chief Pleas unless such devices are for the express purpose of official recordings by Chief Pleas. This rule does not apply to members of the Sark Emergency Services or Constables but their electronic devices must be set to silent, if that facility exists. The Constable is to ensure that members of the public do not use such devices as aforementioned in the Assembly Room or its equivalent if a Meeting is held elsewhere.

### **Election to Committees**

19. Where in any election by Chief Pleas the number of candidates exceeds the number of vacancies a vote shall be conducted. The Conseiller with the greatest number of votes shall be elected. Where two or more candidates secure an equal number of votes, and the addition of one vote would have entitled one of them to be declared elected, a second vote shall be conducted. Should a second round of voting result in a further tie the Speaker may either rule that a further ballot shall be held or the vote be deferred until the next Meeting of Chief Pleas.

### **Motions of No Confidence**

20. (1) If any seven Conseillers address a petition in writing to the Speaker that a motion of no confidence be laid before Chief Pleas, the Speaker shall include the motion in the Agenda for the next Meeting.
- (2) For the purpose of this rule a “motion of no confidence” is one that requires the immediate resignation of all Members of a Committee of Chief Pleas, including the Chairman of that Committee.
- (3) Where a motion of no confidence is brought against a Committee the Chairman of that Committee shall have the right to reply to the debate immediately prior to the reply by the proposer and this is in addition to his right to speak in response to the proposition.
- (4) Where a motion of no confidence in respect of a Committee is approved

by Chief Pleas; all Members of that Committee including the Chairman thereof shall thereupon be deemed to have tendered their resignation from such membership and those resignations shall be deemed accepted by Chief Pleas. The motion shall be deemed to include such propositions to Chief Pleas as may be appropriate for the election at that Meeting of new Members of the Committee and a Chairman thereof, to complete the unexpired portion of the term of office (if applicable).

### Conduct of Voting

21. (1) Votes shall usually be taken by a show of hands, both for and against a proposition, and the Speaker shall declare the proposition "Carried" or "Lost" and if no Conseiller challenges his statement it shall be recorded. Where on a show of hands a vote is close or indeterminate the Speaker or any Conseiller may call for an *appel nominal* (NAMED vote), whereupon the Greffier shall call the names of the Conseillers and each Conseiller present shall respond "Pour" or "Contre", or may abstain from the voting.
- (2) The Speaker, at his discretion, or at the request of a Conseiller, may require an appel nominal on any proposition. As soon as the Greffier has taken the votes the Speaker shall state the numbers voting "Pour" or "Contre" respectively, and shall declare the result. If a Conseiller states that he voted in error or his vote has been counted wrongly, he may claim to have his vote altered if his claim is made before the result is declared, but not thereafter.

### Interpretation

22. In these Rules, references to the Speaker shall be deemed to include a person elected in accordance with "The Reform (Sark) Law, 2008", as amended. Reference to the Seigneur, Greffier and Prévôt shall be deemed to include reference to the Deputies appointed to those offices. Reference to any period of time, whether expressed in days, or hours, shall mean the number of consecutive days or hours referred to regardless of whether or not any day comprises in that day a working day.