



OFFICIAL REPORT

OF THE

EASTER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 15th April 2026

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.sarkgov.co.uk*

Volume 12, No. 4

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

P M Armorgie Esq.

Deputy Prévôt

J Godwin

Greffier

T J Hamon

Treasurer

S Hudson

Constable

P Burgess

Assistant Constable

Jonathan Godwin

His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey

Lieutenant General Sir Richard John Cripwell, KBE, CB, CSTJ

Conseillers:

Jolie Rose
John Guille
Carol Cragoe
Michael Locke
Natalie Tighe
Christopher Bateson
David Curtis
Edric Baker MBE

James Martin
Frank Makepeace
Patrick Dewe
Samuel Keyte
Nicolas Moloney
Karl Rang
Joseph Perrée
Michael Lanyon

Business transacted

Apologies received	5
Welcome to the Lieutenant-Governor	5
Statements	5
Bailiwick Commission – Statement by Conseiller Tighe	5
Commonwealth Women’s Parliamentarian BIMR conference – Statement by Conseiller Tighe	6
Annual Audited Accounts – Statement by Conseiller Tighe	7
Procedural – Electronic devices	8
Business of the Day	9
1. Matters arising from the Christmas Meeting held on 21st January 2026	9
2. Questions not related to the Business of the Day	9
3. Report with Proposition from the Harbours, Shipping and Pilotage Committee entitled ‘The Merchant Shipping (MARPOL Convention) (Bailiwick of Guernsey) Ordinance, 2026’ – Proposition withdrawn	11
4. Report with Proposition from the Education Committee entitled ‘The Education (Sark) (Amendment) Ordinance, 2026’ – Proposition carried	12
5. Report with Proposition from the Agriculture, Environment and Sea Fisheries Committee entitled ‘The Cutting of Hedges and Vegetation Management (Sark) Ordinance, 2026’ – Proposition carried	21
<i>Chief Pleas adjourned at 6.41 p.m. and resumed its sitting at 6.50 p.m.</i>	<i>32</i>
6. Report with Proposition from the Policy and Finance Committee entitled ‘The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2026 – Proposition carried	32
7. Report with Proposition from the Policy and Finance Committee entitled ‘The Direct Taxes (Sark) (Amendment) Law, 2026’ – Propositions carried	34
8. Report with Propositions from the Policy and Finance Committee entitled ‘Appointment of Isle of Sark Shipping Non-Executive Directors’ – Proposition carried	42
9. Report with Proposition from the Development Control Committee entitled “Revised Mandate” – Proposition carried	44
10. Constable Report – Douzaine Report considered	44
11. Progress Report – Scrutiny Management Committee Report considered	47
12. Amendments to Regulations – Douzaine Report considered	48
13. Committee Elections – Development Control Committee: Conseiller K Rang elected	48
14. Committee and Panel Elections – None	49
Laid Before – The Motor Vehicles (Sark) Amendment Regulations, 2026; The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) (Amendment) Regulations, 2026	49
Midsummer Meeting deadline – Statement by the Speaker	49

Chief Pleas closed at 7.53 p.m. 49

Easter Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 16 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

The Speaker: Thank you, Greffier.

Apologies received

5

The Speaker: Good afternoon and welcome to the Easter Meeting of Chief Pleas. We will start the ball rolling by saying we have received apologies from two Conseillers; Conseiller Nicolle and Conseiller Plummer cannot be with us this evening

Welcome to the Lieutenant-Governor

10

The Speaker: However, we are very pleased to welcome His Excellency the Lieutenant Governor of the Bailiwick this evening. Welcome to you, sir. Very good to see you. Thank you for coming along.

STATEMENTS

Bailiwick Commission – Statement by Conseiller Tighe

15

The Speaker: I have nothing to say this evening. I said what I needed to say last week. However, we do have three statements from Conseillers and they are as follows: statement number one, please, from Conseiller Tighe regarding the Bailiwick Commission.
Conseiller Tighe, thank you.

20

Conseiller Tighe: Thank you, Mr Speaker.
Conseillers will be aware that the Bailiwick Commission has now been formally established and has begun its work. As previously publicised, the Commission has been set up jointly by Guernsey,

Alderney and Sark to undertake a comprehensive review of the constitutional, economic and working relationships between the three jurisdictions.

25 A programme of public engagement will now follow, designed to stimulate a Bailiwick-wide conversation across our island communities. This will include engagement with individuals, organisations and civil society, ensuring that anyone who wishes to contribute has the opportunity to do so, and that all Bailiwick voices are heard.

30 This community input will help to inform the Commission's work and its eventual recommendations. Once its investigations are complete, the Commission will publish a report setting out its findings and recommendations for consideration by the governments of the three islands. The Commission's final report is expected by the end of September 2027.

35 As a first step in this process, the Commission has launched a public survey, which is open until 15th May 2026. More detailed written submissions are also welcomed. Contact details and a link to the survey are now available on the Commission's own website at www.gov.gg/bailiwickcommission on the Chief Pleas website. Paper copies of the survey are available on request.

40 We welcome the establishment of the Bailiwick Commission. It provides an important opportunity for those on Sark to engage with an independent panel of experts on the key challenges facing our community, including access to and the cost of healthcare and the delivery of services. While the concept of a commission is not new, building on previous dialogues such as those chaired by Lord Wolfson, what is different on this occasion is the clear emphasis on community involvement, which will be essential to its success.

45 We look forward to welcoming the Commissioners to Sark on 30th April. This visit will include a public meeting to allow the Commissioners to introduce themselves to the community and to give Islanders the opportunity to question the Commissioners on their work. This marks the first stage of a Bailiwick-wide conversation and we encourage everyone to take part and ensure their voice is heard.

Thank you.

**Commonwealth Women's Parliamentarian BIMR conference –
Statement by Conseiller Tighe**

50 **The Speaker:** Thank you, Conseiller Tighe, for that statement.

You are a busy bee because the second statement is also from Conseiller Tighe. If you would like to draw breath, Conseiller Tighe, thank you.

Conseiller Tighe: Thank you, Mr Speaker.

55 This is a report regarding Conseiller Cragoe and I, who visited the Commonwealth Women's Parliamentarian BIMR Conference in Belfast. We were pleased to represent Sark at the 12th Commonwealth Women's Parliamentarian (CWP) British Isles and Mediterranean Regional Conference held in Belfast from 8th February to 10th February 2026.

60 This year's theme, 'Power and Peace: Protecting Our Mental Health in Public Life', brought together delegates from across the region to examine how women in politics can be better supported to lead, participate, and thrive. The programme was shaped by contributions from a range of distinguished speakers.

65 Leanne Spencer, keynote speaker, author, and wellbeing specialist, opened the conference 'Withholding Power Without Losing Yourself', exploring the paradoxes of leadership, the accelerating pace of political work, and the importance of boundaries, resilience, and self-care. Her session also included guided peer reflection on values, identity, and community.

On the second day, Kerry McWilliams, complex trauma practitioner, delivered a practical masterclass on 'Sustaining Women's Leadership Under Pressure'. She introduced evidence-based

nervous system regulation techniques, including breathwork, tapping, havening, and vergence, to help women in public life recognise and mitigate stress before it becomes burnout.

Delegates also benefited from a panel discussion chaired by Northern Ireland journalist Sarah Travers featuring Judith Gillespie CBE, former Assistant Chief Constable of the Police Service of Northern Ireland; Joanne Bunting, MLA, Junior Minister in the Executive Office, and keynote speaker, Leanne Spencer. The panel addressed emotional labour, online abuse, male allyship and the role of institutions in creating healthier working environments for women parliamentarians.

Across the conference, workshops and co-creation sessions provided space to contribute to a developing well-being pledge for women in public life, reflecting shared priorities around safety, support and sustainable leadership.

As there is currently no budget allocated for the CPA or filing conference attendance or related expenses, we attended the CWP conference at our own cost. However, given the value of such engagements for Sark's representation and continued development, it is recommended that provision for these types of expenses be considered during the budgeting process for next year.

We extend our sincere thanks to the Commonwealth Women Parliamentarians of the Northern Ireland Assembly for their warm hospitality and for delivering a thoughtful, well-structured programme. Their leadership ensured a meaningful and impactful experience, strengthening relationships across the region and reinforcing our collective commitment to supporting women in public life.

Thank you.

The Speaker: Once again, Conseiller Tighe, thank you very much indeed for that statement.

Annual Audited Accounts – Statement by Conseiller Tighe

The Speaker: Once again, we have a third statement from Policy and Finance, also to be presented by Conseiller Tighe. So if you are ready, Conseiller Tighe, a sharp intake of breath.

Thank you, your third statement, please.

95

Conseiller Tighe: Thank you, Mr Speaker.

The Policy and Finance Committee wishes to provide Conseillers with an update on the position regarding the Annual Audited Accounts. Conseillers will be aware that in previous years, the Annual Audited Accounts have ordinarily been presented to the Easter Meeting of Chief Pleas. It is therefore important to acknowledge at the outset that on this occasion the accounts will not be included in the papers for the forthcoming Easter Meeting.

As set out in the Committee's public communications on the matter, the independent external auditors – Perkins – have undertaken a more detailed and thorough review of the accounts this year than in the previous two years, since it was decided to return to audited accounts. Therefore, despite the best efforts of all involved, the work has not yet been completed.

The Committee wishes to emphasise that this enhanced level of scrutiny is both appropriate and welcome, as it provides additional assurance to Conseillers and to the public that the Island's financial statements are robust, accurate and prepared in accordance with the required standards.

In addition, Conseillers will be aware that the 2025 Accounts are the first to be prepared using the Island's new finance system. This represents a significant and positive step forward in the Island's financial management and reporting capabilities. However, as is often the case with the implementation of new systems, this may have contributed to the audit process taking slightly longer this year, as auditors have appropriately sought to gain assurance over the new processes and controls.

115

It should also be noted that Easter has fallen relatively early this year, which has further reduced the working time available between the end of the financial year and the Easter Chief Pleas deadline.

120 Throughout this process, the Treasurer has been working closely and constructively with the auditors, and all information and explanations requested have been provided fully and in a timely manner. The Committee is more than satisfied that the work undertaken to date has been conducted professionally and transparently and that no undue delays have arisen from a lack of co-operation or information.

125 The Committee very much recognises the importance of the audited accounts being made available as soon as possible, both to support effective scrutiny by Conseillers and to maintain public confidence in the Island's financial governance. We share Conseillers' desire for timely publication and are keen to ensure that there is no unnecessary delay beyond that required for the audit to be completed to the appropriate standard.

130 Once the auditors have finalised their review and issued their opinion, the accounts will be shared with Conseillers and published for the public at the earliest opportunity. The audited accounts will then be brought to an Extraordinary Meeting of Chief Pleas as soon as possible. The Law Officers have confirmed that this is the appropriate course of action in this instance.

135 The Committee trusts that Conseillers will appreciate that this short delay is ultimately in the best interests of good financial management and strong governance. We thank Conseillers for their understanding.

In light of the lessons learnt this year, it may prove to be sensible in the future to move the publishing of accounts back from Easter. The short timeframe between the end of our financial year and deadline for papers for Easter Chief Pleas possibly does not provide a realistic timescale for a very detailed audit to take place, despite the very best efforts of our Treasury Department. 140 This will be considered once this year's accounts are complete and in consultation with the auditors, and any proposal will be taken to Chief Pleas for a final decision.

Thank you.

The Speaker: Once again, thank you very much, Conseiller Tighe, for that statement.

**Procedural –
Electronic devices**

145 **The Speaker:** Before we move on to the Agenda proper, I would, as always, like to remind all present that, in accordance with the Rules of Procedure, mobile phones, cameras, recording devices and other electronic equipment must be switched off now, less for those allowed to Chief Pleas Members in accordance with Rule of Procedure 19(2).

150

Business of the Day

1. Matters arising from the Christmas Meeting held on 21st January 2026

The Speaker: With that we come to the Agenda proper. Agenda Item 1 is Matters arising from the Christmas Meeting of Chief Pleas held on 21st January 2026. Are there any matters arising from the Christmas Meeting? Any comments, observations? No.

2. Questions not related to the Business of the Day

The Speaker: In which case let's move on from Agenda Item 1 to Agenda Item 2, which is Questions not related to the Business of the Day. This evening we have one question, which is from Conseiller Makepeace to the Policy and Finance Committee.

160 Conseiller Makepeace, thank you.

Conseiller Makepeace: Thank you, sir.

This is to Conseiller Guille and his Committee. Would you accept that a purchase price – and the purchase price I refer to is the one that has allegedly been given from Mr Witney-Price to the Price Commissioner – is only one factor in assessing the value of SEL assets and that presenting it is something that trumps all other valuation methods is misleading; particularly where that price may reflect liabilities, risk or required future investment, rather than the underlying worth of the assets?

165

Thank you.

170

The Speaker: Thank you, Conseiller Makepeace.

That is a question for Conseiller Guille, Chair of P&F. Conseiller Guille, would you like to respond to that, please?

Conseiller Guille: Thank you, sir; and thank you, Conseiller Makepeace, for the question.

As I made clear at the Extraordinary Chief Pleas Meeting last week, market value is a critically important measure because it reflects what a willing buyer would actually pay, taking full account of risk, condition, liability and future investment requirements.

That is precisely why the price previously paid for the company matters. It captures real-world judgement above value, informed by the state of the assets and the obligations attached to them. It is precisely for that reason that the regulated asset value is such a key benchmark. It provides an independent structured assessment that anchors claims about value in evidence, and it does so within that real world market context.

180

The price paid for the company, the risks attached to that purchase and the condition and age of the assets were all known to the Electricity Price Control Commissioner and form part of the evidence behind the regulated asset value of approximately £425,000. Mr Speaker, what is actually misleading in the debate is the attempt to elevate the current claims of Alan Witney-Price that the value is much higher than the current estimate, above every other source of evidence, including Mr Witney Price's own previous statements, the assessments of the Electricity Price Control Commissioner and the plainly observable condition of the assets themselves.

185

190

There is no independent evidence presented to support a significantly higher valuation: no engineering assessment, no financial appraisal, no third party expert analysis. Just the assertion of a private owner with a direct financial interest in inflating that value and whose credibility, Mr Speaker, is hardly unblemished.

195 By contrast, all other evidence points in the opposite direction. The regulated asset value sits below £500,000; the infrastructure is ageing, fragmented and in some cases dates back to the 1940s. The condition of these assets has not improved over time, in fact it has deteriorated further. It is difficult to see how market value would have increased under those circumstances.

200 Of course, the precise valuation will be determined by Begbies Traynor through the court-directed process. Until that work is complete, we do not have certainty. But responsible governance does not mean doing nothing until perfect information arrives. It means acting on the best available evidence we have now, and all credible evidence we have indicates that the valuation will be substantially below the £1.5 million loan facility.

205 That facility exists because uncertainty remains, not because we expect it to be fully drawn down. It is a ceiling, a safeguard and a means to ensure that compulsory purchase can be completed lawfully and that urgent safety works can be undertaken without delay.

210 That, Mr Speaker, brings us back to what actually matters. We are not doing this to win an argument about abstract valuation theory. We are doing it because Sark's electricity network is unsafe, unstable, and outside the Island's control. We are doing it because continued dependence on a hostile and unreliable private owner is not acceptable. We are doing it because securing Island control of a critical infrastructure is a basic responsibility of Government.

215 Choosing to delay, undermine or obstruct this on the basis of uncorroborated and self-serving claims of Mr Witney Price does not constitute prudence; it constitutes risk. Risks to public safety, risks to financial stability and a risk to the Island's future. That is the reality we must confront, Mr Speaker, and that is why this course of action, including the loan facility, is not just justified, but necessary.

The Speaker: Thank you, Conseiller Guille.

220 This is not for debate, Conseiller Makepeace, but you would like to respond, thank you.

Conseiller Makepeace: I would like to thank Conseiller Guille for his reply, and to note that it is very interesting that he referred to the word 'risk' on several occasions. But it is also noticeable that Conseiller Guille seems to be aware of the risk, yet his Committee has not produced a risk assessment for the purchase of the electricity.

225 I fail to see really how we can progress without the risk assessment document in place, as I understand, with my limited knowledge, that it is a fairly basic, straightforward measure to be – how can we calculate the risk, which Conseiller Guille refers to, if we do not know what numbers are involved? I think it is a very naïve point of view to just accept that the company is going to come in at under £500,000 because the question is, what if it does not? Mr Guille has eluded to reply or to provide a risk assessment register.

230 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

235 Do you have any response to that, Conseiller Guille?

Conseiller Guille: Yes, I think Conseiller Makepeace is talking about two things here. We do have a Draft Risk Assessment Register. I think Islanders are well aware of the multitude of risks surrounding this, but we do have a draft risk assessment, which is sitting with the Policy and Finance Committee and the Future Energy Committee at the moment, and will be shared with all Conseillers. But a formal risk assessment document is just one way of assessing risk, it is not the only way.

240 I think the other thing though, the point he is really trying to stab at, is the risk around valuation. I think particularly liabilities was something that Conseiller Makepeace mentioned last week, and Conseiller Locke made a very good reference to the Compulsory Purchase Law where we are not taking on any liabilities of the company. The compulsory purchase is about the assets only.

250 Furthermore, in terms of the figures, there have been various methods used to assess the valuation of the company with assistance from industry experts such as Guernsey Electricity. One of them using a multiple of EBITDA, one of them looking at the revenue generated by the company and especially considering the large future investment that we know is needed. All of those, all of that advice, led us seeking the loan facility for the amount we have, so we are entirely confident where we are at the moment.

255 Like I said, there is further work to be done looking into liabilities and the ground survey at the power station site. That will all feed into the valuation, but we are confident where we are with the loan facility we have, with the estimate that we are using for the valuation of the company, but now it is time for the valuers to do their work.

The Speaker: Thank you, Conseiller Guille.

260 I would like to say thank you to Conseiller Makepeace for the question and the supplementary point, and thank you to Conseiller Guille for the responses to that. As I say, questions not related to the business of the day is not a big debating point but it does allow for the question, the answer, a supplementary point and a supplementary answer. So we have done that in this particular instance.

Thank you to both of you for that.

3. Report with Proposition from the Harbours, Shipping and Pilotage Committee entitled 'The Merchant Shipping (MARPOL Convention) (Bailiwick of Guernsey) Ordinance, 2026' – Proposition withdrawn

265

To consider a Report with Proposition from the Harbours, Shipping and Pilotage Committee entitled "The Merchant Shipping (MARPOL Convention) (Bailiwick of Guernsey) Ordinance, 2026".

Proposition 1:

That Chief Pleas approves the draft Ordinance entitled 'The Merchant Shipping (MARPOL Convention) (Bailiwick of Guernsey) Ordinance 2026'.

270 **The Speaker:** Moving on now, if we may, to Agenda Item 3, which I will read as follows: to consider a Report with Proposition from the Harbours, Shipping and Pilotage Committee, entitled 'The Merchant Shipping (MARPOL Convention) (Bailiwick of Guernsey) Ordinance, 2026'. I believe that Conseiller Guille has got something to say about this statement. Just one second. Who is going to present it?

Conseiller Martin: John.

275 **The Speaker:** Conseiller Guille, okay. Thank you, Conseiller Martin.
Conseiller Guille, thank you. Would you like to give us an update, please?

Conseiller Guille: Yes, thank you, sir.

280 I was due to present this Item, which is regarding MARPOL, which is an international convention on pollution at sea, and which would essentially have furthered our protection within Sark against basically any big oil spills from merchant shipping that is passing the Island. As I was due to present it, I wish to give this update on the Item.

Mr Speaker, with the agreement of the Committee, I wish to request that Agenda Item 3, concerning the extension of the MARPOL Convention, be withdrawn from today's Agenda. Since the Agenda was published, further technical legal questions have been raised by UK government

285 lawyers regarding a specific provision of the draft Ordinance. While the point is academic in nature, it requires resolution before the legislation can properly proceed, and it may result in minor amendments to the draft text.

To avoid unnecessary complication and the risk of Chief Pleas considering a text that may subsequently change, the Committee believes it is prudent to defer this Item to a future meeting
290 once these matters have been fully resolved. I therefore seek your permission to withdraw the Item at this stage.

Thank you.

The Speaker: Thank you, Conseiller Guille.

295 I had advance notice of this, so yes, I hear what you are saying and therefore, for the benefit of the recording, Agenda Item 3 is withdrawn from today's meeting and will be brought back at a future point, but not this evening.

Thank you, Conseiller Guille, for that.

**4. Report with Proposition from the Education Committee entitled
'The Education (Sark) (Amendment) Ordinance, 2026' –
Proposition carried**

To consider a Report with Proposition from the Education Committee entitled 'The Education (Sark) (Amendment) Ordinance, 2026'.

Proposition 1:

That Chief Pleas approves the draft Ordinance entitled 'The Education (Sark) (Amendment) Ordinance 2026'.

300

The Speaker: Next, we have Agenda Item 4, which is: to consider a Report with Proposition from the Education Committee entitled the 'Education (Sark) (Amendment) Ordinance, 2026', and I would like to ask the new Chair of Education, Conseiller Cragoe, to introduce the report.

Conseiller Cragoe, thank you.

305

Conseiller Cragoe: Thank you very much, Mr Speaker.

Yes, this is coming back to us from Easter last year. After a lot of consultation in both October 2024 and March 2025 with parents and taking advice from specialists, we produced an information report at the Easter Meeting last year about plans for secondary education on Sark going forwards. There were a number Propositions that were related to that funding for 13-plus education that were approved at the time, and this has then come back. These amendments to this Ordinance have now come back from the Law Officers.

I think I want to split this into two sections, just to make it a little easier to understand, which is not actually the way it is presented on the report. Firstly, it is to formalise the creation of an online on-Island secondary offer. So this is currently in partnership with King's InterHigh and it would be delivered in a Sark school context, although technically the children are not attending Sark school, but it would be given in a Sark school context. That would allow children in Years 9 through 11, who currently have to go off-Island or be home-schooled, to be able to be schooled, still in the school context, on Sark.

315
320 The school has been using King's InterHigh on a part basis, so for Years 7 and 8 they have been doing some lessons with King's InterHigh, and they found it very positive. So we will see whether it is on offer for children going into Year 9 next year, and we will see what will happen. That is the new 1(2)(b) on the amendments. That simply is to officially allow this because in the past,

325 technically if you read the Ordinance before, we could not really have done this. So that is that section.

330 Then the second part, which is the other two parts of the change, are to do with the financial assistance that we provide to children who are attending school off Island, and this is something that we have done since 2017, 2018. What we do at the moment, for those who are new to Chief Pleas, is we currently provide a subsidy for tuition, which is equivalent to the tuition that Sark would have to pay if the child went to Beaucamps High School on Guernsey, and it is a bit over £9,000. Then, depending on the length of time the child has been in the school, we provide a subsidy for accommodation, which may be used in one of two ways. Either it can pay for a term-time host on Guernsey, or it may be used to help pay for state boarding in England.

335 The last of the three bullet points, which clarifies that financial assistance to parents attending any approved school may include tuition and exam fees, board and lodging costs, and transport costs, it simply cleans up some things that were in the previous version of the Ordinance that were not as neat as they might have been, and it simply says that we can choose. We can say which schools we are going to choose, and we can provide support as we see fit.

340 Then the third part of this Proposition, which is the middle bullet point, is about children who go and live off Island with their parents, guardians or relatives. So that might be a separated parent, it might be a parent who decides to move to Guernsey or the UK, or they might be sent to live with a sibling or an aunt or an uncle, grandparent, something like that. In those cases, the child would be eligible to be entered into the local state school, and we feel that it is not appropriate that Sark should provide subsidies in that case.

345 We are a state body and we are happy to support children who are not able to go to school in any other way, but where the child could be going to school, literally the parent is living somewhere else, we feel it is appropriate that that should be part of the state system that they are already part of.

350 So those are our three propositions. The draft Ordinance sets out the changes, and the key changes are in 1(2)(b), to allow full online tuition provided in the school setting. The second one is (3)(b), which is added to 2(3B). The numbering is incredibly complicated in the old Ordinance. This is simply that where it used to say 'tuition and exam fees', which just left a question mark over board and lodging and transport costs, it basically gives a much wider range. Then thirdly, it just clarifies that where, in the opinion of the Committee, the child is living in Guernsey or the United Kingdom with a parent, guardian, or relative, we will not provide the subsidies which are available on the previous paragraph.

I hope that is clear. It is, as ever with making amendments to existing legislation, what comes back is always a little bit complicated. But I hope that is clear. As I say, this reflects very much what was approved at Easter of last year.

360 Thank you very much.

The Speaker: Thank you, Conseiller Cragoe, for that. It is always slightly complex with amended legislation in terms of having to refer to the original legislation and the amendments that are proposed. Anyway, you have got the Amendment Ordinance in front of you.

365 Thank you, Conseiller Cragoe.

Any points or comments from the floor? Conseiller Makepeace, thank you.

Conseiller Makepeace: Yes, sir.

370 Maybe I have missed something here, but could I just have some clarification regarding children? Are we referring to children that were born here or born in the hospital in Guernsey? Are we referring to children that have come to the Island with families to settle. I am a little unsure; it says children living off Island with relatives, parents or guardians. What status would those children have to start with? I am a little unclear about that. If somebody is just to come over for a year or something and then the parents move away. If I could just have some clarification about that, please.

Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Cragoe, can you come back with that answer?

380

Conseiller Cragoe: Yes, it is a very good question. The original Ordinance is very broad and it applies to children who are living on Sark. So yes, in theory you could come to Sark in August and then want your child to be subsidised to say, 'I have a child who is going to Year 9, Year 10, Year 11, and you need to help me with this'. This is part of the point about having the online school, and it is not included here but we have also, as part of our Propositions, been very clear that if a child comes to Sark new and has been at the school for two or fewer years, then the funded option which is available to them is the online school.

385

Similarly, if Sark children, if the whole family moves away, then sorry to see them go but also they have gone. Does that clarify a bit? The middle part is about where it is a split family and you have something going on where someone has actually rented a house, bought a house, or already has a house for whatever reason in Guernsey or the UK and the child goes to live with them during term time. In that case, the parent would be able to put them into the local school, and that is what we are now saying we are not going to fund.

390

Is that clear Conseiller Makepeace? Does that make sense?

395

Conseiller Makepeace: Yes, thank you.

The Speaker: Thank you, Conseiller Makepeace; thank you Conseiller Cragoe.

Does anyone else have any further comments or – Conseiller Makepeace, you have got your hand up again.

400

Conseiller Makepeace: It is a different question.

The Speaker: Yes.

405

Conseiller Makepeace: The Ordinance introduces a provision where funding decisions will be made 'in the opinion of the Committee', particularly in cases where children are living off Island. I am concerned this introduces a level of discretion without clearly defined criteria. Does it not leave itself open for dispute and for maybe challenge from parents who feel that their children should have been funded, and will a criteria, as such, be introduced before the children are assessed?

410

Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Cragoe, would you like to come back with an answer to that question, please?

415

Conseiller Cragoe: Yes. As ever, Conseiller Makepeace always asks good questions.

There is another way of looking at what we have set out as our guidelines. What we have said is that we will fund term-time hosting or children who are with term-time hosts or who are in state boarding schools in England. Where it might be a question is if you had a parent who had moved to Guernsey and then wanted to send the child to state boarding school in England, although I think that is probably pretty unlikely to happen.

420

I think 'in the opinion of the Committee' would be it is potentially open for negotiation and that if there was a really good reason why this would not apply then – the Ordinance leaves itself flexible enough, and that has always been the case. In fact, to an extent, most of this is not necessary. The old Ordinance was very flexible anyway, but we felt that it was preferable to put some of it more clearly into writing than had previously been the case.

425

Thank you.

430 **The Speaker:** Thank you, Conseiller Cragoe.

Does anyone else have any further questions, queries, observations they would like to put to the Education Committee?

Conseiller Perrée, thank you.

435 **Conseiller Perrée:** Thank you, Conseiller Cragoe.

I am wondering why the funding is not provided if children from Sark go and live with parents or grandparents, a family member in Guernsey. I understand you saying that they will be funded by the Government in Guernsey, but is – well, I am not too sure because we had a sticking point prior to that, that there were issues with safeguarding regarding that issue. The same with host families? Is it just an option for boarding school, really?

440

The Speaker: Thank you, Conseiller Perrée.

Conseiller Cragoe, would you like to respond to that question, please?

445 **Conseiller Cragoe:** Yes, thank you.

I think, if I am going to be blunt about it, these subsidies have been used to subsidise private schools on Guernsey. They are not being used to pay for entry into the Guernsey state system, which is what they were intended to do in the first place. I think that is something we felt was not appropriate, and if the parents are living there they would be able to, or a parent is living there, or a grandparent is living there, under Guernsey's rules that takes the child into that household and then it can be entered into the state system.

450

In terms of safeguarding, the family safeguarding that applies, that is a Social Services issue, really. If you have safeguarding issues within the home, it is terrible, but it is also – children generally live with a parent.

455

Host families, those are arranged through Guernsey Social Services. They are checked and much work is done. It is quite complicated, I believe, to become a host family, and work is done to ensure that those are safe. They are known to Social Services, they act as foster parents in that case, but they are not allowed – those host families for Sark children are not allowed to act in *loco parentis*, in terms of entering the child into school themselves. You cannot just send them to live with – pay for them to live with somebody. That is where we are picking up, and that is where we would pay for the child to go to school.

460

If the child is living with a host family, we did accept that it might be necessary for them, because some of the private schools have their own host families, and host families are hard to come by, that it might be acceptable for a private school to use it as subsidy, but only if they are living with host families. We are not going to subsidise families where it is a lifestyle choice for the parents as well.

465

Boarding is not the only option. Going to Guernsey and living with a term-time family is an option that we are happy to fund. So basically that and online school, those are the options that we offer now. That is what we have said last year and what we have been saying quite consistently.

470

Thank you very much.

The Speaker: Thank you, Conseiller Cragoe.

Yes, Conseiller Guille, thank you.

475 **Conseiller Guille:** Thank you, sir.

Conseiller Cragoe, can I ask for some clarity as well, because I think I am under the same, maybe slight confusion as Conseiller Perrée? I believed it was the Committee's intention not to necessarily fund children when a parent or both parents had completely moved to another jurisdiction and the children were living with them, and they would naturally qualify for education

480 in that other jurisdiction. But you have just mentioned, I think, possibly the scenario of the children going to live with grandparents whilst their parents remain on Sark. Could you give me some clarity, please, on that?

The Speaker: Thank you, Conseiller Guille.

485 That is a question from Conseiller Guille to the Education Committee.

Conseiller Cragoe: Yes, my understanding is that grandparents, if the child goes and lives with grandparents, then that is considered a family relationship. This came up in the context of the – it was at the Christmas Meeting, and actually we had some discussion with them at the time about it.

490 But yes, if they are in a family situation, they are considered to be part of the family and therefore – it slightly depends how distant the relationship depends. It slightly depends on whether the person is in the Open Market or the Local Market. But where you have kids going to live with grandparents who are in the Local Market, as far as we understand, those grandparents are allowed to enter the child into the state system.

495 There might be some other reason other than living on Sark, the parents have gone away or are ill or have died. There are all sorts of reasons why grandparents might be taking children, and so that is certainly a scenario that Guernsey is familiar with and where that would be possible.

500 **The Speaker:** Thank you, Conseiller Cragoe. Thank you.

Does anyone else have any further questions?

Yes, Conseiller Martin first, followed by Conseiller Guille, thank you.

Conseiller Martin: Thank you, sir.

505 Can I just ask Conseiller Cragoe on what based evidence is it that the monies is being used wrongly in Guernsey?

Thank you.

The Speaker: Thank you, Conseiller Martin.

510 Conseiller Cragoe, thank you.

Conseiller Cragoe: I assume you mean on private school tuition. Well, we know where children have been attending Guernsey private schools, they have been attending English private schools. The Committee pays the school invoices, or rather they go to the Treasurer and the Treasurer brings them back to the Committee so we know exactly where the children are going to school.

515 **The Speaker:** Thank you, Conseiller Cragoe.

Conseiller Guille, thank you.

520 **Conseiller Guille:** Thank you.

I am struggling with this concept of if your parents are still living on Sark and the children leave the Island and stay with family members, I am not really comfortable with them no longer being eligible for funding. I think they are essentially, whoever they are staying with, host families or family members, you are leaving your parents, you are leaving your home.

525 I had assumed, sorry, incorrectly – my apologies for just getting the gist of this now, but I had assumed that it was only if the parents had made a conscious decision to relocate and the primary family was relocating, that funding would not be forthcoming. I do not know what the fix is for that, but I cannot support it in that context, sorry.

530 **The Speaker:** Thank you, Conseiller Guille.

Conseiller Cragoe, would you like to respond, please?

535 **Conseiller Cragoe:** Yes, I would like to ask Conseiller Guille a question actually. So you are in favour, in that case, of Sark subsidising private school tuition in Guernsey or England, just to make sure that that is what you are saying? I just want to make sure that that is what you are actually saying, that you are happy for Sark to be subsidising £9,500 a year for three years to private schools in England or Guernsey.

Thank you.

540

The Speaker: Thank you, Conseiller Cragoe.
Conseiller Guille, would you like to respond?

545 **Conseiller Guille:** No, I am just in favour of some support for when children have to move away from their families.

The Speaker: Thank you, Conseiller Guille.

Conseiller Makepeace, one second, please. Conseiller Cragoe, would you like to respond, please?

550

Conseiller Cragoe: I think the point that we are trying to make is they are not moving away from the families. In this case, the parent – it is usually a parent – is moving with them, so they are not moving away from the family. They are living with family. That is the point we are trying to make, is that we feel that this has perhaps been used in a way that was not originally intended. 555 It was intended to provide subsidies for children who were – it was intended to provide subsidy to put children into the Guernsey state system and to provide term-time hosting. It is not meant to be paying for private schools.

What has happened is because it is very difficult to find term-time hosts, some parents have actually moved to Guernsey, they have bought or rented houses there, maybe they had houses 560 already. Other children have actually gone to England and lived with family members who have houses there. Then it becomes used for private school funding and they are still taking that funding, whereas actually they would then be able to go into the state system, which is what this funding is meant to use.

If you go back to the original intention of it, it is not meant to be any old school. It is specifically 565 meant to be Les Beaucamps High School. This is based on the tuition at Beaucamps High School. So if they are going to Beaucamps High School, that is fine, but are we actually – I think it is a really important question, is what do we feel that Sark should be subsidising? I think it is a question that we could ask about whether we want to do it in a slightly different way. But, in the meantime, this is what the current system is.

570 I would note that the Committee can do this anyway. We are regularising this. It is already possible within our existing legislation. This is really mainly about point one and point three that the point two is neither – it is here and there but actually it is just mainly to clarify – to allow the online school in the first place and, secondly, to clarify about providing – that we can provide a range of funding as we choose, and we can choose to provide this. That is also the option. We can 575 actually choose to provide it.

Thank you.

The Speaker: Thank you, Conseiller Cragoe.
Conseiller Makepeace, thank you.

580

Conseiller Makepeace: I just have a query actually. If, for example, a child had been born to parents in Sark and then decided to go to study in Guernsey and could not find a host family, yet had family living there, am I understanding correct then that the Sark child would go to Guernsey,

585 if he was staying with family, then would not receive any funding? Or would he receive funding only if the child went to Beaucamps? Does that make any sense?

The Speaker: I think it does. We will find out. Thank you, Conseiller Makepeace.
Conseiller Cragoe.

590 **Conseiller Cragoe:** Well, they do not need funding to go to – this is about paying tuition. This is about paying tuition fees. So if they can go to Beaucamps School, because the parents have entered them in Beaucamps School, it is free if they live in Guernsey. I think that is the point I am trying to make. Is that a family member lives in Guernsey and has a child they can turn up at the Guernsey Education, you fill out a form, and you say, ‘Here is where I live, here is my mortgage
595 document, here is my lease, here is my child, here is the birth certificate, educate it, please’. It is actually not much more complicated than that.

So the accommodation payment is for children where you have to pay to have the child host it. That is what the accommodation payment is about. It is about term-time hosting and paying – we pay up to half the cost of a term-time host, depending on how long the child has been in the school. So they have to have been in school for seven years, I believe, to get the maximum. It is between three and seven years and it is pro-rated. So 10%, 20%, 30%, 40%, 50% for each of those
600 five years.

But that is not just an *ex gratia* payment to the parents. It is actually for a specific function. Or if they go to boarding school, then we can – because that only has accommodation and it is much more expensive than term-time hosting. The tuition is actually free at state boarding. We are just helping to subsidise the accommodation. Again, it is about subsidising the accommodation where that is not available for another reason. But if they have accommodation, then they have accommodation.

I think it is important to remember that even with the term-time hosting we are still expecting the parents to pay half. Because if you have a child, you have to pay for it. It is not simply dump it on the state and hope for the best. That is what is important about this. What we are talking about is not subsidising private school tuition on Guernsey or in England.

The Speaker: Thank you, Conseiller Cragoe.
615 Yes, Conseiller Makepeace, followed by Conseiller Rose.
Thank you, Conseiller Makepeace.

Conseiller Makepeace: Could we approach this from a different angle? The children that were born in Sark to Sark parents as such, should we not be viewing that as an investment in our future and keeping the population up as well, and doing everything we can to maybe help those families to have their children educated in Guernsey without penalising them because of who they are staying with? I know it is probably not on the Agenda tonight, but just to look further ahead at maintaining population, making it affordable so people do not move away.

625 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

I will take that point up. We have drifted off the topic, but clearly there is interest in this subject.

Conseiller Cragoe, would you like to come back on that?

630 **Conseiller Cragoe:** But equally this has been – the Committee felt perhaps that the system has been abused and that it has been used in ways which it was not designed to be used, and for schools that it was not designed to fund. While I am delighted that on some level those children have been able to take advantage of that, we think that we should try and make this as fair as possible. It is also about trying to encourage people, give people opportunities to stay on Sark.
635

Once we have formalised the creation of this online secondary school – I think this is really important to remember, we are formalising the creation of this online secondary school – no child will have to leave Sark if it does not want to. They will be able to start at three and end at 16, even the building over there – the online school we are using is an excellent provider. It gets very good results. They are very clever about how they teach online school. It is not just sitting in front of YouTube videos. It is very interactive. They do really get very good results.

We are also providing an option. We heard in discussion with parents that parents wanted some options, and we are providing them with some options. Equally where parents have provided their own option effectively, then that is fine, but there is a limit to the amount of subsidy we can provide.

I will refer you to the paper that got knocked back at Midsummer in 2024, in which we were showing that potentially, with a very large cohort of children, we were looking at over 20% of the Island's budget going mainly on subsidy for secondary school education. So this is an attempt to get this under control in a way which is as fair as possible to as many people as possible while providing for those who cannot do things, and if people can do things and want to do something differently, then leaving that as an option for them as well.

The Speaker: Thank you very much, Conseiller Cragoe.
Conseiller Rose, you had your hand up.
Thank you.

Conseiller Rose: Thank you, Mr Speaker.

Conseiller Cragoe actually just covered many of the points that I was about to make, but I just wanted to iterate that this was after a really lengthy piece of consultation with all of the parents. It was because of the high number of children that were going to be going through, there was no way the Island could afford for us to continue the way that we were. Absolutely it was amazing that some children were able to benefit from the state funding them to go to private school, and it was fine when there was one or two of them. But when it was coming to the numbers of 14 and 15, there was no way that the state could afford to do that. So something had to change.

We went through a huge process of consultation, because that is a really difficult thing to take away from parents who are all hoping and thinking that that is going to happen for them. It would be amazing if we could do that, but we do not have the funds to do that.

So through this process of consultation, we came up with an extraordinary offer, which you do not get in the UK. In the UK you are in a catchment area for a school, and whether you like it or not that is the school you are going to. Here, for the first time, we are now offering free GCSEs on the Island, and you have the offer of staying on the Island, and that is what you get if you move here. But if you are from here and want to have that off-Island experience, which I completely understand because this is an unusual situation growing up on a small island, you have two different offers there that you do not get anywhere else.

This was a really well-thought-out, very investigative piece of work. This is not about whether we agree with those Propositions now, it is about housekeeping. It is clarifying it to make sure that everyone is really clear what the guidelines are, because it is not absolutely clear in the Ordinance as it is. This was all discussed at Easter last year and everybody supported it. This is more about just making sure that everyone is clear so that there are no grey areas.

Thank you.

The Speaker: Thank you Conseiller Rose, thank you.
Conseiller Guille, thank, you.

Conseiller Guille: In the interest of clarity, I am a huge supporter of the really tough job, well tackled, that the Education Committee have done. Talk about hard topics, it does not come much harder, I do not think, than education in children and perhaps medical, maybe tax as well.

I have supported this. I do not support, and neither do I think the Education Committee, driving children to only being educated on Island. I think everyone understands the value in some children, especially those born and brought up here, having the opportunity to go off Island. It is just the simple nuance that has been highlighted tonight.

I understood the Education Committee's intent that if parents were permanently moving off the Island and the children were going to be with them and therefore they qualified for state education in the new jurisdiction where their parents were paying tax, why should the Island pay for something which they are going to get free anyway. The nuance I do not think I am so comfortable with is if their parents are staying here and the children are going to live with someone else, and I do not think it matters whether it is a family member. They are still leaving their parents and they are still going off Island.

I know you are saying it should not be used for private education, but should there be some assistance there for the accommodations? They are not being accommodated in their family home anymore, they are away from their parents? I am sorry, I am not suggesting a clear-cut answer to this but just to be absolutely clear, that is the only point that I have got a reservation about.

The Speaker: Thank you for all those comments. I have allowed this debate to drift off topic slightly but clearly they are very emotive and complex points, which have been discussed before previously in Chief Pleas; the dates have been referred to in this meeting. This is an amended part of the Ordinance, so unless anyone has any further points they would like to ask of the Education Committee we will start to move in towards the Proposition before us specifically. But I understand and I hear the debate. We all hear the debate that has gone on today, which is very relevant, but it is slightly off topic based on the Proposition that we have before us.

Yes, Conseiller Cragoe.

Conseiller Cragoe: I would just like to point out one more thing, which was in the Propositions from last year, which is that we said we would revisit the consultation in 2027. I have already been thinking that the Committee should look again at revisiting this. If we said we would look at it again in 2027, therefore we need to do some consultation starting in the autumn term here; October, November, January, something like that.

There are other ways you could cut this particular cake. You could cut it over five years, for instance. Currently we have a weird situation where we cut it as nothing and then lots, whereas actually secondary school is five years. This is the system we are operating at the moment, and the Committee will continue to operate this system because, I have to be blunt, we can. Under the existing Ordinance, we can designate schools that we will support and we can make choices.

As Conseiller Rose said, this is a bit of housekeeping for the moment. But I am happy to come back and have a look at it again. But I think it would be very helpful to the Committee to have some things actually back in the legislation, and that would include the online school – the first and last of the bullet points you could technically say that the Ordinance does not currently allow those and that would be very helpful to have those changed.

In terms of who we fund and how we fund them, that is really rather up to the Committee at the moment anyway. But yes, I think we should have more consultation, but I do hope you can support it in the meantime because I think this would be a very helpful Ordinance for the Committee to have.

Thank you.

The Speaker: Thank you, Conseiller Cragoe, for summing up.

So there you have it. We have allowed to go slightly off topic, but I think it is relevant. So the Proposition before you is as follows: that Chief Pleas approves the draft Ordinance entitled 'The Education (Sark) (Amendment) Ordinance, 2026'. Those in favour? Thank you. Those against? Thank you. That is **carried**. Thank you very much indeed, Proposition 1, and the only Proposition attached to that report is **carried**.

5. Report with Proposition from the Agriculture, Environment and Sea Fisheries Committee entitled 'The Cutting of Hedges and Vegetation Management (Sark) Ordinance, 2026' – Proposition carried

740

To consider a Report with Proposition from the Agriculture, Environment and Sea Fisheries Committee entitled "The Cutting of Hedges and Vegetation Management (Sark) Ordinance, 2026".

That Chief Pleas approves the attached draft Ordinance entitled The Cutting of Hedges and Vegetation Management (Sark) Ordinance, 2026.

The Speaker: Next up we have, logically, Agenda Item 5, which is: to consider a Report with Proposition from the Agriculture, Environment and Sea Fisheries Committee entitled 'The Cutting of Hedges and Vegetation Management (Sark) Ordinance, 2026'.

745

Once again, Conseiller Cragoe, I believe this has got your name attached to it. Conseiller Cragoe, to introduce the report, please.

Conseiller Cragoe: It has, thank you, Mr Speaker.

750

Sorry, that you have got a lot of me at the moment. So this Proposition also relates to a Resolution of Chief Pleas at Easter of last year, and we thank the Law Officers very much for bringing back both of those. This takes a different approach to the Education Ordinance. The Education Ordinance is an amendment. This is a new Ordinance replacing an existing Ordinance.

755

What was approved last year was three changes to the existing Ordinance. I think it is just worth going back, and I am sorry, I did not expect the previous Item to go on for quite so long, but I would like to just go back to the 2009, because there has been a little bit of debate over cups of coffee and over email around this.

The existing 2009 Hedges Ordinance requires that:

Every occupier of land bordering a public road or, if the land is unoccupied, the owner thereof, shall between the 1st day and the 15th day of June and between the 15th day and the 30th day of October in each year, cut away such parts of all hedges as overhang any public road up to a height of 12 feet from the road surface, and shall immediately thereafter remove from the public road all material cut from the hedge.

760

So, put that in plain English, it is a bit of an everything all in together. There are two hard cuts, there is one in June and the other in October. I think that the Committee has certainly felt – this was discussed originally in Douzaine and then Douzaine felt that it would be better coming through agriculture.

765

It is certainly the case that the June cut really does change the appearance of the Island. So just as the tourists are all arriving, then all the large hedgerows are cut back. I note that while the existing Ordinance does not actually say anything about the trimming of banks and verges, in practice, most people take this to mean that they should also trim their banks. In many cases, they are taking their banks pretty much down to bare earth about twice a year, including just as the tourist season is starting.

770

So what was agreed in April of last year and what is proposed now is three things. Firstly, there is still a hard cut of woody material like trees and shrubs in October.

775

Secondly, in June, we are being much more specific that we want people to cut their banks and verges. There is no ambiguity about that anymore. But we are also asking them not to cut them back too hard. This is partly about road maintenance and ensuring things like the wild garlic that is all spilling over the edges of the road is removed, because if it is not, it blocks the gutters. But it

also helps to preserve wildlife and wildflowers by not having too hard a cut on the upper part of the banks.

780 Then, thirdly, we are asking people to avoid trimming their trees and the woody parts of their hedges between early February and late August, except – and I note this is an important exception – where parts of the hedge or tree overhang the road and the cutting or trimming is necessary to avoid impeding the flow of traffic, or the cutting and trimming is necessary to avoid or reduce the risk of property damage to any building or structure or for safety reasons. In other words, if you have to cut something, you can. It is fine. You can cut it. But we would prefer that you did not cut them just because the Ordinance says so, even if it does not need it.

785 Then, like the second part, this third part is partly environmental in that the birds, bees, butterflies, small mammals all make use of flowers, later fruit, and the security of the hedges in the spring and the summer. I think it is also important that big mammals, tourist mammals indeed, also appreciate seeing the flowers and not just looking at hacked hedges.

790 In each case, the Ordinance is still very specific that you must clean up after yourself and take away anything that has fallen into the road. Pulling this apart into three sections, this was a suggestion of the Law Officers who felt that it would be much clearer if it was structured in three parts rather than all mashed together in a single part.

795 Then I realised, Mr Speaker, we had a conversation about this; the map. This Ordinance has come with a map attached to it and the Committee would like to propose that this is a slightly revised map from the map that was attached to the 2009 Ordinance. We would like to revert to the 2009 map. I actually have – I thought they were going to be on the desks but, as it happens, I have brought some copies.

Is it acceptable to hand it round?

800 **The Speaker:** Absolutely. So this is a replacement map for the map that was issued with the original papers in March. There are copies down here in front of Conseiller Dewe.

Conseiller Dewe, if you could just pass them along the line. Conseiller Cragoe, if you could pass yours along. So you have got an updated copy. Ignore the map that was with the original report. This is the replacement map, which now accompanies the report.

805 Conseiller Cragoe will talk us through it in just one second.

Conseiller Cragoe: Yes, they will come back; they have all ended up on the other side at the moment. There are now 16 of them, so everybody should be able to have one.

810 **The Speaker:** Conseiller Cragoe will come to this in one second, I asked for an assurance from Conseiller Cragoe and the Committee that no aspect of the report or the Ordinance was to change, but the amended map has reverted back to the 2009 version.

815 **Conseiller Cragoe:** Yes, it is only changing the map, which is just going back. So actually, in effect, we are not changing the map. I will come on to how the map works in a minute.

The Speaker: Right, okay. Can I just ask, have you all got a copy of the amended map? Great, okay.

820 **A Member:** Sir, can I give the rest to the public gallery?

The Speaker: Yes, that is fair, by all means, please do.

A Member of the Public: Can we have the original ones as well?

825 **Conseiller Cragoe:** It is in the papers.

The Speaker: Keep the debate within the Chamber, please.

830 **Conseiller Cragoe:** Right, so, are we all happy?

The Speaker: We all have an amended map. Conseiller Cragoe, back to you, thank you.

835 **Conseiller Cragoe:** Okay, are we all good now? Right, so I am really sorry about the late change of the map, but I was approached at the weekend about whether there had been adequate consultation about the map that is in the papers, which includes a very small number of additional stretches of road that are not on the 2009 map. On that basis, it seemed more sensible to revert to the original map, so there is no change to the roads to which this applies. If you are expected to do something now, you are still expected to do something. If you are not, you are not.

840 Although she is not here tonight, I have spoken to Conseiller Plummer about this. She is happy with this and she is also very happy with the proposed Ordinance itself.

So some questions have been asked about the possibility of future changes to the road that the map covers. Thanks very much to the office acting as a go-between; I have had a considerable correspondence with the Law Officers about this in the last couple of days. I think it is worth explaining because there is a difference of approach between this Ordinance and the existing Ordinance, which comes from the Law Office. We did not ask for this. This is the Law Office thinking that this is a better way of doing this. But the end result is the same.

845 The existing Ordinance technically covers every single road, lane, path and anything on the Island because in its definition of public road, it says that means any road, street, lane, way or place which is public or to which the public has right of access. Now, as I am sure you all know, we have no law of trespass so that means the whole Island. Basically, anywhere you can go, this applies. It is any sort of way you can go on.

What the existing Ordinance allows Chief Pleas to do is to exclude some or all of these roads. It says:

855

Chief Pleas may by resolution determine that this Ordinance shall not apply to any or all roads on the Island.

860 So, in other words, the map that you have in front of you with these red roads on it is not a map which includes roads. It is a map which effectively excludes roads. So anything that is not red is excluded. That is the way the Ordinance and the resolution were framed. So the resolution at the Christmas 2010, when this map was adopted, it actually said that the resolution was to exclude all roads, lanes and paths not marked on the accompanying Sark map in accordance with section 1.3 of the Ordinance. It is a slightly backwards point, and it is a fine point, but I think it is actually important.

865 Under the current system, if we wanted to exclude more or indeed fewer roads, we could do this by just having a resolution to adopt a new map. But the concern of the Law Office is that that might come without adequate consultation. So someone might find we might just make a resolution, it might just be laid basically and it would not be adequate consultation.

870 The new Ordinance comes at the same problem in a slightly different way. It still says it applies to public roads, but then it is much clearer and it says that the roads it applies to, so the roads it includes, are those shown on the map at schedule 1. As I say, we are proposing that this map becomes schedule 1. It is a very minor difference from what we have now, but it is the same roads.

875 If we wanted fewer roads, say we decided, I do not know, the road to the L'Epercurie should not be included anymore, we could do that by resolution without needing to revise the Ordinance, which would mean that people would have to do less. However, if we wanted to include more roads, and I have checked twice with the Law Office about this, we can still do that, but we would have to make a new map that included those additional roads, and then we would bring that back as a revision to the Ordinance as a revised schedule 1.

That allows it to go through proper consultation in Chief Pleas for everyone to have a say. Maybe people would think that was a bad idea. So I think for me that is a very positive change.
880 Firstly, it puts the map in the Ordinance itself. The Ordinance, the map, at the moment hides at the back of the *Hansard* from January 2010, and this would put it on the Guernsey legal site as schedule 1.

Secondly, if we wanted to make new roads part of the Ordinance, we have to do it in consultation with Chief Pleas, so it is not something that is just coming.

885 Finally, I just want to make a quick point about Committees and whether it is an agriculture resolution or a Douzaine resolution; it is neither. It is a Chief Pleas resolution. Chief Pleas is resolving this. So this is all of our resolution. The way we work, some Committee has to bring it and the Douzaine suggested that it would be better brought by agriculture. Agriculture has done so. It does not change anything else. That I have also had confirmed with the Law Officers, and if
890 anyone has questions I am happy to read out what they said later on.

Therefore, I feel that this is good Ordinance and that the concepts behind it were right to receive support last year. I note from looking at the *Hansard* that it passed with no debate and I think there are probably 10 people in this room who were there at the time. I know not
895 everybody voted for it, but it certainly passed at the time and there was no discussion about it then.

I hope it can be supported again this year and I think it is also important to note that if you think it is important to have a less harsh June cut this year, we do need to get this through because otherwise we are requiring people to go out with their strimmers and their flails and their hedge cutters in about six weeks' time.

900 Thank you very much.

The Speaker: Thank you, Conseiller Cragoe.

Okay, so there you have it. Right, let us ask are there any questions or queries from the floor? Conseiller Makepeace, you were first, followed by Conseiller Bateson, followed by
905 Conseiller Locke. We will go in that order.

Conseiller Makepeace first, thank you.

Conseiller Makepeace: I must say, maybe it is my age, I am a little bit confused by a lot of that. I would just like to say that how did we arrive at this point, because a lot of – there was a lot of
910 talk about tourists not seeing untidy trees or whatever, but how did we actually arrive at this point? Have we had so many complaints or has there been some sort of study or what? I am confused how we have actually arrived at this point where we have to change or we need to change. Because presumably over the last 100 years or so the tourists have come here and have been quite happy with the cutting at the time that it has been cut.

915 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Cragoe, would you like to come back on that?

920 **Conseiller Cragoe:** Yes. This was discussed last year. I think there are two reasons. There is definitely an environmental reason. Other jurisdictions are also encouraging less harsh cutting, and particularly less harsh cutting of banks and verges. In fact, in England and other jurisdictions in America, people are encouraging planting of wildflowers and that sort of thing. So we have a situation where we are currently doing the opposite and we are encouraging people to cut.

925 So, yes, there is an environmental aspect to it, and that was partly why it came through agriculture. I think why the Douzaine, which is perhaps more practical, felt that perhaps it did not belong. It was something that to make the arguments for it is better placed.

In agriculture there also are issues around, for the third, encouraging people not to cut their trees between February and August. We do have a lot of birds, we have a lot of butterflies, we

930 have a lot of very – because generally our agriculture is quite limited, trying to encourage people,
the more we can do though – the butterfly species, everything is declining and the more we can
do to support nature, the better.

Tourism, I think perhaps Members of the Tourist Committee would like to comment on that,
but I think it does not look very nice, quite frankly, and there are quite a lot of things that do not
935 look very nice but that is something we could do something about, to ask people to do it gently
and nicely, and not just literally strim things down right back to bare earth.

The Speaker: Okay, thank you, Conseiller Cragoe.

Conseiller Bateson, you are next, thank you.

940

Conseiller Bateson: Thank you, Mr Speaker.

Firstly, just to clarify, the Douzaine did pass this over or send it over not to agriculture, it is the
Agriculture, Environment and Sea Fisheries Committee. The reason being the original 2009
Ordinance was about protecting people's heads from overhanging branches. The changes that are
945 being proposed in this are about environmental things. So we thought, there is the Committee
with the word 'environment' in it, perhaps they ought to deal with it. We were not just getting rid
of it for no reason.

Anyway, that has cleared that up. Now I would like to ask a question. In the presentation
document here, in your report, you say about maintenance cuts in June will lessen the impact on
950 wildlife and tourism. Can you give us some details on the tourism aspect?

This is the second time this year that this Committee has been saying that their report will have
an impact on tourism, unsubstantiated. We never get any relevant, 'This will increase tourism or
reduce tourism complaints', we just get unsubstantiated, 'We are doing this and tourism will be
better'. So can you give us some details then on how it will lessen the impact on wildlife and
955 tourism, and how many complaints did we have last year on that subject, please?

The Speaker: Thank you, Conseiller Bateson.

Who would like to come back? Conseiller Rose, would you like to respond on that?

Thank you.

960

Conseiller Rose: Thank you, Mr Speaker.

So Conseiller Bateson is correct, I do not think we have an actual report for complaints. In
response also to Conseiller Makepeace, as someone who moved here five years ago, I have been
used to in the UK the no-mow May as very much an across-the-nation thing, and it has been for
965 quite some time now, and all of the roads, motorway sides and roundabouts across the UK are
not cut now until later in the summer. So, although I think possibly in the past when people liked
mowed lawns and everything to be neat and tidy, the response from tourists would have been,
'Oh, it looks messy', now as a UK person coming here, it is actually really shocking to see –
especially with the amazing diversity that you do have here – seeing everything cut down in May.

970 When I first came here I saw a nest being cut up. I saw some birds fly out of a nest and I was
absolutely horrified that that was happening. I think other tourists have seen that because I have
had people comment to me. This is just hearsay me saying this, but I have had people say it.
I would say it is the second most complaint that I hear after derelict buildings is the verges being
cut.

975 It just seems really shocking to someone from the UK now. So I think it is something that is
noticeable. We do not have any hard evidence that we could put forward as a report, but it is a
change of culture, I think, that has happened, and I do think it is something that we should
consider.

I was on the Douzaine when this first came forward, and it was because Guernsey had changed
980 their Ordinance, and it was a suggestion that maybe it is something that we should look at as well.
From what I gather, I think that it has worked in Guernsey. I do not think there has been any

negative effect from doing it, as long as you are making sure that it is still safe, that you are keeping gutters clear, you are making sure branches are not hitting people's heads. But just, yes, I think as a cultural thing there has been a big shift, from a tourism perspective but from a natural world perspective, environmental perspective, it definitely does have an impact. So it would be good to protect the amazing ecosystem we have here.

The Speaker: Thank you, Conseiller Rose.

Right, I have got two hands here. I am going to come back to Conseiller Bateson immediately and then come to Conseiller Locke, if I may.

Conseiller Bateson, would you like to come back on that?

Conseiller Bateson: Thank you, Mr Speaker.

Just a quick clarify, Conseiller Rose said that they changed their Ordinance. Can you give us the name of the Ordinance which they changed? I have seen the 1953 tree-cutting Ordinance but I cannot find an Ordinance relative to cutting grass.

Thank you.

The Speaker: Thank you.

Are you able to answer that, Conseiller Rose?

Conseiller Rose: Yes, off the top of my head I cannot remember but it was three years ago, I think, probably was when it happened. They had put through a change, it was to do with the verges. It was definitely one of the words in it but, yes, it was about three years ago.

The Speaker: Okay. Just one second, Conseiller Locke.

Conseiller Bateson, thank you, again.

Conseiller Bateson: I looked on the States of Guernsey's website and I cannot see anything relating to that. They have a very good page, 'Advice on the Cutting of Bankings' but it is just advice. It does not say anything, 'You will do this by law or we will fine you £1,000'; it is advice.

I do not know if anybody off this Committee would have to look into this and find out where this legislation has come from, because I cannot find it anywhere.

The Speaker: Thank you, Conseiller Bateson.

Thank you, Conseiller Rose and Conseiller Bateson. Conseiller Locke, you had your hand up.

Thank you.

Conseiller Locke: Thank you, sir.

This was one of the first things I got involved with when I was pleased to join the Douzaine, for a number of reasons, but primarily from environmental and wildlife, and because my wife is an active member of the Royal Society for the Protection of Birds (RSPB).

So I was very keen to support Conseiller Booth's initiative in this matter. Originally the idea was to move the early cut to February and have it over with before the season. However, that was not, in consultation, thought the best thing to do. The best thing to do would be to reduce the heavy cut in June to a light cut of relevant bits, which is what is in front of people. I note a couple of things for the record.

One is the Proposition that was passed at last year's Easter Chief Pleas did mention specifically the cutting of hedges in June presents an unattractive aspect along the lanes for visitors arriving in the summer. The very close cutting of banks and verges also damages the vegetation and encourages the growth of 'thug plants'. So the issue of visitors and unattractiveness was raised a year ago. Also the issue on Guernsey and I quote:

... recently updating its verge cutting policies, reducing mowing frequency and prioritising biodiversity ...

1035 Was again mentioned in last Easter.

Further having consulted with, purely as an independent citizen, the RSPB at the time, it was said that the main bird breeding season is recognised as being between 1st March and 31st August and therefore the risk of committing offences under the UK's Wildlife and Countryside Act is increased between these dates, and hence those particular dates are mentioned in this Ordinance for, 'Could we be a bit more careful there, please'.

1040 Two last points, one is there has always been a confusion about this word 'public roads' as it appears in the Ordinance. If you look back at the 2009-2010 propositions in the *Hansard* to those meetings, is absolutely clear that the map is for those roads that the Committee decided should be maintained in this fashion, which allows for bits of public roads to be disappplied and bits of private roads to be applied. As Conseiller Cragoe has said, in future there may be reasons why a bit of private road may wish to be added, perhaps for access by the fire service or, for example, other groups.

1045 So although it says public roads the map was not and never has been intended to be purely for public roads it is for roads to which the ordnance applies, just for clarity.

1050 The last bit I will say is unfortunately the bit about wildlife seems to have disappeared from the wording of the Ordinance as presented last year from the Ordinance as we now have. I think that is a shame. But, there you go, such is life.

The Speaker: Thank you, Conseiller Locke, for that insight.

1055 So there we have it. Okay, we are back over here.

Conseiller Curtis, thank you.

Conseiller Curtis: Just a couple of thoughts. One difference is to give the landowners or occupiers more time, a further 10 days in fact, to undertake this summer maintenance. So this will hopefully lead to not every single roadside is trimmed at the same time. With the new proposed Ordinance, it seems to me a return to a more traditional hedge and verge management, when estates, tenements had a labour force available. All the tree work and hedge laying, the woody growth, would occur in the autumn and winter months, done well enough to last throughout the coming year, leaving just the trimming of the roadside vegetation via the use of a sickle in the busier summer months. I do not think the sickle easily allowed the scalping of hedges to the bare earth that we witness with the machinery on offer today.

1060 I think actually we are going to be more sympathetic when it matters to ourselves, our wildlife and our hedges.

1070 **The Speaker:** Thank you, Conseiller Curtis.

There were some other hands up over here.

Conseiller Tighe, thank you.

Conseiller Tighe: Thank you, Mr Speaker.

1075 I would just like to ask the Committee if there has been any engagement or consultation with landowners and occupiers, and whether or not there has been some thought given to educating gardeners and tradespeople who maintain the roads and hedges as to the best practice to do this to achieve the best results for biodiversity.

1080 **The Speaker:** Thank you, Conseiller Tighe.

Conseiller Cragoe, would you like to come back on that question?

Conseiller Cragoe: Yes, Mr Speaker, unless anybody else has – I am sort of keeping track, unless there is anybody else, I can add them all up at the same time.

1085

The Speaker: Before we get Conseiller Cragoe's comments on that last point, or the points that have just been made actually, would anyone else like to make any further points to Conseiller Cragoe?

Yes, Conseiller Baker, thank you.

1090

Conseiller Baker MBE: Thank you, sir.

Just a few points I would like to make. First and foremost, the Cutting of Hedges Ordinance of 2009 was presented by the Douzaine, as we have already heard. In the Douzaine's mandate, there is a point of notifying the Constable of any infringements. During the walkabouts, the Constable usually came along with us and saw for themselves.

1095

I think it is wrong to break away from that tradition. The other point is this: the 2009 Ordinance, in fact, has been in operation for 16 or 17 years. Seems odd that it should suddenly have to change now. I personally started cutting roadside hedges in 1958 with a sickle, and that lasted until about 20 years ago when we progressed to a strimmer. I think our hedges, the properties that I own, look good. I am passionate about the roadside hedges. This Ordinance, this new Ordinance, really comes as a bit of a slap in the face. It is saying, 'Well, you cannot look after your own hedges'.

1100

Thank you.

The Speaker: Thank you, Conseiller Baker.

1105

Once again, Conseiller Bateson before we come back to Conseiller Cragoe.

Conseiller Bateson, thank you.

Conseiller Bateson: Thank you.

In offences, part 5, section 5, it says a person who does anything prohibited by this Ordinance or who fails to do anything required by the Ordinance is guilty of an offence and is liable on conviction, etc. This is not the landowner then, presumably, this is a person. So if you own a bank and you pay somebody to strim it and they strim it, do they become the person who is taken to court and not the landowner?

1110

The Speaker: Okay, that is a specific question there. Thank you, Conseiller Bateson.

1115

Does anyone else have – okay, I think you have got a number of points there, Conseiller Cragoe, to answer as you will.

Thank you.

Conseiller Cragoe: I was doing quite well until we got into quite detailed questions. If it is all right, I think I am going to start in reverse order with these. What the Ordinance says is, it says, the revised Ordinance, which is – I have to say the revised Ordinance, although it is a new Ordinance, is actually very similar to what we had, it has just been pulled apart. It says that every owner or occupier of land bordering the road. So I think you would be looking primarily to the owners and occupiers.

1120

1125

It is said for every beautiful hedge which is maintained by the two Conseillers sitting in front of me, there are also some which are not so nicely maintained. This is not intended to have a go at people who do the job well, but the ones who take a strimmer and reduce it to bare earth or indeed do not take a strimmer as well, because that is equally a problem.

1130

I think, having said I do these in order, I think also to just pick up on a point which I think Conseiller Bateson also made. It is partly about tourism, it is partly about environment, it is also partly about road maintenance and particularly about being clear the reason we have introduced the bank cutting and particularly the verge cutting and asking people to cut the verges close is that they do droop into the road, they do fall into the gutters, and, as we all know, it will be a beautiful summer and it hardly rains at all in the summer, and then all of a sudden it will absolutely hammer down in late August and then all the gutters are blocked.

1135

This is to encourage people to, and ask people to, do something about this now and to keep their gutters clear. That actually has been specifically in consultation with the people who maintain our roads. I hope that answers Conseiller Bateson's questions.

1140 To go back to the Douzaine's mandate, I actually asked this because this is a discussion we have been having. So the Douzaine's mandate reads at 11:

To be responsible via the Constables for ensuring that landowners correctly cut and maintain all hedgerows and banks bordering all Island roads.

1145 So actually the Douzaine is already in charge of the banks. Then what I understood – I went back and asked the Law Officers, I asked them three questions about it being a Chief Pleas Ordinance, so it is not Agriculture and Environment, it does not in some way automatically transfer to the Agriculture and Environment Committee.

1150 Secondly, unless the Douzaine changes its mandate, that the – does the mandate change just because of this? Also, why would this new Ordinance not be in the list of Ordinances in the Douzaine's mandate? That is because that would be done after it passes. So what the Law Officer said is:

I agree with the statement above. All Island roads is broader than the draft Ordinance. However, I understand that there has been a specific policy decision to only apply the requirement to the highlighted roads. However, the narrowing of legal requirements is not construed as transfer of responsibility to Agriculture and Environment.

1155 So this is still largely about keeping people from bashing their heads and it still says that if you have branches which are sticking out, you need to do something about that. It is also about trying to both improve the appearance of the banks but also to ensure they are maintained in a way that our very hardworking public works employees can actually get out and maintain the road. That we are not making more work for them by ending up with blocked gutters that then send the water into places it should not be.

1160 It is a little bit different from Guernsey in that respect. There was a discussion with the Law Officer when this first came back in draft that really reflected something which would be a suitable situation for paved roads. Of course, because our roads are not paved, we have a different situation. So there is a difference there.

1165 We have some draft guidance, including a draft picture that shows what we mean by this, which is sitting on the Committee's table, but it seemed more logical to wait, because it is not really necessarily possible to put too many things at the back of these papers. Also, we have only just finished it. So I think the intention would be to issue some guidance.

1170 As you say, I think educating and working with people. As I say, we have two gentlemen sitting in front of me that do lovely jobs. But, unfortunately, that is not true of everybody else and I think that how to trim your hedges back so they lean back away from the road and, therefore, when they grow up, they do not immediately grow into the road. That is it. It is a simple principle, but it is not something everybody follows.

1175 We did receive some advice as well on the environmental aspects from La Société Sercquaise, and that actually is why the winter – why the 'Please do not cut your hedges' actually extends into February. Our spring is about a month earlier because it is so mild here.

Have I missed anything? If you think I have missed anything, picking up comments, please say so. I think I have got everything. I probably should not have let seven people make comments before I tried to answer.

1180 **The Speaker:** I let that run, I apologise.
Conseiller Bateson back to you and then Conseiller Locke.
Conseiller Bateson first, thank you.

Conseiller Bateson: Thank you, sir.

1185 There is nothing in here about enforcement, can the Committee explain to us how this is going to be enforced and by whom?

The Speaker: Thank you, Conseiller Bateson.
Straightforward question, Conseiller Cragoe?

1190

Conseiller Cragoe: Sorry, I thought I had explained that. It is the Douzaine's responsibility, unless the Douzaine wishes to change its mandate, in which case the Douzaine needs to bring its mandate back to Chief Pleas. That is the advice we have had from the Law Officer, so it does still sit with the Douzaine.

1195

But, as I say, the Douzaine's Committee mandates are approved by Chief Pleas, so it could be done quickly. We have just heard, in fact, that we are having an extraordinary meeting, so if the Douzaine really feels very strongly about it, then that is a conversation that we could have and with other relevant Committees. That should even be possible, if I understand correctly, before the Midsummer Meeting if we really wanted to do that.

1200

The Speaker: Thank you, Conseiller Cragoe.
Before I come to Conseiller Locke I am going to come back to Conseiller Bateson to respond.
Thank you, Conseiller Bateson.

1205

Conseiller Bateson: Thank you, Conseiller Cragoe.
I think it will cease to be the responsibility of the Douzaine if this passes because section 7, the repeal of the 2009 Ordinance, the Cutting of Hedges (Sark) Ordinance 2009 is repealed so then the Douzaine will not be responsible for it, will they?

1210

The Speaker: Thank you, Conseiller Bateson.
Conseiller Cragoe first then Conseiller Locke. Thank you.

1215

Conseiller Cragoe: With all due respect to Conseiller Bateson, I asked the Law Office twice and they said that it is still the responsibility of the Douzaine, because the Douzaine's mandate applies to all public roads. It is not specific.

We would have to change the Ordinance, yes, but we do that quite regularly. If an Ordinance changes, we change the Ordinance. It does not necessarily change the responsibilities. It does not fall away. The Douzaine's mandate does not say that – sorry, I have just managed to mislay it.

The Douzaine's mandate, and I will just read this again, says:

1220

To be responsible via the Constables for ensuring that landowners correctly cut and maintain all hedgerows and banks bordering all Island roads.

It does not then say, 'Which are specified in the 2009 Ordinance', that is the mandate.

1225

Chief Pleas has decided that hedgerows and banks bordering the Island roads is currently the responsibility of the Douzaine and it would remain the responsibility of Douzaine. That is the advice that I received this afternoon from the Law Office. So I would trust the Law Office in this case.

But, as I say, if the Douzaine would like to have – the Chair of the Douzaine has his hand up, as Deputy Chair I am happy to have that conversation and there is an opportunity to bring a revised mandate back. But we would have to revise the mandate itself, as well as the list of Ordinances which we would update anyway.

1230

The Speaker: Thank you, Conseiller Cragoe.

So at this point I am going to come to Conseiller Locke, Chairman of the Douzaine, to throw some light on this.

1235

Conseiller Locke: Thank you, sir.

There are a couple of points that I would just like to make. The 2009 Ordinance says in section 1:

Every occupier of land, or if the land's unoccupied, the owner thereof.

1240

Then later on it says:

Any person who contravenes that section should be liable to the penalty.

1245

That is pretty much exactly the same as what the new Ordinance says. Section 1 refers to the owner or occupier of land and the offence is any person who contravenes. As far as I can see, there is very little change between old and new in that regard.

1250

Also I would underline, and thanks to Conseiller Cragoe for bringing it up, the amount of extra work caused to public works and the drain on Island funds, both of the road maintenance and public works for people who will not clear up their cuttings once they have done the branchage or worse for people who do not do the branchage at all. This directly impacts the maintenance we need to do on the roads and it also means our public works people have to spend more time doing things which they otherwise would not have, and that affects the Island budget. So thanks to Conseiller Cragoe for bringing that up.

1255

It is not just environment, which is what I am keen on, but it is also our budget and taxpayers' money, which I am also very keen on.

1260

The last thing that I would say is, at one stage I was really quite pleased to contemplate the idea that the enforcement, the branchage and the work with the Constables to get this done would be passed on to another Committee, and then I thought, 'Hang on, the Douzaine have been doing this for hundreds of years' and, despite the fact it is a pain in the proverbial, it is a matter of tradition I feel and I would be quite happy for it to be maintained in the mandate as it currently is. In fact, I think it probably should be. That is just my opinion. It has not been discussed with Douzaine yet.

Thank you.

1265

The Speaker: Thank you, Conseiller Locke.

Conseiller Bateson, you have your hand up. Thank you.

Conseiller Bateson: Thank you.

1270

I was just going to point out there that the Douzaine have not discussed this yet. Maybe some of them have discussed it among themselves but the whole Douzaine as a Committee have not discussed it.

Thank you.

1275

The Speaker: Thank you, Conseiller Bateson, for that point.

Conseiller Locke back to you.

Conseiller Locke: Yes. Conseiller Bateson is correct absolutely on that.

1280

The Speaker: That is a correct point, thank you.

So there we have it. The Proposition looming, it has been a healthy debate going off in various directions but I am sure it is all very relevant. Conseiller Cragoe, would you like to sum up before we come to the Proposition attached to Agenda Item 5.

Conseiller Cragoe: Thank you very much, Mr Speaker.

1285 Mostly I would like to commend Conseiller Locke for really doing my summary for me. It was very splendid.

I would commend this to you. I think this is a very good thing to do. I think it introduces clarity and I think it is very important. If only by saying in three places, if you have cut something please go and tidy it up. That is really actually very important.

1290 So thank you very much.

The Speaker: Thank you, Conseiller Cragoe.

So at that point you have heard all the arguments and all the debates. We are going to cut to the Proposition attached to the report. Everything else remains as standard. The map has changed, so you have got the amended map in front of you. However, the Proposition reads as follows: that Chief Pleas approves the attached draft Ordinance entitled 'The Cutting of Hedges and Vegetation Management (Sark) Ordinance 2026'. Those in favour? Okay, thank you. Those against? That is **carried**. Thank you very much indeed.

1300 Now with that, I am going to call a short comfort break. We have cracked on further than I thought we might, so I am going to ask for a small comfort break for five minutes. Back in here, if we may please, at 10 to seven.

Thank you very much indeed. Ten to seven.

*Chief Pleas adjourned at 6.41 p.m.
and resumed its sitting at 6.50 p.m.*

**6. Report with Proposition from the Policy and Finance Committee entitled
'The Customs and Excise (General Provisions) (Bailiwick of Guernsey)
(Amendment) Law, 2026 –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2026'.

Proposition 1:

That Chief Pleas approves the Projet de Loi entitled 'The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2026'.

1305 **The Speaker:** Thank you very much for coming back in. Ten to seven has arrived and just slightly after. So let us get back to the Agenda and the next Agenda Item is Agenda Item 6, which is: to consider a Report with Proposition for the Policy and Finance Committee entitled 'The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2026'. I would like to ask Conseiller Rose to introduce this.

1310 Conseiller Rose, thank you.

Conseiller Rose: Thank you, Mr Speaker.

1315 So, yes, this Projet is to amend an existing law and it was taken to consultation with the Policy Development Group (PDG) last year in March. For the *Hansard*, I will read out the explanation of what this is proposing.:

Under section 7 (appointment of ports, airports, boarding stations, etc.) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 ("the Law"), the Committee for Home Affairs ("CfHA") may by order appoint ports and airports within the Bailiwick for the purposes of customs and excise, and may approve places within such 'approved ports' for the loading and unloading of goods and the embarkation and disembarkation of passengers. This Projet amends section 7 of the Law to empower the CfHA to grant concessions to permit, for

specified periods and subject to specified conditions, restrictions and requirements, the unloading and loading of goods and the disembarkation and embarkation of passengers at ports and airports other than approved ports. The inserted provisions provide that such concessions must specify the bodies and persons authorised under them, and make associated supplementary provision including empowering the CfHA to make regulations specifying the fee that may be charged on the granting of a concession and making provision in relation to the variation and revocation of granted concessions. Under the amended provisions the CfHA is required to publish all concessions it grants, together with related guidance, on the States' website. The Projet also makes consequential amendments to the enforcement provisions in subsections (6) and (7) of section 7 of the Law.

So this really is just making official concessions that already exist and take place, but it is just putting it in law and making it official so, hopefully, people will support the Proposition.

1320 Thank you.

The Speaker: Thank you, Conseiller Rose, for that introduction. Are there any comments, observations or debate from the floor from what you have just heard or from what you have read before the meeting started?

1325 Yes, Conseiller Makepeace, thank you.

Conseiller Makepeace: It is just about the goods from the approved ports. Am I right in thinking that the only goods that can be distributed will have come in from approved ports? You cannot have goods that have come into the Bailiwick from non-approved ports that could then be distributed elsewhere. I am just a little bit unclear about that.

1330 Thanks.

The Speaker: Thank you for the question. Conseiller Rose, are you able to answer that?

1335 **Conseiller Rose:** So I think it makes it an approved port if something needs to be moved. I am guessing that is because of – do you want to –

Conseiller Guille: Yes.

1340 **Conseiller Rose:** – Conseiller Guille? I will handover to Conseiller Guille.

The Speaker: Okay, Conseiller Guille, thank you.

Conseiller Guille: To Conseiller Makepeace's question, yes, you need an approved ports for goods specifically. This amendment is in reference to concessions that were already granted. Specifically, it is the example of Beaucette Marina in Guernsey where they have got a concession for yachtsmen to sail directly into Beaucette as opposed to going into either of the other approved ports of St Sampson's or St Peter Port. So it does not affect Sark as such, but because it is relating to borders, it is Bailiwick-wide legislation and so we are being asked to approve this as well.

1350 **The Speaker:** Thank you, Conseiller Guille, for that.

Does anyone else have any further questions for Policy and Finance about the report and the law that you have got before you? Any comments, observations or points? No. Well, in which case, let us therefore go to the Proposition. There is one Proposition attached to the report which reads as follows: that Chief Pleas approves the Projet de Loi entitled 'The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2026'. Those in favour? Thank you. Those against? That is **carried**. Thank you very much indeed.

1355

**7. Report with Proposition from the Policy and Finance Committee
entitled 'The Direct Taxes (Sark) (Amendment) Law, 2026' –
Propositions carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled "Direct Taxes (Sark) (Amendment) Law, 2026".

Proposition 1:

That Chief Pleas approves defining a dwelling as subject to tax unless it has remained derelict since August 1976, as agreed at Midsummer 2024 Chief Pleas and as per the attached draft legislation, The Direct Taxes (Sark) (Amendment) Law, 2026.

Proposition 2:

That Chief Pleas approves empowering Chief Pleas to set a minimum number of quarters on which the Forfait is to be calculated, as agreed at Midsummer 2024 Chief Pleas and as per the draft attached legislation, The Direct Taxes (Sark) (Amendment) Law, 2026.

The Speaker: Moving now to Agenda Item 7 which is: to consider a Report with Proposition
1360 from the Policy and Finance Committee entitled 'Direct Taxes (Sark) (Amendment) Law, 2026' and
I believe it is Conseiller Cragoe. Welcome back to the floor, Conseiller Cragoe.
Thank you.

Conseiller Cragoe: Sorry, I am afraid you have me again. Yes, thank you, Mr Speaker.
1365 At its Midsummer Meeting in 2024, Chief Pleas agreed to instruct the Law Officers of the Crown
to draft legislation amending the Direct Taxes (Sark) (Amendment) Law, 2022 in order to clarify
and strengthen certain specific tax arrangements.

We are now bringing a tranche of resulting amendments. It is not all the amendments that
1370 were discussed, but it is some of them, to Chief Pleas for approval. These proposals are targeted
and technical changes designed to improve clarity, fairness and consistency within the existing tax
framework. They are not part of the wider tax review, and I will just touch on that at the end,
although that is very much a separate Projet.

The definition of a dwelling. So that is the first part of the Proposition, which is about defining
1375 a dwelling as subject to tax unless it has remained derelict since August 1976. So in some ways, it
is both simple and complicated, but the key to it is that the current law defines a dwelling as a
building which is used primarily for the purpose of human habitation, so that is 'used'. I think that
to be a dwelling it has to be dwelt in, and it basically also implies that it has to be dwelt in right
now or very recently.

Over time, differing interpretations of what 'used' means do seem to have allowed some
1380 properties to become classified as 'unoccupied' or 'derelict' and therefore, apparently, they have
been removed from tax. despite having been capable of human occupation or intended for that
purpose. This has led to some uncertainty, inconsistency and unfairness.

So the proposed amendments clarify that when a premises was built as a dwelling – so it can
1385 be built as a dwelling at any time – and has been used as a dwelling for at least one month at any
time in the 50 years since August 1976, even if it is not now currently used for the purposes of
human habitation, it is still a dwelling and relevant property taxes would apply. So there is no
getting out of saying, 'Well, I cannot live in it. It is not a dwelling'.

If it is or ever was intended and available for human habitation, whether or not it is occupied
1390 now and it is in need of repair or whatever or it has burned down, who knows, it does not matter.
It is taxable as a dwelling. So the only thing that we would be concerned with with buildings which
have been occupied is: has it been occupied in the last 50 years? Then there would be an exception
made where a house has remained vacant and unoccupied for over 50 years. So if it has been

unoccupied since before August 1976 and it is in a very poor condition, a case can be made that it is no longer inhabitable and then it would be exempt. So that is our Proposition 1.

1395 I think just because that is how my notes are presented, I might carry on, if that is all right with the Forfait quarters, but we might want to discuss these separately. The second Proposition is –

The Speaker: Conseiller, could I stop you there?

1400 **Conseiller Cragoe:** Yes.

The Speaker: I think to try and keep this simple and straightforward, what I would like to do is ask for any questions regarding that part of what you have just presented. Otherwise, I think it could get confusing and drag on.

1405

Conseiller Cragoe: Okay.

The Speaker: So if we may, does anyone have any questions on what you have just heard from Conseiller Cragoe relevant to Proposition 1?

1410 Conseiller Locke, thank you.

Conseiller Locke: Thank you, sir.

This is probably not unexpected by Conseiller Cragoe. When I first came across this in January I think, being sent it by Conseiller Tighe, I was actually quite disappointed that something involving the definition of a dwelling or a building to be counted in the cadastre had got this far without the Douzaine being consulted. I am still quite unhappy about that.

1415 I am also unhappy about the fact that there is, in this legislation, no definition of ‘derelict’ and I have asked the question of, ‘Well, what do you mean by “derelict”?’ The answer came back, ‘Well, it is in the legislation’. It says, ‘If it is derelict and everybody knows what that means’. I can foresee this as being a bone of contention between those who have to operate the cadastre, and this includes office staff and the general public, which may end up in a court somewhere. I am not happy about that. I do not think this law is well written without having that definition of, ‘What do you mean by “derelict”?’ in there.

1420 I would further note that both in the 2024 Proposition and debate and in the *Hansard* therewith, the proposal says, as it is repeated here, it is to ‘exclude derelict buildings from taxation’ and not bring them into taxation for reasons that were stated at the time so that they could be taxed either at a nil or nominal rate. I think that is something that needs to be made clear as it seems to be conflated.

1425 I certainly had this advice from the office in January/February that this was to bring derelict buildings into taxation, and that is different to what was said in Midsummer. Places like Alderney and Guernsey have much better ways of addressing the issue of derelict buildings in consultation with the owners rather than using a simple sledgehammer of just taxing them more.

1430 The last thing that I will say is that actually the Direct Taxes (General Provisions) (Sark) Ordinance 2023, the general provisions relating to Property Tax, does in fact give a list of designations of properties written down as to what a dwelling is, what a domestic outbuilding is, what tourist or guest accommodation is or commercial, agricultural and so forth.

1435 What I would say is that I think that the Douzaine and cadastre people, if given a proper definition by Ordinance, as was done in 2003, of what they mean by ‘derelict’, then that is something that we can operate. So I am afraid I will not be able to support this Proposition without that cast iron guarantee that we will be get an Ordinance including a definition of ‘derelict’ by the time that the law comes into being.

1440 Thank you, sir.

The Speaker: Thank you, Conseiller Locke.

1445 Just before I come to you, Conseiller Makepeace, I am going to come back to P&F and ask for a response from what you have just heard from Conseiller Locke.
Conseiller Cragoe, thank you.

Conseiller Cragoe: Thank you very much.

1450 Yes, I think there is some confusion about when the Douzaine needs to apply a definition of 'derelict', and it would only be for buildings which have been empty for over 50 years. Otherwise, the only question we were asking is was it built as a dwelling, which we would know either from the paper cadastre in 1981 or we could go back to the DCC records, which go back into the 1950s or 1960s I think, and generally that is something which would be known.

1455 We are only asking questions about has it been occupied. If it has been occupied, then it is a house. If it has been built as a house and it has been occupied for at least one month since 1976, then it is a house. Whether or not – it could be one wall on some level, it could still be a house but, basically, we are talking about houses which are in poor shape and where somebody might be trying to avoid paying their taxes.

1460 I have had some advice also from the Law Office where I have spent a lot of time. Thank you very much to the office. I want to say as well that I believe that Conseiller Locke's advice was from the Law Office. What I have received and will read out was from the 'office' office, as in over there office. The advice that I am going to quote is actually received from the Law Office from the Advocates and Law Officers to the Crown. So they are very clear that, for this to apply, it needs properly to be constructed as use as a dwelling. and that is regardless of its physical condition. So for anything that has been used since 1976, this does not apply.

1465 Also, I asked them about why there is not a definition and it is a very lawyery thing, and I do understand completely where Conseiller Locke is coming from with this. We have had long discussions about 'derelict' and I came up with all sorts of suggestions, and what they say is:

1470 It is not defined because it is one of those terms where any attempt at a statutory definition will either be incomplete or so unspecific as to be of no value. For the purposes of the law, in the absence of a definition on the face of the law ...

And, sorry, I will put a little thing. Remember, we are talking about buildings which have been empty for 50 years.

... it simply has its normal meaning. Effectively, if a person reasonably considers a property to be derelict within the normal meaning of the word, it will be derelict for the purposes of the law. If there were ever any cases in respect of which there is a genuine doubt as to whether a property is derelict, if it might help, the Law Officers of the Crown can always be asked for a view.

1475 So that is one thing. The Law Office is always happy to support us if there really is a genuine question mark over buildings which are over 50 years old.

1480 Secondly, in terms of having a derelict category in the cadastre and having a derelict category in the Ordinance, that is certainly something that we could do. I would note that this is a Projet and, therefore, there will be a bit of a time lag, and what they have said is:

If any amendment is necessary to the 2003 Ordinance as a result of this change, we will work with Sark to get it in place to tie in with the commencement of the law change.

1485 So should the Douzaine decide that it wants to put a derelict category in the cadastre, the Law Office says it is happy to help us but, at the moment, we are not talking about a derelict category. We are talking about dwelling or not dwelling, and it is simply going into an existing category and we are amending the definition of that existing category.

I think that that picks up most of those questions, sorry. Yes, so that is basically it.

1490 **The Speaker:** All right. Okay, thank you, Conseiller Cragoe.
Conseiller Makepeace, thank you.

1495 **Conseiller Makepeace:** I would just like to ask for a rough estimate of how many properties currently fall into that category that have been empty or not in operation for the last 50 years.
Thank you.

The Speaker: Thank you, Conseiller Makepeace.
Policy and Finance, are you able to respond on that? Do you have that figure?

1500 **Conseiller Cragoe:** May I have a small consultation with my colleagues?

The Speaker: Okay, a small consultation.

1505 **Conseiller Cragoe:** Because they are going to say something which is not what I – yes, I actually asked the – Jane Archer maintains the Digimap this morning. She thought around 22 might be affected in some way by this. Perhaps colleagues behind me think that it might be around 30. I actually asked the office as well, and the person I asked in the office could not think of any so I think it is, at a minimum, a very small number and possibly it is such a small number as to really not be particularly relevant.

1510 It is relevant that this does not affect the definition to the Housing Law but, for the purposes of the Housing Law, people are incentivised potentially to continue to pay their taxes so there may be some buildings. I think we had a conversation with the previous tax assessor who actually said there are some buildings that you would not think would be paying taxes which actually are.

1515 **The Speaker:** Okay, so just for clarity, Conseiller Cragoe, the answer to the question was between 22 and 30?

1520 **Conseiller Cragoe:** Something like that or not many at a maximum and possibly slightly lower. It is quite a tricky question to ask, and it is a case of ensuring that we are working with the tax assessor to make sure that once this is enacted, then we can take that forward and make sure that we are not losing anything. But we are quite concerned that there is an opportunity or indeed even someone in the future might say, 'Oh, sorry, my building is not occupied'.

1525 Therefore, I think that it is, as much as anything, it is not 'derelict' and 'not derelict'. We are getting tangled up in 'derelict' and 'not derelict'. It could be just, 'I am not living there'. No one lives there. It is not a dwelling anymore. It is just a structure.

The Speaker: All right. Okay, thank you, Conseiller Cragoe.
Conseiller Locke, I see your hand. Just one second. I am going to come back to
Conseiller Makepeace first on that particular point.
Conseiller Makepeace.

1530 **Conseiller Makepeace:** I do not see it as a difficult question. If you are going to bring this to the House surely it is reasonable to expect that some research would have been done to give an approximate figure to see whether it is actually worth pursuing this.
Thank you.

1535 **The Speaker:** Thank you, Conseiller Makepeace.
Do you want to come back on that, Conseiller Cragoe, before I come to Conseiller Locke?

Conseiller Cragoe: Yes, I will hand over to Conseiller Guille in a second.

1540 Our colleagues in the office are currently working on ensuring that the cadastre is updated and we are doing a lot of work on that and also ensuring that it is using the Digimap which is – and photographs do not lie. It is actually very difficult. It is much less subjective than somebody going around. You are actually looking down on it from above. So we are very much working on that.

1545 But I think the key is that we are trying to avoid in this – it is not a disagreement about aesthetics. It is that the future approaches, this is what is coming out of discussion – it is two years ago, yes, but we are still working on the same thing. But any future approaches relies on objective and clearly defined criteria and not subjective judgement. So what we are saying is that if it was built as a house and it has been occupied as a house, then it is a house. It is a dwelling.

1550 There is a principle of self-cadastration as well, that it is incumbent on owners to put their buildings into the cadastre but the Douzaine also has powers to go and check that. So if there was a building that we felt, particularly using the Digimap and the updated cadastre, that had been missed, we could go back and say, ‘Excuse me, it is up to you now to prove that your building has been empty for 50 years. Otherwise, it is a dwelling and you will be expected to pay your tax’.

1555 **The Speaker:** Thank you, Conseiller Cragoe.
Before I come to Conseiller Locke, back to Conseiller Makepeace.
Thank you.

1560 **Conseiller Makepeace:** What would happen then with a building that started off with a particular purpose and was never completed and no one had ever stayed in there and the particular building was not complete? So how would that actually affect things?

1565 **The Speaker:** Okay, we are drilling down in some detail here. Is there an answer to that question?

Conseiller Cragoe: Yes, in the Housing Law, I think it is 18 months once you have started commencement of your building, it must be entered into the cadastre.

1570 **The Speaker:** All right. So, Conseiller Locke, you have been waiting patiently. Thank you. Your point, please.

Conseiller Locke: Yes, thank you.

1575 Sorry to sound like a cracked record on this, but I think it is almost impossible to have a law which has a word in it that is not in the definitions or the interpretations attached to that law. As Conseiller Cragoe has said, we have some buildings marked as derelict within the cadastre, but that is a purely subjective opinion by the individual who is putting that together and operating Digimap.

1580 There are no guidelines as to what ‘derelict’ actually means, and that needs to be bottomed out. I think that is why we have the 2003 Ordinance where things were specified and spelt out about what these different categories are that need to be maintained by the Douzaine. I am very loathe to have to do it without such a proper definition in an Ordinance before the Projet comes into law.

1585 I find it odd that the Law Officers say, ‘Oh, well, when I use a word, it means exactly what I intend it to mean’, which is a but humpty dumpty-ish, when the Building and Development Control (Alderney) Law 2002 – and I assume that the Law Officers had something to do with that – says:

‘Derelict’ includes being in such a state of repair or being so unsightly as to be detrimental to the amenities of the locality or as to affect prejudicially the reasonable enjoyment or value of any neighbouring land.

1590 Guernsey's Land Amenity Improvement Notice legislation has similar provisions within it and, at the moment, I have asked the question on a number of occasions and have not had the reply of why, where there are definitions for this in Guernsey legislation and in Alderney legislation, is it not in Sark legislation? I think that is something that needs to be addressed.

1595 If the Committee is prepared to give an undertaking that that will be done before the Projet is entered into law, then I will support it but, otherwise, I am afraid I am going to stick to my guns and go, 'Not'.

The Speaker: Thank you, Conseiller Locke.

Conseiller Makepeace, I will come to you first and then Conseiller Guille.

Conseiller Makepeace, thank you.

1600

Conseiller Makepeace: I understand what Conseiller Locke is saying about the improvement notices because I actually copied and pasted it and sent it to, I think, the PDG for consideration and I do not recall receiving a reply, but that is beside the point. But what I have learnt is I think normally in the UK – because the word 'derelict' is quite subjective – depending on the authority, there would be certain sets of conditions that would deem, as regards their definition, for it to be derelict.

1610 One of the conditions would be the result of a structural survey which would mean it would be unsafe or whatever, so an actual physical examination of the place. I think the danger we have here, if we try to go down that road, is that we have very few health and safety laws. There is hardly anything in place and according to which law or backup we would use if we were to be able to say, 'Well, we are going to look at this building and we deem it to be not safe'. But under what law? We do not have anything to back it up.

Thanks.

1615 **The Speaker:** Thank you, Conseiller Makepeace.

Conseiller Guille, you had your hand up. Thank you.

Conseiller Guille: Thank you, sir.

1620 I can understand why people are discussing how possibly tricky it is to define something as 'derelict', and we know from the discussion in summer 2025 and public consultation that derelict properties are an issue that the public and Chief Pleas want to deal with. But I think we are missing the point in the opposite direction here. This is a simple suggestion by the Law Officers not to define properties as derelict but to define properties as dwellings as to what they were originally intended to be.

1625 So I think if you realise that has been a house or it was intended to be a house, we are talking about it in the positive. You are making it into a dwelling so people cannot avoid tax on it. This is not about defining something as derelict and then charging an extra tax on it. It is redefining properties where that was the original intention of them, that is what they were meant to be and that is why they were granted permission to take up a footprint on the Island.

1630 It is circumventing the last 50 years of history and the hows and the whats of why they have ended up as they are. It is setting a new baseline. It is entirely another thing to talk about defining properties as 'derelict', and it is very likely something that Chief Pleas will want to attack in the future. But in terms of starting to approach this problem, I think this is a really pragmatic and simple suggestion from the Law Officers to set a baseline. I think our records can go back 50 years and work out that a building was intended to be a property and we can work out whether people have lived in it in the last 50 years.

1635 Rather than waiting for everything to be perfect, I think this is a very useful first step. Prescribing things as 'derelict' and introducing a penalty system to make people bring them up to standard or increase a tax on derelict properties, that is another subject entirely and that is

1640 something which I think should be tackled as well. But I think as a baseline, yes, it is a very pragmatic and a very achievable thing to tackle as a first instance.

The Speaker: Thank you, Conseiller Guille.
Conseiller Makepeace followed by Conseiller Baker.
1645 Conseiller Makepeace, thank you.

Conseiller Makepeace: I would like to thank Conseiller Guille for the clarification. I must admit I was confused by it and misunderstood that. I would just like to ask a question. It says:

Legislation now allows for an Ordinance to be set annually and which Chief Pleas can agree the number of minimum of quarters.

1650 **The Speaker:** That is a separate Proposition.

Conseiller Makepeace: I am sorry.

1655 **The Speaker:** I have had the same confusion, Conseiller Makepeace. Let us stick with Proposition 1 and the point related and we will take these as two separate Propositions. So we will come to Proposition 2 in a short while. Is there anyone else with any comments or observations for – yes, Conseiller Baker, of course. You had your hand up.
Thank you.

1660 **Conseiller Baker MBE:** Yes, sir.

We seem to be getting bogged down with this derelict business really. The tax is a self-assessment. You say whether the building was a building. There is nobody else involved at all. It is a matter of fact; the building is standing, it used to be occupied, now it is not. You say if it is derelict or not, it does not matter, you will still be taxed on it.

1665 The other point I would like to make is something that Conseiller Makepeace raised, whether a building was finished or not. When we first put the cadastre together we had the 2003 law, and that says in respect of a building linear dimension should be taken externally as near as may be to the ground surface level, rounded down to the nearest 10 centimetres. If you could not take those measurements then it was not a building. That is the pragmatic approach that we had at the time.
1670 Thank you.

The Speaker: Thank you, Conseiller Baker, for that clarity.

1675 So there we have it. I am going to take these two Propositions separately. I am going to ask you to vote on them quite separately because they are, in my opinion, quite separate. Does anyone else have any other points that you would like to raise before we deal with Proposition 1? No, in which case at this point we are going to go to Proposition 1 and then we will come on to debate Proposition 2 and things related to Proposition 2 at the next stage.

1680 Therefore, Proposition 1 reads as follows: that Chief Pleas approves defining a dwelling as subject to tax unless it has remained derelict since August 1976, as agreed at Midsummer 2024 Chief Pleas and as per the attached draft legislation, The Direct Taxes (Sark) (Amendment) Law, 2026. Those in favour of Proposition 1 please raise your hands. Thank you. For clarity, those against? Proposition 1 is carried, thank you.

1685 Now let's come on, if we may, to Proposition 2 attached to this report, and for that back to Conseiller Cragoe to introduce the Proposition 2 element of the report.
Thank you, Conseiller Cragoe.

Conseiller Cragoe: Thank you very much, Mr Speaker. I hope this one is a little bit simpler than its predecessor.

1690 This is actually really quite straightforward. The amendments would empower Chief Pleas to
set by Ordinance a minimum number of quarters on which the Forfait is calculated, and that would
be agreed annually. The purpose of this change is very straightforward. Under the current
arrangements it is possible for individuals who live in very small dwellings to actually pay less than
1695 the minimum level of contribution that is expected, even from the minimum tax. As I understand
it from the Treasurer, that does actually happen sometimes.

Setting a minimum number of quarters ensures that the Forfait operates as it was intended, as
a mechanism for making a fair contribution towards the cost of public services, and it helps to
ensure that those who benefit from living in Sark contribute an appropriate level, regardless of
dwelling size. The minimum number would come back for discussion. I note from another 2024
1700 Proposition we talked about perhaps 15 quarters, but that is certainly up for debate.

I am looking at my phone at an email which came from the Treasurer this afternoon. This is the
number of Forfait quarters from 2025. There were five people who paid on quarters based
between one and 10 quarters, and then a range from 11 to 20 quarters, 21 to 30, 26, so on and so
on, up to then the higher levels, over 100 quarters, not including 100, there were 16 paying. So
1705 there is a very large range.

But we do not think that the present arrangement which allows very small numbers of quarters
to pay Forfait, and particularly for it to fall under the minimum, is fair. If that Forfait then put
someone, for instance, over the calculation based on their assets they would then be able to claim
at the asset rate. They are not being forced to just pay this. But, as I say, we believe this makes
1710 the system fair. It is a very simple way of going about that.

Thank you very much.

The Speaker: Thank you, Conseiller Cragoe.

Based on what you have just heard, does anyone have any questions or observations on the
1715 Proposition 2 before you this evening? Any observations, comments, questions?

Conseiller Makepeace, thank you.

Conseiller Makepeace: Just to clarify then, we are just ensuring that no one pays less than the
1720 minimum, whatever their circumstances?

The Speaker: Thank you, good question.

Conseiller Cragoe, can you confirm?

Conseiller Cragoe: Short answer, yes, unless there would be some other reason why; for
1725 instance they were very ill and could not work. But, yes, only normal exceptions would apply, not
just because they happen to live somewhere that was very small.

The Speaker: Thank you for that clarity. So there we have it, if there are no further questions
on debate on that let's come to Proposition 2 before you, attached to the report, which reads as
1730 follows: that Chief Pleas approves empowering Chief Pleas to set a minimum number of quarters
on which the Forfait is to be calculated, as agreed at Midsummer 2024 Chief Pleas and as per the
draft attached legislation, The Direct Taxes (Sark) (Amendment) Law, 2026. Those in favour?
Thank you. Those against? That is carried. Thank you very much indeed. We got there in the end,
thank you.

**8. Report with Propositions from the Policy and Finance Committee
entitled 'Appointment of Isle of Sark Shipping Non-Executive Directors' –
Proposition carried**

1735

To consider a Report with Propositions from the Policy and Finance Committee entitled "Appointment of the Isle of Sark Shipping Non-Executive Directors".

Proposition 1:

That Chief Pleas agrees to appoint Julie Mann as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of 3 years with immediate effect. 2

Proposition 2:

That Chief Pleas agrees to appoint Jon Bond as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of 3 years with immediate effect.

Proposition 3:

That Chief Pleas agrees to appoint Sean Petralia as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of 3 years with immediate effect.

The Speaker: Next up we have Agenda Item 8, which is: to consider a Report with Propositions from the Policy and Finance Committee entitled "Appointment of the Isle of Sark Shipping Non-Executive Directors". I believe Conseiller Guille is to introduce the report.

1740

Thank you.

Conseiller Guille: Thank you, sir.

1745

The Policy and Finance Committee and the Harbours, Shipping and Pilotage Committee have been working closely with the management of Isle of Sark Shipping Company Limited to appoint new Non-Executive Directors to the Isle of Sark Shipping Board. I would like to take this opportunity to thank Andrew Ozanne OBE who has been a temporary director of Isle of Sark Shipping and who has helped greatly with this recruitment process. Andrew will be staying on for a handover and then handing over to the new Non-Executive Directors.

1750

I would also like to thank Mr Rob Veron, formerly of Blue Islands and Healthspan, who helped with the recruitment process as an independent person on the recruitment panel, and his expertise was greatly appreciated.

1755

Together with the company's management team, the Committees oversaw a professional, transparent and rigorous process, ensuring that every stage of assessment and evaluation met a high standard. This ensured that those ultimately recommended are not only strong individual candidates but will also form a well-balanced group able to provide effective oversight and meaningful strategic input to the company.

1760

Following this robust and comprehensive evaluation, the Committees and the management of Isle of Sark Shipping agree that Julie Mann, Jon Bond and Sean Petralia were the candidates who most clearly met the criteria and collectively offered the strongest blend of expertise.

1765

Julie Mann brings extensive experience in business, leadership, and company governance, together with a deep understanding of Isle of Sark Shipping and the Island itself. She has previously held senior roles within Sark Shipping including Managing Director, Company Secretary, and Non-Executive Director, and played a key role in stabilising the company and returning it to profitability. As a longstanding Sark resident, she also brings valuable local knowledge and an understanding of the needs of Sark.

Jon Bond offers strong board level experience in governance, financial oversight, and stakeholder engagement. He is an experienced business owner and adviser and currently serves as the Chair of the Channel Island's Co-operative Society where he has overseen governance reform, strengthened financial oversight, and supported the organisation through periods of

1770 change while maintaining a long-term focus on stability and resilience. His experience is particularly relevant to the oversight of community facing essential services.

Sean Petralia brings over three decades of senior leadership experience across public sector and regulated environments. He has led major transformation programmes in complex organisations and brings a strong understanding of governance, risk management and strategic delivery. His experience will support the board in providing effective oversight and guidance during a period of change.

1775
1780 Once appointed the new Non-Executive Directors will play a significant role in strengthening the strategic capacity of the company. Their combined experience will support Sark Shipping in addressing key future priorities, enhancing long-term planning, and ensuring that the organisation remains resilient and well-governed. With this strengthened board structure in place, the company will be well-positioned to focus on essential operational and strategic issues and to continue serving the Island effectively in the years ahead.

The Committees, therefore, recommend to Chief Pleas that these individuals are appointed as Non-Executive Directors for a period of three years with immediate effect.

1785 Thank you.

The Speaker: Thank you, Conseiller Guille, for introducing that report.

Any questions or observations?

Conseiller Makepeace, thank you.

1790

Conseiller Makepeace: Yes, I would just like to ask if it is excessive, the appointment of the new Non-Executive Directors? Is it reasonable to expect that we are now halfway through the month of April and we still do not have the final passenger numbers from Sark Shipping from last year. I understand that it is a fairly simple procedure and they are just operational numbers so they are not data protected or anything like that.

1795

Conseiller Tighe and Conseiller Martin have been helpful in that they have given me an alternate method of finding out the numbers through the harbours, which satisfied my interest, but is it reasonable to expect that the shipping company can and will provide the figures, because it is very important for tourism and everything else, I think?

1800

Thank you.

The Speaker: Thank you, Conseiller Makepeace.

That is going off topic but would you like to pick up on that, Conseiller Guille?

1805

Conseiller Guille: I think it is entirely reasonable to expect that. I know the office have been chasing them, and we can only hope that they are provided soon.

The Speaker: Thank you, Conseiller Guille.

1810

Thank you for the question. Are there any other questions specifically about the appointment of the Non-Executive Directors before we go to the three Propositions? Any points, observations, questions of Policy and Finance? No. In which case each Non-Executive Director is under a different Proposition so I will work through these one by one individually.

1815

Therefore, Proposition 1 reads as follows: that Chief Pleas agrees to appoint Julie Mann as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of three years with immediate effect. Those in favour? Thank you. Those against? That is carried, thank you.

Proposition 2 reads as follows: that Chief Pleas agrees to appoint Jon Bond as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of three years with immediate effect. Those in favour? Thank you. Those against? That is also carried.

1820

Proposition 3 reads as follows: that Chief Pleas agrees to appoint Sean Petralia as a Non-Executive Director of the Isle of Sark Shipping Company Limited for a period of three years

with immediate effect. Those in favour? Thank you. Those against? That is also carried. So each of those Propositions is carried.

**9. Report with Proposition from the Development Control Committee
entitled "Revised Mandate" –
Proposition carried**

To consider a Report with Proposition from the Development Control Committee entitled "Revised Mandate".

Proposition 1:

That Chief Pleas approve the Development Control Committee Mandate revised as attached to this Report.

1825 **The Speaker:** Next up we have Agenda Item 9, which is: to consider a Report with Proposition from the Development Control Committee entitled 'Revised Mandate'. I would like to ask Conseiller Bateson to introduce this please.

Conseiller Bateson.

1830 **Conseiller Bateson:** Thank you.

Nothing much to add to this. We want to increase the number, partially because we have one member who seems to be off very sick and we might not see that person again. We have been running short-handed recently, having lost Andrew Miller as well, so we would prefer to have a far better staffed Committee.

1835 **The Speaker:** Thank you, Conseiller Bateson, for introducing that.

Are there any questions for DCC, Development Control Committee, relative to what you have heard and seen? No. In which case, let's go to the single Proposition, which reads: that Chief Pleas approve the Development Control Committee Mandate revised as attached to this Report. Those in favour? Thank you. Those against? That is carried. Thank you very much indeed.

1840

**10. Constable Report –
Douzaine Report considered**

To consider an Information Report from the Douzaine entitled "Constable Report".

1845 **The Speaker:** Next up we have Agenda Item 10, which is: to consider an Information Report from the Douzaine entitled, 'Constable Report'. I would like to ask Conseiller Locke to introduce the report, thank you.

Conseiller Locke: Thank you, sir.

1850 Just for clarity and the avoidance of doubt, the Constable's report is a completely independent report prepared by the Constables, without reference to or any input from the Douzaine, as it is quite correct. We are simply reading this into the record on behalf of the Constables. I will not go through the individual tables of the individual figures because they form part of the report, and the previous one was presented last year.

It is important to take a moment to acknowledge the efforts of those who work tirelessly to support the Island community. Despite Sark's small size, there are still issues and responsibilities

1855 that require attention and co-operation. The Constables, Assistants and other team members, especially the Committee office, play an essential role in helping to maintain a safe and supportive environment for everyone who lives on or visits the Island. Their dedication contributes greatly to preserving the character, community spirit and charm that make Sark such a unique place.

1860 The Constables continue to operate in accordance with the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 where appropriate. Together with the Special Constables they undertake annual personal safety training from the Guernsey Police. A new model for annual mandatory training has now been implemented, combining Personal Protection and Safety Training (PPST) with essential classroom-based learning.

1865 With the support of then SOO William Spooner and the co-operation of the Douzaine Committee members, we have also been able to acquire additional equipment to support operational duties. This includes two new tablets fitted with secure software and four new body-worn cameras. Once the relevant data protection policies have been finalised and implemented, with guidance from Guernsey Police, this equipment will be brought fully into operational use.

1870 The Constables continue their routine work; carriage and tractor tests, attending meetings, and monitoring the summer Saturday evening boat to avoid drink-related incidents. The Constables have undertaken unscheduled patrols in the day to monitor and act on drink-related incidents which cause concerns to residents and visitors to our Island.

1875 The working relationship between the Sark Constables and Guernsey Police continues to play an important role in ensuring that investigations are carried out appropriately and in line with legal requirements. The experience and guidance provided by our colleagues in Guernsey are invaluable, particularly when dealing with more complex matters where specialist knowledge may be required. Their ongoing support enables us to approach our responsibilities with greater confidence and helps ensure that our work is conducted to a high professional standard.

1880 We are grateful for their continued assistance and co-operation, which contributes significantly to the effectiveness of policing on the Island. Although we operate within different jurisdictions, the close collaboration between our two services strengthens our shared commitment to maintaining a safe and secure environment for the community of Sark.

1885 Particular thanks goes to the Special Constables who turn up day or night when requested; they are an integral part of our Law Enforcement on the Island. We, however, need to put more effort into recruitment of our Special Constables as unfortunately the numbers are severely depleted. It is also important to note that the role of Constable Secretary has now changed. Licences now will go directly through the Committee offices rather than Constables. I would like to commend Ali Bateson for all her hard work throughout the role; you were integral to the continued success of the Constables and we cannot thank you enough for all your hard work.

1890 Thanks must also go to our tourism officers who have the role of manning the lost and found property department on Sark through the Tourist Information Centre. Many lost items have been returned to their rightful owners by their efforts.

1895 As highlighted previously, the number of occasions on which assistance from Guernsey Police has been required on the Island continues to increase. This ongoing trend remains a significant concern and suggests that the underlying causes have yet to be adequately addressed. While we remain grateful for the continued support provided by our colleagues in Guernsey, the current level of reliance is not sustainable in the longer term.

1900 It is important that serious consideration is given to measures that may help reduce this growing demand, including the introduction of more robust regulatory procedures and improved screening processes, such as strengthened work permit requirements and DBS checks where appropriate. In addition, the provision of a suitable and legally-compliant detention facility on the Island is now both essential and necessary in order to support the effective management of incidents when they arise.

1905 This is also required to ensure compliance with the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (PPACE) and its associated Codes of Practice governing the

detention, treatment, and custody of individuals. In the absence of such a facility on the Island, there is a clear risk of non-compliance with these legal requirements. Proposals for a practical and cost-effective solution have already been submitted, and it is hoped that this facility will be in place or be well on its way to completion by mid-summer 2026.

1910

We believe that addressing these issues proactively will be essential in helping to prevent further escalation. The safety and wellbeing of the Sark community must remain a priority, and meaningful action will be required if we are to manage these challenges effectively in the future.

1915

Thank you for taking the time to read this report. It has been a privilege to serve the Community of Sark as Constable.

That is signed by Charlotte Turner and Paul Burgess, the Sark Constables.

Thank you, sir.

The Speaker: Thank you, Conseiller Locke, for that.

1920

It is an information report; does anyone have any observations or questions?

Conseiller Makepeace, thank you.

Conseiller Makepeace: Yes, I would just like to refer to the two sections, 'Safeguarding' 28, 'Welfare Checks' 19. I think this is encouraging, the numbers, because am I correct in thinking that the role of the Constables is diversifying from just law and order into community care as well, which is suggested by the numbers? Am I correct in thinking that?

1925

The Speaker: Thank you for the question, Conseiller Makepeace.

Conseiller Locke, are you able to come back on that? I realise you are not a Constable, but on behalf of the Douzaine? Conseiller Martin, one second. Conseiller Locke, are you able to answer that question?

1930

Conseiller Locke: Sorry, was that in relation to safeguarding?

1935

Conseiller Makepeace: And community checks.

Conseiller Locke: Well, I am neither willing nor able nor should comment on policing itself, but there were similar figures included in last year's report for much the same thing.

1940

The Speaker: Thank you, Conseiller Locke.

I have two hands up here, one was Conseiller Martin and one was Conseiller Guille. Conseiller Martin first, thank you.

1945

Conseiller Martin: Just an observation, it is on the guns; there have been 17 instances. That is 4.8% of an Island of roughly 350 people. I think that is pretty high. I certainly think it is for the amount of people that are here. Guns are quite a serious thing. There is an obvious risk, yes?

The Speaker: Thank you, Conseiller Martin.

Once again, Conseiller Locke, you probably cannot come back on that. It is an observation, as you quite rightly say.

1950

Conseiller Guille, did you have a question or a point?

Conseiller Guille: It was just in relation to Conseiller Makepeace's point. Conseiller Locke covered it. It is the role the Constables have always done and they should be commended for, along with the safeguarders as well. It is a difficult part of the job.

1955

The Speaker: Thank you, Conseiller Guille.

1960 There we have it, the Information Report delivered by the Douzaine on behalf of the Constables who are here this evening, and I think we all thank the Constables for the commendable work that they do on behalf of the community in keeping us all safe. So thank you to one and all who are involved with the Constables.

**11. Progress Report –
Scrutiny Management Committee Report considered**

To consider an Information Report from the Scrutiny Management Committee entitled “Progress Report”.

1965 **The Speaker:** That was Agenda Item 10. Agenda item 11, which is: to consider an Information Report from the Scrutiny Management Committee entitled “Progress Report”. I would like to ask Conseiller Bateson to introduce this report please.
Conseiller Bateson.

1970 **Conseiller Bateson:** Thank you, Mr Speaker.
Well, it is there for people to read. Very late on I have been told something so, if it is okay, I would just like to add a bit to it.

1975 Earlier this week the Committee has been offered support in the development of the scrutiny process by Heidi Soulsby and Simon Fairclough. Heidi brings extensive senior political and governance experience from 13 years as a People’s Deputy in Guernsey, including service as Chair of the Public Accounts Committee, President of Health & Social Care, and Deputy Chief Minister of Guernsey.

1980 Simon, likewise, brings valuable parliamentary and public service experience as a former Guernsey Deputy, including scrutiny-related work as Vice-President of Guernsey’s Scrutiny Management Committee, and participation in official public hearings. His career has been spent in public service, including roles with the States and as BBC Guernsey’s political reporter.

We are pleased that two individuals with significant scrutiny policy and public service experience have offered to come on board and, subject to the Committee’s approval, we look forward to benefiting from their insight as these processes develop. That is the latest development.

1985 Thank you.

The Speaker: Thank you, Conseiller Bateson.

So that is an update from the report that you have got from when Chief Pleas papers were published three weeks ago. That is an update. Thank you for that, Conseiller Bateson.

1990 Once again, it is an information progress report, does anyone have any observations they would like to make of the Committee at this stage? There is nothing to vote on, no Propositions, but you have read and heard from Conseiller Bateson the progress report from the Scrutiny Management Committee. Any points, observations, or anything of relevance? No, in which case, thank you for that. Thank you to the Committee, thank you for the update and the progress report.

**12. Amendments to Regulations –
Douzaine Report considered**

1995

To consider an Information Report from the Douzaine entitled “Amendments to Regulations”.

The Speaker: Next up we have Agenda Item 12, which is: to consider an Information Report from the Douzaine entitled ‘Amendments to Regulations’. I would ask Conseiller Locke to introduce this information, please.

2000

Conseiller Locke, thank you.

Conseiller Locke: Thank you, sir.

2005

We have a significant report here with pages upon pages of forms which happily were laid before the Christmas Chief Pleas meeting for approval by Chief Pleas on various subjects such as specifying how tractors are measured to update the application forms and tractor licensing codes. The Chief Pleas also approved adding La Coupée to the list of roads where it is an offence to drive at a speed exceeding five miles per hour – and with the amount of work that we are having to do at the moment at La Coupée you can understand why that restriction was necessary – and to also ensure that the speed limits apply to all motor vehicles, not just tractors.

2010

In addition, many thanks to a suggestion from Ali Bateson in the office, to incorporate the Horse-Drawn Vehicles Regulations with the Seasonal Regulations about the one-way systems and various other things, so that they all now act on the same timescale and we do not have to keep coming and bringing them back and laying them in front of Chief Pleas every year.

2015

We signed those Regulations that are properly done at our meeting on 19th March, to come into force on 1st April, and we now lay them before Chief Pleas as required. Everything is attached to this report, and I would just like to thank and commend again Ali Bateson for her tremendous hard work in updating all of these forms, not just to make them get the right information but also make them GDPR data protection compliant so that we can communicate with people via email at long last. So thanks very much, Ali.

2020

I would like to lay this in front of the Chief Pleas.

2025

The Speaker: Thank you, Conseiller Locke, for presenting that Information Report. Again, there are no Propositions attached to that, it is an Information Report. Does anyone have any observations or questions they would like to make at this point regarding Item 12, Amendments to Regulations? No. Thank you to Conseiller Locke for introducing that.

**13. Committee Elections –
Development Control Committee: Conseiller K Rang elected**

To elect Conseillers to Committees as required.

2030

The Speaker: Next up we have got Agenda Item 13, and Agenda Item 13 technically as a result of what we did last week, we had no vacancies to fill. However, as a result of Agenda Item 9 this evening, we do have one vacancy by my reckoning, and that is a vacancy on the Development Control Committee.

2035

Given that we are now at that stage it has been approved by Chief Pleas, we have a vacancy on the Development Control Committee, so I would ask the Development Control Committee, do you have any nominations for someone to join the Committee.

Conseiller Bateson.

Conseiller Bateson: Thank you.

Yes, we would like Conseiller Rang, please.

2040 **The Speaker:** You would like to nominate Conseiller Rang. Okay, thank you very much indeed.
Once again, are there any other nominations from the floor? Just a reminder, you may
nominate yourself if you so wish. Conseiller Rang has been nominated; do we have any further
nominations from the floor to join the Development Control Committee? No, I see no hands, in
2045 which case we will go to a quite vote. Those in favour of Conseiller Rang joining the Development
Control Committee, please raise your hands. Thank you. Thank you very much indeed, that is
approved. Welcome to the Development Control Committee.

**14. Committee and Panel Elections –
None**

To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels, as required.

2050 **The Speaker:** We do have an Item 14, which is Committee and Panel Elections, to elect any
Non-Chief Pleas Members to Committees and Panels as required. This normally draws a blank but
do we have any nominations for Non-Chief Pleas Members to join any specific Committee or
Panel? No, okay, thank you very much indeed, we will move on from that.

**Laid Before –
The Motor Vehicles (Sark) Amendment Regulations, 2026;
The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) (Amendment) Regulations,
2026**

2055 **The Speaker:** Before I close the meeting I will just say, for your information, as you heard from
Conseiller Locke, the following are laid before Chief Pleas, which is The Motor Vehicles (Sark)
Amendment Regulations, 2026 and The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark)
(Amendment) Regulations, 2026.

I have received no request to annul either of these so they are laid before for your information.

**Midsummer Meeting deadline –
Statement by the Speaker**

2060 **The Speaker:** With that I will say thank you. It has been a long meeting. There is one closing
statement from me. Please be aware that the Midsummer Meeting of Chief Pleas is on
Wednesday, 8th July 2026. Committees, will you please ensure that you submit your reports with
supporting papers in good time and no later than 12 noon on Tuesday, 9th June, please. That is
2065 for administration purposes. Thank you very much indeed. With that I will ask the Greffier to close
the meeting.

PRAYER
The Greffier

Chief Pleas closed at 7.53 p.m.