

MINUTES of the MID-SUMMER MEETING of CHIEF PLEAS

Held in the Assembly Room, Sark on 4th and 5th July 2007 at 7.00 pm.

Present: J.M.Beaumont OBE, Seigneur; Lt.Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Prévôt; T.J. Hamon, Greffier; Mrs.W. Kiernan, Treasurer; and the Constables.

Members were present as follows: Wednesday 4th July - **27 Tenants and *12 Deputies**
 Thursday 5th July - **24 Tenants and 12 Deputies**

Apologies Day 1: Sieur Jackson; Mdm. Thorpe; Sieur Clinton Spence and Sir Peter Miller.

Apologies Day 2: Sieur Jackson; Mdm. Thorpe; Sieur Clinton Spence; Sir Peter Miller; Mdm. Magell; Sieur Duncan Spence and Sieur Harris.

Opening Remarks

- His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, attended the first evening's meeting. Both he and Lady Malbon were welcomed by the President of Chief Pleas.
- The Seneschal reminded the House that mobile 'phones should be switched off and that photography and the use of recording devices were not permitted whilst the House was in session.
- The Seneschal offered his congratulations to the three new Deputies, taking their seats in Chief Pleas for the first time and thanked the eleven other candidates who had stood in the by-election last week. Such interest and competition for seats bodes well for future elections on Sark.
- The Seneschal sent the good wishes of the House to those Islanders representing Sark in the Island Games, currently taking place in Rhodes, Greece. It was reported today that they had gained a silver and a bronze medal in the competitions.
- The Seneschal raised the issue of minute taking at Chief Pleas Meetings. With recent meetings lasting two days the preparation of written minutes has become onerous and time-consuming. Consequently, a shortened version summarising the proceedings and listing the decisions was produced for the Christmas and Easter Meetings well ahead of the full version. At Easter the summary minutes covered two pages whereas the full version ran to 30 pages. He suggested that the House consider the idea of electronically recording Chief Pleas with a full transcript available on request and that the summary minutes become the norm for distributing information about the decisions made.
- The Seneschal ask that Members give consideration as to when they wished to resume if the business on the agenda was not completed tonight. He offered 10.00am or 7.00pm tomorrow as options. He would ask for a decision at the end of the meeting if all the business was not concluded. If necessary, he intended to bring forward Item 8 for consideration tonight as the President of the Education Committee was unable to attend tomorrow evening and wished to introduce the item.

*Deputy Melling joined the meeting with apologies, having been out on an emergency ambulance call.

- The Seigneur thanked all those involved with the Princes Royal's recent visit. A letter has been received from Her Royal Highness thanking the people of Sark for a very pleasant visit.

1a. Minutes of the Easter Meeting on 11th-12th April 2007

- | | | |
|----|----------------|--|
| 01 | Seneschal | Asked for any factual corrections. |
| 02 | Sieur Baker | Page 11, Item 11.17 – change to read – “Confirmed there would be <i>no more</i> changes until....” |
| 03 | Sieur Baker | Appendix 2 – He was present at the meeting held in camera. |
| 04 | Seneschal | Page 16, Item 8, Proposition 2 – add – “ <i>and the Finance & Commerce Committee</i> ”. |
| | | Acceptance of the minutes was proposed and seconded and APPROVED by the House. |
| 05 | Seneschal | Asked if there were any matters arising from the minutes. |
| 06 | Dep. Plummer | Page 16. Item 9.06 – following a representation, she had reaffirmed with Norwich Union that sufficient insurance cover was in place and in order. |
| 07 | Sieur Donnelly | Page 3, Item 4.31 – says that “He was confused”. He wasn't really confused and the point he was trying to make was that Royal Assent is common to both Sark and UK Law but when given to UK Laws does not mean those Laws are valid in Sark. He had gone on to ask for greater transparency in communications with the then DCA and Sark. Has there been any exchange of letters which have not been made available to the public? |
| 08 | Sieur Raymond | There has been one exchange of letters dealing with Sark's relationship with the UK arising from issues surrounding the granting of International identity to Guernsey. He has asked the correspondent at the Ministry of Justice (MoJ) for permission to release that exchange to the public but as yet has received no response. |

1b. Minutes of the Extraordinary Meeting on 31st May 2007

- 01 Seneschal Asked for any factual corrections of which there were none.
Acceptance of the minutes was proposed and seconded and **APPROVED** by the House.
- 02 Seneschal Asked if there were any matters arising from the minutes.
- 03 Mdm. Baker Page 2, Item 1.07 – It is understood that a letter was sent to the Lieutenant Governor to attempt to stop the meeting taking place. A copy of the letter should be made available to the public and the list of signatories exposed.
- 04 Mlle. Char The letter did not attempt to stop voting but questioned the activities of Chief Pleas and requested that the procedures used to call the extraordinary meeting be reviewed. She would discuss with those who signed it whether it can be released.
- 05 Mdm. Baker Repeated her request that those who signed the letter should own up to having done so.
- 06 Mlle. Char Repeated her promise to speak with those involved to see whether it could be released.
- 07 Mlle. Perrée Asked why Sieur Raymond had not given details of the correspondence with the DCA (sic).
- 08 Seneschal As already explained, clearance has been requested. There are certain niceties which are occasionally followed. There should be no release without approval.

2. Questions not related to the business of the day

- 01 Mdm. Rang Raised a series of questions of the President of the Development Control Committee (DCC), asking if permission had been granted for any communication masts on the Island.
- 02 Sieur Baker There had been five applications, two for booster aerials at the Harbours, one for the tetra mast attached to the outside of the Committee Office, one for two aerials on Little Sark for Cable & Wireless and Wave Telecom and one at the main mast in Rue Lucas.
The only criteria open to the DCC is to consider the visual effect and the Committee has to stay within the guidelines laid down in the Planning Laws. To go further by considering the health effects is not in the DCC Mandate.
- 03 Mdm. Rang Was satisfied with that reply.
She then questioned the President of the Medical Committee by asking if the Committee is aware of any expressions of concern by Sark's Medical Officer, either past or present, about the safety of mobile 'phone or other telecommunications masts? If he is not, could he ask the Medical Officer for a report on the matter, in particular relating to the siting of such installations near homes, the school and workplaces, and the widespread expressions of concern about safety among the public, both in Sark and the other Channel Islands, and would he make such a report available to Chief Pleas Members and the public?
- 04 Dep. Olsen The Doctor has expressed concern and the Committee will investigate further under the provisions of its mandate and report back to Chief Pleas, hopefully at Michaelmas.
Dr. Teunisse has expressed concern about the emergency services tetra mast between the Committee Offices and the Old Island Hall. With six diagnosed cases of Meniere's Disease, our Doctor wanted to switch off the tetra tower for one month without letting anyone know when this would happen to see if all six patients were suddenly cured. In February, Dr. Teunisse wrote to the manager of Central Services of the Guernsey Home Department, which maintains and uses the tetra mast for emergency services. The request was turned down.
It should be noted that if it were to be switched off, there would be no emergency services communication on the east coast of Guernsey, across the Big and Little Russell, nor anywhere in Herm or Sark for that period. Can we afford that risk?
The Committee is keen to investigate, working with Dr. Teunisse in collecting and compiling information to prepare a report for Chief Pleas.
- 05 Seneschal Future applications to the DCC for such masts should be reported to the Medical Committee.
- 06 Sieur Baker Recent tests have shown any emissions to be well below the accepted levels.
- 07 Mr. Perrée He had enquired about the 'phone masts on Little Sark, which are well away from any dwellings, and these have been declared safe.
- 08 Mdm. Rang The Doctor declares that there is no health problems in Little Sark which can be associated with the masts.

3. Sieurs Donnelly & Curtis

Land Reform - Report with Propositions

- 01 Sieur Donnelly Introduced his paper, jointly signed with Sieur Curtis, and apologised for its late inclusion to the Chief Pleas papers. He then read the report and directed the House to the summarised legal advice attached to this report.

- Sieur Donnelly His report was at slight variance with that presented by Sieur Guille and Deputy Melling at the Michaelmas 2006 meeting in which they sought clarification of what impact the new Reform Law would have on the feudal privileges, rights, obligations and restrictions originating from the Letters Patent 1611 and how this would impact on the Tenants, the Seigneur and the freeholders and leaseholders. He also considered that the response from Her Majesty's Procureur (HMP) at that time, did not answer the issues raised. The issue of Land Reform was now supported by new legal opinion. He then turned to the second part of the joint report with its propositions to direct the C07C which he read out, concluding that in summary there were two points of issue involving the legal situation and whether the Law was ECHR compliant. Sharpe Pritchard has provided a legal opinion which is attached to the papers circulated.
- 02 Sieur Curtis Confirmed that he was happy to second these proposals because he believed they are required now as the balance of governing power in the Island is expected to change over to leaseholders from Tenants. None of these propositions would delay the progress of the Reform Law today – proposition 2b for example, if successful could be written into the enabling ordinances over the next twelve months if no other amendments to the Projet are required. It is not the aim of these propositions to delay the Reform Law, it is however more than ever necessary to clarify land title as it is now, to clarify the duties and responsibilities of Tenants as they are now and to specify what they would become under a future democratic government. So whilst many here will squeal again at the raising of issues concerning the Constitution of Sark itself, the issues are so inter-related at present that it is vital to sort them out before the anticipated transfer of power. Such topics, when raised previously, over a number of years, certainly by Mdm. Rang and more recently by Deputy Melling and Sieur Guille last October, have strangely yielded no answers from Law Officers – hence the need to keep asking those fundamental questions relating to the Constitution of Sark whilst considering the composition of Chief Pleas. As to proposition 2b itself, He was happy to declare his interest as a landowner here and wished this proposition to be included to send a message out to Chief Pleas and the wider public, that the lands of Sark are not held by Chief Pleas but by the land owners, holding as they do perpetual leases from the Seigneur. With that in mind, it is entirely correct that any changes in land law be at the consent of the land owners in the first instance. He pointed out that proposition 2b does not even forbid land reform – which would be his personal wish – but merely sets out a mechanism and thresholds that could allow this to occur in the future. In summary, the propositions are necessary for ALL possessors of Sark property – leaseholders, freeholders and Tenants alike and the answers should yield a clearer picture of the situation from which to plan ahead.
- 03 Seneschal Proposition 2b is an instruction to C07C to revise the Reform Law. He was happy to see it go into other legislation and therefore proposition 2b may need to be amended.
- 04 Sieur Curtis It can be amended at a later revision of the Reform Law.
- 05 Sieur Baker Both speakers have suggested the Reform Law only deals with leaseholders having seats in a new Chief Pleas. Tenants still have the opportunity to sit in Chief Pleas. Sitting in Chief Pleas is currently an obligation and not a right for Tenants.
- 06 Sieur Curtis The balance of power would move from Tenants to Leaseholders.
- 07 Seneschal Only in the short term. In future, after the referendum if the House is open to anyone wishing to stand, Tenants could again hold the balance providing they stand for election.
- 08 Dep. Olsen Asked the proposers to withdraw their propositions. Items 1 and 2a, certification of Human Rights compliance, are automatically part of the process for every Projet and Ordinance. These are unnecessary if not frivolous propositions and he repeated his request for them to be withdrawn. He also objected to proposition 2a, because Tenants have “service and duty” not a “right” to provide good counsel through Chief Pleas. Propositions 2b and 4 should be withdrawn as they are better addressed in separate legislation and are unacceptable to the residents who see it as another excuse to delay our new constitution. If these are as important as the proposers believe, where were they, these proposers when Mary Collins asked for a study group to look at land reform seven years ago? Land Reform can be carefully studied and developed as separate legislation. These propositions come across as eleventh hour obstructions and that is unacceptable to the Sark electorate. Proposition 3 should be withdrawn because this has been done already. The Reform Law does nothing to change land law on Sark. Please withdraw your propositions.
- 09 Sieur Donnelly Concurred with Sieur Curtis – if looked at now, it can run in parallel to other issues. If it is not included then the Law will be sent off and will then later have to go off again for amendments to be made. It would be foolish of Chief Pleas not to get it right now. In reality, Tenants will in the future be in a minority can we not include this now while the opportunity still exists.

- 10 Seigneur We have three new Deputies from fourteen candidates. It shows that the public want to move forward and have been trying to do so for over seven years. The Donnelly/Curtis propositions are yet again trying to delay progress and are ritual objections. Any lawyer can give an opinion, always to coincide with the Clients view. Throw this paper out – if it comes back again, more proposals will be put forward.
Proposition 1 must be rejected – it is already covered and any human rights challenge will be dealt with by the UK not us.
Proposition 2a is not within the mandate of C07C. If Sieurs Donnelly and Curtis consider that the human rights issue is open to challenge, let them make their own challenge. Chief Pleas will have voted for the change but the position of Tenants in Chief Pleas should be fully appreciated. The Seigneur referred to a letter in the July edition of the local newspaper “La Vouair de Sercq”; written by Dr. Richard Axton, who says “...A Tenants automatic seat in Chief Pleas is not a right but an obligation (ie. not something due but something owing, owing to the community through loyalty to the person of the Seigneur, because it is his Chief Pleas). It is similar to a Tenants obligation for habitation, defence and ‘droits Seigneuriaux’. There can be no argument to compensate someone from releasing them from an obligation. In the past when Tenants have been released of obligations it was they who paid compensation to the Seigneur.....”
Proposition 2b is fantasyland – you cannot bind a future Government; it could be overturned, especially as it would be imposed by a non-compliant human rights Government.
Abandon propositions 3 and 4. The Law can be changed at a later date if needed. Just stop this continuous delay and lets settle it once and for all. There is so much else that Chief Pleas and the Law Officers need to be doing for the Island – drafting the Building Control Law has been held in abeyance for four years for example.
- 11 Mlle. Char There is a precedent for challenge and the opinions put forward are based on points of fact. She referred to Nik van Leuven’s (HMP) response of 25th September 2006, to questions raised before Michaelmas Chief Pleas and the 1922 and 1951 Constitution. There is a precedent for compensation and Chief Pleas Members would do well to take advice. She referred to even earlier letters from HMP Rowlands, about relinquishing the composition of Chief Pleas.
- 12 Seneschal If the Constitution goes forward and is approved by the Privy Council, human rights compliance becomes a UK responsibility. The Ministry of Justice (MoJ) has made it clear that additional sections can be added as and when required.
- 13 Sieur Donnelly Advice from the Law Officers is not released by Sieur Raymond who does not make it available to others. Guernsey have their own agenda and need our legislation to achieve their own ends. Dr. Axton forgets that Chief Pleas makes laws for its own benefit. Sieur Donnelly would prefer to obtain his advice from the Seigneur but Mr Leolin Price lives in the real world. The point has been made about the land law; he remains fearful that Sark will become built up and its unique charm destroyed. He also fears the land holdings will be broken up and divided which is why some protection is being sought. The Seigneur may be correct but if we don’t look at the Reform Law and get it right the outcome could be disastrous. Sharpe Pritchard has said that MoJ is not holding Sark to ransom – that’s rubbish.
- 14 Dep. Olsen Will the proposers withdraw their propositions and come back at Michaelmas with properly focussed considerations on Land Law?
- 15 Mdm. Baker
Dep. S. Williams Both Members were prepared to second the Seigneur’s wish to go forward on the Reform Law and reject these propositions.
- 16 Mlle Perrée Why can we not see the letter from MoJ?
- 17 Seneschal The last letter that came from MoJ came to Deputy Armorgie as President of C07C. Sieur Raymond has asked if it can be released. He had no notice of her question.
- 18 Sieur Donnelly Just wanted to understand the implications of the letters – there is no rush or pressure. Why have we got to rush? If we go forward now it will cost us. The Seigneur thinks there is little likelihood of a challenge. Learned Counsel say there is every possibility.
- 19 Mlle. Char Reiterated earlier arguments. The question has been asked before, it was asked by C07C and HMP letter of 21st September does not answer the questions. The issues have been skirted around.
- 20 Sieur Curtis Does not wish to withdraw the propositions. It would be too late to bring in a law at a later date. During the transitory period there could be a land grab as Tenants will be vulnerable and in a minority in the reconstituted House.
- 21 Mdm. Rang Is sick to death of this issue and supports the Seigneur. The decision was made at Easter Chief Pleas – let’s move on!
- 22 Seneschal We will go to the vote. The Law Officers automatically check all drafted laws for human rights compliance so will Sieurs Donnelly and Curtis withdraw their first proposition?
- 23 Sieur Donnelly Has been advised that sections of the Reform Law are not human rights compliant.

Propositions 1 - *That Chief Pleas directs that C07C consult with the law Officers to ensure compliance of amendments to the Reform Law with ECHR legislation as likely to be applied to Sark.*

The proposition was LOST

Proposition 2a - *That Chief Pleas directs C07C to seek clarification from the Law Officers that removal of tenants rights without compensation is human rights compliant or subject to challenge and claim for compensation under any other law and if so, where the compensation is coming from.*

The proposition was LOST

- 24 Sieur Gomoll There is a conflict of interest here by everyone in this House. It was an issue discussed in C07C but Chief Pleas had instructed the Committee not to deal with it. There is a need to find a compromise as the proposition indicates a real fear for the future whilst acknowledging there is a conflict of interest.
- 25 Sieur Spence Where is there a conflict of interest?
- 26 Seneschal Every single person on this Island will be in conflict.

Proposition 2b - *That Chief Pleas instruct C07C to revise the Reform Law to include the following clauses:*

- (i) *That no change to the land law of Sark may be enacted by Chief Pleas without express prior written consent of a $\frac{3}{4}$ majority of all landowners of Sark, landowners being the Seigneur, the Tenants, and the Freeholders, each landowner having for this purpose one vote for each Tenement or Freehold he owns.*
- (ii) *That this law may not be repealed or amended without express prior written consent of a $\frac{3}{4}$ majority of all landowners of Sark.*

The proposition was LOST

Proposition 3 - *That Chief Pleas directs the Finance and Commerce Committee to consult with the Law Officers to ensure that any Sales/Purchase Tax does not contravene any general principles of Law and in particular that leaseholders are not disadvantaged by discriminatory application of such law.*

The proposition was LOST

Proposition 4 - *That Chief Pleas directs the Finance and Commerce Committee to consult with the Law Officers to examine ways to clarify and codify land title in such a way as to protect freeholders, tenants and leaseholders in order to satisfy the requirements of security for loans.*

The proposition was LOST

- 27 Mlle. Char Would like it recorded that she voted for all propositions.
- 28 Sieur Donnelly Would like it recorded that he voted for all propositions.
- 29 Seneschal You could have called for a named vote.
There were three supporting papers to the Donnelly/Curtis report. He wished to stress that the ECHR paper has nothing at all to do with Land Reform. If they had wished to raise an issue using this paper, it should have been put in separately with a covering report.

4. Constitution 2007 Committee (C07C)

The Reform (Sark) Law 2007 – Report with Propositions and Projet de Loi

- 01 Dep. Armorgie Introduced the report and said that it had been a most challenging experience being the President of C07C. The Committee was composed of people with disparate views and his inexperience at chairing Committees had made it all the more difficult. Many issues were debated and he wished to show appreciation of all that the members of the Committee had done. He wished to particularly single out Deputy Sandra Williams and the Committee Secretary who went through the many sets of minutes to produce the report on the table today. Some think the proposals go too far, others not far enough. It was a case of (with apologies) damned if we do and damned if we don't!
The Committee has tried to remain focussed on the job in hand – Land Reform was a matter for the GP&A Committee and this had been made clear by Chief Pleas when the C07C mandate was drawn up. He was grateful for the many contributions that had been submitted to the Committee for consideration. He was also pleased that Mdm. Rang has joined the Committee as she had brought a new dimension to C07C deliberations. The Committee has had many diverse views but has met regularly to find a way through – it has met three times already this week.
He appreciated the help of Mr. Andrew Bache who has met with Mr. Peter Thompson at the MoJ and given C07C a clear and concise understanding of MoJ views. With the Government reshuffle a further dimension has now been introduced as a new Minister of Justice, Jack Straw MP, is in post and an unknown quantity in future negotiations.

- 02 Dep. Armorgie Continued by reading much of the report, emphasising the reasoning behind each of the propositions and confirming C07Cs wish to meet the deadline for reports on 8th June.
- 03 Seigneur Drew attention to the response to the report by the Law Officer (Mrs. Vicky Ogier) who drafted the Easter amendments into the Projet de Loi attached to this report. Mrs. Ogier has highlighted the human rights concerns surrounding some of the propositions and stressed that if all these propositions are approved by Chief Pleas, there will be no alternative to incorporating them and returning the Projet once again for Chief Pleas to approve the final version.
- In proposition 6 for example, Mrs. Ogier suggests that the barriers are being raised well beyond normally accepted limits and she asks if the MoJ has been consulted and what comparative research the Committee has undertaken. She refers to the Venice Commission Guidelines for Electoral Matters that recommend the period of residency required for eligibility to vote and stand for election should not exceed six months. These Guidelines are not binding but could be taken into account by the European Court and there have been earlier cases and case law established.
- Many of these issues can be left to the subordinate legislation, others can be considered in the transition period but if decided upon now the Projet will need a serious amount of further consultation and redrafting.
- 04 Dep. Armorgie The advice has been received but it is down to Chief Pleas as to whether it wishes to consider further the issues raised in the propositions.
- 05 Mdm. Baker In Paragraph 14, the idea of having to vote for a minimum number of candidates is not a feasible demand. She didn't like the exclusion of those achieving less than 25 votes either.
- 06 Sieur Harris Thanks should be recorded to C07C for taking Chief Pleas instructions and returning with an amended Projet de Loi and also looking at other issues with which it feels concerned. These are well intentioned and interesting but just that – interesting. Such a clear vote at Easter Chief Pleas, 30 in favour and only 8 against, was convincing and there is a need to crack on. Chief Pleas should ask C07C to work on these areas and bring amending proposals at a future date. He was concerned at proposition 6 for example – if the Sark electorate wanted to vote in someone who had only lived here for two years, they should be able to do so.
- 07 Mlle Bull Accepted proposition 6 – people need to know how life on Sark works before assisting in the legislation of the Island. They need to live here for at least two winters to obtain a real appreciation.
- 08 Seneschal Tenants currently do not have such restrictions. There are no time restrictions before they enter Chief Pleas. Most people will have had to live here for a year and a day to be on the electoral list.
- 09 Mdm. Rang Has received many complaints about new Tenants who buy into the Island and after three or four weeks are sitting in Chief Pleas.
- 10 Seigneur We must have some faith in the electorate. There are some people living here for more than four years who wouldn't receive my vote!
- 11 Mdm. Baker Has always been a supporter of Option "A" but we need to unite and support the Reform Law. Tenants won't be voted for anyway.
- 12 Mlle. Char C07C has looked for guidance but is disappointed that there has not been more debate.
- 13 Sieur Donnelly Was disappointed by Mdm. Baker's remarks about voting for Tenants. He may not be whiter than white but many Tenants contribute much help and guidance to Committees and in this House.
- 14 Seneschal Do C07C wish to leave all propositions standing for voting to take place and he repeated the advice from the Law Officer – propositions 3 to 6 would, if carried, require the Projet to be redrafted with considerations made of the implications to human rights and the Vienna Convention. Only propositions 1 and 2 require such minimal drafting as to be acceptable without the Projet being returned again.
- 15 Sieur Gomoll In Committee, he had been of the view that proposition 6 need only be for one year but was persuaded otherwise. He was grateful for the Seneschal's clarification. C07C is flexible enough to amend the propositions if this would help but the Committee wanted to bring forward its concerns. Keeping a minimum of 28 members in proposition 3 was prompted by the potential for not filling all seats at an election and taking the reduced House as an acceptable norm. If the same thing happened again it could reduce again and where was the bottom line to be drawn. 28 has always been considered a minimum requirement to service all the Chief Pleas Committees. If this safeguard is not in the Reform Law, ultimately the working of Committees may be impossible. In proposition 4, the introduction of a minimum of 25 votes to elect a candidate was to ensure that sufficient people wanted the candidate elected. In the recent by-election when three seats were contested by 14 candidates, only three of those standing polled less than 25 votes. In the previous by-election (and his remarks had been cleared with the Deputy beforehand) Roger Olsen was the only candidate for the single seat and entered Chief Pleas by default without the electorate endorsing him. He is a valued Member of the House but it may not have been so. C07C can work with the Law Officers to see how its thoughts can be

- 16 Dep.R. Dewe translated into an appropriate form of words which will be acceptable. Paragraph 10 (proposition 1) is not valid and needs no change. He agreed with Paragraph 12 (proposition2) that the referendum dates do need amending. The 28 minimum in proposition 3 should not be included in the Reform Law. It can be changed by Ordinance, a far less cumbersome way than having to rewrite the Projet. The traditional months for election can be changed by ordinance. Insisting on a voter casting a minimum number of votes cannot be human rights compliant. An individual must have the right not to vote for a candidate they have no wish to vote for, merely to meet the minimum requirement. He agreed that election by default was not desirable but to have an election where there was no contest was too costly. The postal voting issues can be settled by ordinance. Paragraph 9 (proposition 6) would be resolved by letting the candidates stand and allowing the electorate decide their worth. Proposition 7 was flawed by allowing approved amendments to be included. The people wanted universal suffrage and this was shown by his daughter, Elizabeth Dewe, declaring that view at the hustings meeting and then polling the greatest number of votes of the 14 candidates on a 67.5% turnout – the people wanted Option A. C07C was discredited.
- 17 Seneschal Took the house to the vote on each proposition –

Proposition 1 – *That Chief Pleas replace the wording of the binding referendum proposed in the revised draft law distributed with this report, as follows –*

“SHOULD THE COMPOSITION OF CHIEF PLEAS BE ALTERED WITH EFFECT FROM THE NEXT GENERAL ELECTION SO THAT NO SEATS ARE RESERVED AND THE ONLY ELECTED MEMBERS THEREAFTER SHALL BE CONSEILLERS”.

The proposition was CARRIED

Proposition 2 – *That Chief Pleas amend the dates for the referendum, as defined in Schedule 1 of the revised draft law distributed with this report, and replace as follows –*

“That Chief Pleas shall by Ordinance appoint a date for the holding of a referendum in accordance with this Schedule, which said date shall fall within a period which commences not earlier than 1st January 2011 and no later than 31st December 2011”.

The proposition was CARRIED

Proposition 3 – *That Chief Pleas add the following words to the end of Clause 22(6) –*

“.....but always maintaining a minimum of 28 seats in total”.

The proposition was LOST

Proposition 4 - *That Chief Pleas add to Clause 26(1) –*

(c) “all candidates must poll a minimum of 25 votes to be elected”.

The proposition was LOST

Seneschal Asked the President of C07C whether, on the basis that proposition 4 has been lost, he wished to withdraw proposition 5.

Dep. Armorgie After consultation with Sieur Gomoll, it was agreed to withdraw proposition 5.

Proposition 5 – *That Chief Pleas change Clause 26(3) to read –*

“If, at any election held under this Law, regardless of whether the number of candidates is the same or less than the number of vacancies to be filled, an election shall still take place and any candidate polling less than 25 votes will not be elected. A further election shall be held on such date, as soon as may be after the original election, as shall be appointed by Ordinance, which further election shall, for the purposes of the term of office of any successful candidate, be deemed to have been held on the date of the original election”.

The proposition was WITHDRAWN

Proposition 6 – *That Chief Pleas agree that an individual standing as a Member of Chief Pleas, as defined in Clause 29(5), should in addition to the qualifications prescribed –*

- o Have been ordinarily resident on Sark for four years unless previously serving as a Deputy.
- o Have been ordinarily resident on Sark for four of the past ten years, if returning to Sark to stand.
- o Have had their candidature specifically approved by Chief Pleas if not conforming to clauses 1 & 2.

The proposition was LOST

Proposition 7 – That Chief Pleas approve “The Reform (Sark) Law 2007” as redrafted and attached to this report, subject to amendment by any propositions approved today, and forward it to the Law Officers for final amendment ahead of it being sent to the Privy Council for Royal Assent.

After a named vote the proposition was CARRIED – 27 pour, 7 contre and 5 no votes

Seneschal Asked the President of C07C if he wished to introduce the further proposition discussed earlier.
Dep. Armorgie Agreed – this being the form of words used in 2005 when the previous Reform Law Projet had

been forwarded to Her Majesty.

Proposition 8 – That Chief Pleas authorise the Constitution 2007 Committee to sign off the amended Projet de Loi, as approved today, and present the amended Projet de Loi to the President of Chief Pleas for onward transmission of the Projet de Loi together with a Humble Petition to Her Majesty in Council.

The proposition was CARRIED

5. Deputy Armorgie President of the Constitution 2007 Committee Minority Report

- 01 Seneschal A minority report is usually submitted by a member of a Committee who disagrees with the proposals being presented by the Committee. This is not a minority report but a statement to the House.
- 02 Dep. Armorgie As a political moderate he wished his views to go on record.
- 03 Dep. Olsen Proposed a vote of thanks to Deputy Armorgie for his efforts as President of C07C in managing to submit the C07C Report on time.

6. General Purposes & Advisory Committee Regulation of Utilities – Report with Proposition and Projet de Loi

- 01 Dep. Olsen Explained that this Projet updates the 2001 Law which currently applies to Sark for telecoms and postal services, utilities which are organised and operate mainly in Guernsey. It has no relevance to Sark Electricity. It does not relate to any business based in Sark.
- 02 Seneschal Confirmed that there are significant safeguards written into the Law for Sark.
- 03 Sieur Baker Considered this drafting was back to the old order – it was consultation with GP&A but does Sark have a veto? The original 2001 Law has consultation with GP&F (on page 31) but the new amendment law changes things fundamentally – do we still have that facility?
- 04 Dep. Olsen Was unable to answer that enquiry without warning and Item 6 was withdrawn with a view to being brought back to a later meeting of Chief Pleas.

[Following enquiries the following day, the questions were resolved and it was brought back on the second evening – see Page 11](#)

7. Harbours Committee Verbal Report and election of a Member to the Committee

- 01 Sieur Rang Announced the retirement of Mr. John Carré as Harbourmaster and the resignation of Mr. John William Carré as Junior Harbourmaster.
Following interviews, Mr. M. Mann and Mr. J. Hodge are the successful candidates.
- 02 Dep. P. Williams Asked that a vote of thanks be recorded to Mr. John Carré for his 21 years service as Harbourmaster.
- 03 Sieur Rang The Committee was nominating Deputy Cocksedge to fill the vacancy available on the Committee.
- 04 Seneschal Asked for any further nominations. There being none, Deputy Cocksedge was **ELECTED**.

8. Education Committee To elect two Members and a non-Chief Pleas Member to the Committee

- 01 Mdm. Magell Announced the resignation of the Head Teacher, Michael Conyers. He has stressed this is for personal reasons and not related to the school itself. He will be leaving at Christmas, at the end of the autumn term. His post has been advertised in the Times Educational Supplement, with a closing date of 20 July and interviews in early September. A number of enquiries has already been received for application forms. There will be the expenses of advertising, interviewing and ultimately moving, however, the Committee will try to keep this to a minimum and has been advised that these expenses can be accommodated within this year's unforeseen expenses allocation.
Mdm. Magell acknowledged in answer to a question that some compensation may be required from Mr. Conyers for the cost of removal expenses for his move to the Island.
- 02 The Committee wished to nominate two of the new Deputies – E. Dewe and A. Dunks - to the vacancies on the Committee and both have confirmed their willingness to stand.
Dep. E. Dewe is a mother of a former pupil and a current pupil and has been a supporter of the school for many years. Dep. Dunks has expressed during the election process his desire to give back to the community and it is felt both these individuals will provide a welcome addition and a new range of skills and ideas to the Committee.
- 03 Seneschal Asked for any further nominations.
There being none, Deputies E. Dewe and Dunks were **ELECTED**.

- 04 Mdm. Magell Introduced the Committee proposition to retain Ms. Jan Guy on the Education Committee as a non-Chief Pleas member, and felt sure it was unnecessary to explain the reasons for wishing her to continue to serve the School and its children. She has 30 years teaching experience, 12 of those years as the Head Teacher of Sark School. She knows the strengths and weaknesses of the school immediately and has the trust and respect of every member of the school staff, teachers, and support staff as well as the Committee. Since ceasing to be a teacher in the school she has continued to go into the school on a regular basis providing help, assistance and support whenever and however she can. She knows and is known by most of the school families. She has been with the Education Committee for three quite tricky years during which time she has dealt with a huge number of different issues including the budgets, appointments of new staff, staff contracts and appraisals. From a personal perspective, the Education President believes that the work of the Committee will be seriously disadvantaged without the continued membership of Ms. Guy. Mdm. Magell failed to see how any person when they are considering the wellbeing of the current and future pupils of the school can find any unbiased reason not to support the proposition as stated.

Proposition – That Chief Pleas supports the proposal to elect Ms. Jan Guy as a non-Chief Pleas Member of the Education Committee.

The proposition was CARRIED

9. Road Traffic Committee

Harbour Hill Transport – Report with Propositions

- 01 Seneschal Stated that Sieur Guille has declared an interest in this Item, in accordance with Rule 12, and was it the wish of the House that he withdraw or remain. It was agreed that Sieur Guille should remain but without joining the discussion or voting.

- 02 Dep. Cocksedge Apologised for the late distribution of this item but he had been required to consult with the President of Finance and Commerce and Sieur Raymond had a heavy workload trying to meet his own deadlines for F&C and GP&A Committees. Consultation has now taken place as it has with the two existing operators of Harbour Hill Transport.

At Easter, Chief Pleas was very specific about how it wanted the Committee to take this matter forward and the propositions approved then are shown at the beginning of this report.

To meet those instructions, a contract document has been drafted and is attached.

It is based on the previous arrangement with the operators but has been extended and strengthened to tighten up the way the service is provided in order to protect the passengers, the Island's interest and the operators providing it.

Remember what is being offered here by Chief Pleas - two franchises to provide a passenger service up and down Harbour Hill, for which fares can be charged and more than ten people can be carried. These are exclusive franchises and no other person can charge fares or carry more than ten people up and down the Hill. There will need to be two contracts – the one as seen here and a second for only part of the year, with fewer commitments to meeting boats – recognising the lower demand during the winter months.

The conditions of contract deal with –

- the standards of the vehicles used;
- the drivers operating the service;
- fares;
- passenger care;
- the commitment to meeting boats;
- publicity for the service;
- monitoring of the operator's performance;
- disputes;
- insurance.

The Contract does not say whether the bus trailer must be replaced during the contract or what happens if it becomes unsafe or unusable during the term of the contract. If the contractor is expected to replace the trailer at his own expense, the five years of the contract will be too short for enough money to be made to cover that cost.

Dep. Cocksedge has spoken with Mr. Rowan Gill who has given an estimated value for the existing bus of £800 but has also suggested that a replacement trailer is likely to cost up to £15,000.

- 03 Dep. Cocksedge Chief Pleas could let the contract for ten years but require a replacement trailer to be provided as part of the conditions of granting the franchise. This option is given to the House in Proposition 1.
Having met with the existing private operator, the contract is broadly acceptable with the following exceptions –
- o There must be two separate contracts, one covering all year, the other the main season only as there is insufficient demand to justify two buses all year round;
 - o The contact numbers for lost property and complaints should not obscure the windscreens but will be placed prominently elsewhere on the vehicle;
 - o Providing timetables for the public is a problem because of the unpredictability of the various boat services;
 - o In the event of the contract being suspended or terminated, one of the alternative drivers would take over ensuring the continuation of the service.
- The fare of £1 was not considered excessive by the operators and compares with similar short journeys on buses elsewhere. In that regard the second proposition is considered unnecessary and the Committee, having discussed the financial implications with Sieur Raymond, also feel unable to recommend it as an option, welcome though it might be. Both operators will work with the Road Traffic Committee after Chief Pleas has made its decision. If Chief Pleas does not support either propositions 1 and 2, the fall-back proposition 3 continues the operation as now for another five years.
- 04 Sieur Baker What happens to the contract in the event of death? The existing private operation has been inherited on two occasions after the owner has died.
- 05 Dep. Cocksedge A clause to cover such an event will be incorporated into the contract in discussion with the contractor. In any event, the Committee must be informed of any change in ownership.
- 06 Mdm. Baker Asked for clarification of proposition 3 and the five year period.
- 07 Dep. Cocksedge Explained that this was the continuation for a further five years from the date the existing contracts end in October 2007.

Proposition 1 - *That the period of each contract is extended to ten years and a clause requiring the contractor to replace the trailer to a specification drawn up jointly by the Committee and the Contractors, is included in the Conditions of Contract.*
The proposition was CARRIED

Proposition 2 – *That single fares on Harbour Hill Transport revert to 50p for adults, 25p for children and that the revenue collected from fares should be paid to the Island Treasury. As a consequence the two contracts to operate the Harbour Hill Transport franchise be put out as a cost only tender and awarded to the lowest bidders.*
The proposition was WITHDRAWN following the adoption of proposition 1

Proposition 3 – *That if Propositions 1 and 2 are rejected, the existing operators be offered the contracts under the terms and conditions contained in the draft contract document attached or as amended following debate at this meeting, for a further five year period.*
The proposition was WITHDRAWN following the adoption of proposition 1

- 08 Dep. Cocksedge Explained that there had been no progress on establishing a limit on the number of tractors yet as the Law Officer dealing with Road Traffic Legislation had greater priorities dealing with Finance and Commerce legislation and the forthcoming IMF inspection.
He was pleased to announce that finally the legislation for electric bicycles was in place and Mrs G. Guille and two others on the Island were now enjoying the benefits.
- 09 Mlle. Perrée Asked if any new tractors can be smaller.
- 10 Dep. Cocksedge Reminded her that this issue had been fully aired at the last Chief Pleas and referred her to the minutes (Page 20-21, Item 14) and the proposition which had been carried.
- Seneschal Asked whether the House wished to return at 10am or at 7pm the next day.
Sieur Raymond For his part he had an all day meeting in Guernsey on Friday and needed Thursday to prepare so would appreciate an evening meeting.
Seneschal Called for a show of hands and the evening option was carried.

The meeting ended on the first evening at 10.05pm and reconvened at 7.00pm on the following day

Opening Remarks on the second evening

- The Seneschal was aware of all the circulars and flyers which had been distributed ahead of the Chief Pleas Meeting and was concerned with the content of some. He gave a warning to the House that he would not accept any similar trading of insults and asked that those speaking should take care with tone and word in what they were saying.
- The Seneschal also reminded the House that Mr. Kevin Hart had been an unpaid advisor to Chief Pleas on matters to do with the Constitution in the past and had been thanked in 2002 by the Committee for his services. He was no longer used in that capacity and any new papers presented now and bearing his name were the result of advice or opinion paid for by a Client whose instructions are not known to the House.
He recorded a vote of thanks to Mr. Kevin Hart for his advice freely given over some three to four years ending in 2002.
- The Seneschal reminded the House that on the previous evening Item 6 was withdrawn following questions from the floor which could not be satisfactorily answered. Earlier today contact was made with the officers in Guernsey and the GP&A Committee are now able to give the answers required and the item could be reconsidered and the proposition moved for a vote.

Chief Pleas accepted the reconsideration of Item 6.

6. General Purposes & Advisory Committee

Regulation of Utilities – Report with Proposition and Projet de Loi

- 01 Dep. Olsen After due consultation, the Committee are now in a position to recommend approval of the Law and Sieur Baker is content.

Proposition - That Chief Pleas approve the Projet de Loi entitled the “Regulation of Utilities (Bailiwick of Guernsey)(Amendment) Law, 2007”.

The proposition was CARRIED

- 02 Sieur Guille Asked if more explanation could be provided.
- 03 Sieur Baker Consultation, as required in the 2001 Law, was conducted and Sark agreed to the draft Law and the draft Ordinance. The GP&F Committee, of which he was a Member at the time, considered and responded to the consultation by Guernsey in November 2006.
- 04 Seneschal Confirmed that this was the case and GP&F Committee had dealt with the draft legislation.
- 05 Sieur Guille Requested further clarification – had Chief Pleas been consulted?
- 06 Dep. Olsen Section 11 of the new Law amends Section 23(3) of the 2001 Law to provide that any States of Guernsey Department must, before recommending to the States of Deliberation to enact an Ordinance under Section 14 or 15 or the new Section 22A, consult Sark’s principal Committee. The consultation requirement is not therefore removed but is in fact extended in the new section.
- 07 Seneschal Requested Members to speak with the appropriate Committee before Chief Pleas meet, if a Projet or Ordinance is being brought forward and they wish to have explanations.

10. Shipping Committee

Verbal Report

- 01 Sieur Donnelly Referred to a paper circulated before the start of this meeting. It is an update from the Alderney Shipping Company (ASC) about the work on the *Sark Viking*, the new build cargo boat and is a position statement prepared by their engineer in May. Sieur Donnelly has attached a number of e-mails showing his attempts to obtain information from the Directors of the Isle of Sark Shipping Company (IoSS) but without reply.
The report is attached to these minutes as **APPENDIX 1**.
A month appears to have passed without any action or progress being undertaken on the new boat and he remained unable to illicit information about what is happening.
He has also tried to obtain information about the Winter Timetable, again without success.
- 02 Sieur Raymond Accepted that there were problems with the new build and ACS, whose engineer had been overseeing the construction, drew this to the attention of the IoSS Directors. Since the change of management of IoSS, the Chief Engineer of Classification and the new supervisor of the build from Ship & Fly, who know each other, have been in touch and will be reporting soon. There were twelve x-ray tests of which nine failed which is a worryingly high percentage but inspections are continuing. There is an IoSS Board Meeting within the next few days and the situation is being reviewed by the new Managers. It should be remembered that the new Managers only took over IoSS operation at Noon on 15th June 2007 and there has been much requiring their attention in these early days of their involvement.

- 03 Sieur Hurden The normal procedures by the Classification Society is to test on particular pieces of the hull – what about the rest of the boat? He thought it had been previously reported that the boat was coming to Guernsey for internal fitting out.
- 04 Sieur Donnelly He too thought the boat was ready to sail. There is a need to have someone in charge of the project and nobody knows the extent of the remaining work or the costs involved. The photographs of the new boat were posted up with the best of intentions. The cost of the previous inspection was £1500 but it needs an independent surveyor to advise the Committee. He has tried to obtain this information so that the Committee could have a meeting to discuss the issues.
- 05 Sieur Raymond At 6pm this evening he spoke to the new superintendent who informed him that all was waiting on the Classification Society to produce recommendations on the work needed.
- 06 Seneschal There is concern and there is a need to call a shareholders' meeting when the information is made available.
- 07 Sieur Raymond Was willing to do so once fully informed.
- 08 Mlle. Char Recommended that a project plan be set up to clearly see all the issues involved.
- 09 Sieur Raymond The building of the boat is a company problem not a Chief Pleas problem.
- 10 Sieur Donnelly Reminded the House that it was Chief Pleas guaranteeing the funding. It is no good getting a superintendent to tell us about the project but an independent advisor to report. There has been a month time lag when nothing has happened. Chief Pleas needs written information.
- 11 Sieur Raymond Resented Sieur Donnelly's implication. Sieur Raymond was worried about the situation but the Directors cannot move forward any quicker when one is waiting for outside bodies to report.
- 12 Sieur Donnelly It is Chief Pleas' responsibility to check that things are happening.
- 13 Dep. Olsen Had no wish to interfere with what the Directors are doing and asked that we wait for facts.
- 14 Dep. Plummer If the welds aren't up to classification standards, shouldn't the boatbuilder be putting it right?
- 15 Sieur Raymond Possibly they should but there is firstly a need to know exactly what is wrong, then how to put it right and finally who pays the cost of resolving the problem.
- 16 Sieur Donnelly There is a need to establish whether the boatbuilder is able to put it right or whether by forcing them to repair the wrongs could be sufficient to push the company into liquidation. Who built the boat and who owns the yard? There should have been a strong contract to ensure this situation didn't arise and we were assured this was the case.
- 17 Seneschal There will be a shareholders meeting soon when all issues can be discussed.
- 18 Dep. Melling Declared an interest by being a Members of Chief Pleas and Committees. IoSS is a company which Chief Pleas owns as shareholders. He believed that Sieur Donnelly had a conflict of interests.
- 19 Sieur Donnelly Admitted speaking with other boat operators because he is interested in shipping but has no conflicting interest. He took issue with the implication that he has financial interests elsewhere. He uses his own boat rather than IoSS because he can travel when he wishes.
- 20 Dep. Melling Had made no mention of financial interests. Has Sieur Donnelly been in discussion with alternative providers for the boat service?
- 21 Seneschal Considered the matter should be left there for tonight.
- 22 Sieur Raymond Raised the subject of the forthcoming Public Inquiry to hear an application by the Trident Charter Company Limited to provide a passenger and freight service between Guernsey and Sark. Whether the Shipping Committee has made representations is not known. IoSS has certainly written defending its operations and discussion continues with IoSS Managers on the issue.
- 23 Sieur Donnelly A letter dated 25th June has also been received from the Island Manager of Brecqhou which states – ".....later this year it is our intention to provide freight transport between the Island of Sark and Guernsey at competitive prices for the benefit of the residents of Sark". (APPENDIX 2) Reiterated that he had not been told about these developments and has tried to obtain information from Sieur Raymond but without success.
- 24 Sieur Raymond The reason he had not given information to Sieur Donnelly is that it was not in the Island's interest. The Island has chosen to own its lifeline shipping link. That in Sieur Raymond's view is wise. It has invested heavily in the Company – that was necessary. Now there are two challenges from Trident and Brecqhou. Sieur Donnelly has sought for some time to persuade him that Sark Shipping ought to work more closely with Trident, even on a profit sharing basis. Sieur Raymond has never been convinced that would be in the Island's interest and Sieur Donnelly has always appeared to be close to Trident. Similarly, a working relationship with Brecqhou has been proposed and Sieur Raymond could not see any advantage in that either.

- 25 Sieur Raymond The Island now faces competition on the route and the Trident licence application is going to be the subject of a Public Inquiry. He had not seen their submission, he did not know what they propose but it is his duty, as a Director of IoSS to preserve the Company's interest and the Island's investment. There is therefore a degree of confidentiality required. He will not disclose confidential commercial information to Sieur Donnelly all the while he is friends with the opposition, as that is not in the Island's interest.
At the end of the day, the IoSS Directors are accountable to Chief Pleas and all of them will preserve that confidentiality. There is no information on the opposition – on the Trident proposed fares, timetables and so on whilst IoSS is already in the public domain. Why give away more information on the Company when we know nothing on theirs?
Finally, he commented on the relationship with Brecqhou and Sieur Donnelly's involvement with the owners on their visits to this Island. They too are attempting to compete with IoSS. Consequently, he has no wish to release commercial information to them either.
The Advocate for both Trident and the Barclay family was sitting in the audience behind Sieur Raymond and does not need the advantage of any confidential company information.
- 26 The new build does have problems and the extent of them is being investigated. There have been helpful conversations with the Chief Executive of the Classification Society and the new superintendents who are taking over since the management of IoSS has changed. There report is awaited, pending which any comment would be pure guesswork. He wished to say nothing more.
- 27 Seneschal The Brecqhou letter will be attached to the full minutes of this meeting as **APPENDIX 2.**
The letter was re-read and the Seneschal hoped the House would resist it.
The letter is a disgrace.
- 28 Sieur Donnelly Declared that he had had no part in the letter. However, he felt it would be prudent of IoSS to make arrangements with other operators. Aurigny is owned by the States of Guernsey yet it competes with Flybe. IoSS similarly needs to compete. If the new licence is granted, he hopes the competitor will have to supply a similar level of service.
For his part he was willing to co-operate with Sieur Raymond.
- 29 Mdm. Baker Has full confidence in Sieur Raymond and the efforts made on behalf of IoSS but has no confidence in Sieur Donnelly and called for him to step down from the Shipping Committee.
- 30 Sieur Teers It seems there is a conflict of personalities here.
- 31 Sieur Donnelly He has a responsibility as President of the Shipping Committee to look after the shareholders interests. The new build has been sitting idle for a month and he has received that on good authority from the public. The survey reported a satisfactory outcome except for the welds which are the only outstanding problem.
- 32 Seneschal It is only fair to point out that Sieur Raymond was only one of four Directors and he hoped that all four will be available and present at the shareholders meeting when it is held.
- 33 Mlle. Char Asked Mdm. Baker if she could tell the House how she came to the conclusions about Sieur Donnelly.
- 34 Seneschal Intervened stating that motions of no confidence can only be applied to the whole Committee and not individuals. There must be a petition by at least seven Members of the House to remove the Committee. It is clear that further discussion is going nowhere so we will end the debate and wait for the shareholders meeting to be called. In a closed meeting the issues can be thrashed out and resolved.
- 35 Mlle. Char Will we receive a plan?
- 36 Sieur Raymond The plan is to make a decision!
- 37 Sieur Rang Asked for a show of hands to move on.

11. Finance & Commerce Committee

The Property Tax (Sark) Law 2007 – Report with Proposition and Projet de Loi

- 01 Sieur Raymond This Projet brings together all the resolutions already passed by Chief Pleas. It is a complex piece of legislation and is divided into sections and for ease of reference these are listed in the report identifying what each covers. He laid stress on the £50,000 threshold per transaction above which tax would be charged and it is hoped this threshold will assist local young people at the bottom end of the housing market.
- 02 Mlle. Char If mortgages are contemplated, what happens if a Bank forecloses on a debt?
- 03 Sieur Raymond Foreclosure is not liable to tax.
- 04 Mlle. Char Yet it is a change of ownership.
- 05 Sieur Raymond The balance is still vested in the original owner of the property.

- 06 Sieur Donnelly Local young people are going to pay at the same rate as wealthy people coming to the Island. It will encourage a lot more building. It is not equitable but it is recognised that the legislation needs to remain human rights compliant. Cannot the fifteen year law be applied to purchasers and exempt them from paying any tax.
- 07 Sieur Raymond Few local market transactions will exceed £100k and therefore the cost is unlikely to rise above £2k for that section of the market.
- 08 Mlle. Perrée Why can't real locals be exempt if they have worked hard here so that they are encouraged to stay?
- 09 Sieur Gomoll It could be difficult to have personal exemptions. It might be possible to change the threshold but social engineering should not be done on the hoof as being considered here now.
- 10 Mr. Perrée Why can't Sark locals benefit? On the British passport there are restrictions on the holder.
- 11 Sieur Donnelly Suggested rebates in the future to avoid locals being penalised - £50k threshold is too low.
- 12 Mlle. Perrée Why can't we have a fifteen year rule?
- 13 Dep. S. Williams What is a real local? Could Mlle. Perrée define, please?
- 14 Sieur Raymond Highlighted Section 11 – the enabling for Charging of Property – and explained that this will need Ordinances to bring in mortgaging. The Law Officers have warned that this will be complex legislation but they have found a way of overcoming the system of Sark leases. The devil will be in the detail.
- 15 Seneschal Asked if this was likely to appear from the Law Officers at any time soon.
- 16 Sieur Raymond It was in the queue behind IMF Inspection work, the Reform Law.....and Road Traffic !
- 17 Mlle. Char Believed that mortgages should not be included within this law as it should be looked at more closely in conjunction with the Letters Patent.
- 18 Sieur Gomoll Took responsibility for it being in the same Law. It was unfair to charge leaseholders a property transfer tax if there was no benefit. Currently loans for anyone on Sark wishing to buy property have to be through Bank Loans or Credit Cards or other high interest options. The Projet needs to be a well balanced package of measures. Until yesterday, tenement ownership gave a right to sit in Chief Pleas. This Law redresses the balance and much of that is done by incorporating the enabling legislation for mortgages in the same Law.
- 19 Mlle. Char This could create a loophole opening up the Letters Patent.
- 20 Dep. Olsen Likened the enabling legislation to putting down foundations before building a house by Ordinance.
- 21 Mlle. Perrée Pleaded that these were too many changes too soon. She was against mortgages and asked why the Island couldn't set up a Trust as it had done previously. Her concern was with the repercussions if those taking out mortgages could not keep up with the payments.
- 22 Seneschal It is no different to someone taking out a Bank Loan and not keeping up with the payments.
- 23 Mlle. Perrée Still thought it would be better to set up a Trust Fund.
- 24 Mlle. Char As soon as this goes forward the limitation will cease.
- 25 Sieur Gomoll Most of this legislation is motivated by human rights. When the Letters Patent was drafted in the 17th century, there was no human rights legislation as we have now in the 21st century. Time has moved on and so must we. He recounted his example of saying to the people of Guernsey that as from tomorrow, you will not be able to have mortgages – their human rights would be taken away from them and such a move could not be done. Buyers were more likely to keep up payments on a 5% mortgage than on a 10% Bank Loan.
- 26 Mlle. Perrée Why can't the Ville Roussel Fund be resurrected?
- 27 Seneschal It was not a general fund.
- 28 Mlle. Perrée It was for local people – we don't want Latvians and Poles getting mortgages and moving in.
- 29 Dep. R. Dewe Where is the money coming from to set up this Fund? Perhaps the Property Tax?
- 30 Sieur Donnelly If it's built into Sark Law, it is not discriminatory. We should be using the Property Transfer Tax to assist young people otherwise the Island runs the risk of encouraging more foreigners like himself, to settle here!
- 31 Sieur Raymond Moved on to the abolition of Congé and Treizième in Section 13 and this was straightforward as the principle has already been aired and agreed in Chief Pleas.
- 32 Sieur Donnelly Asked whether the obligations the Seigneur has to perform, had been defined. He trusted they were not too onerous but how would they be monitored and by whom.
- 33 Seigneur It would be a mistake to lay down what the duties will be – he might decide to work to rule! It needs to be left flexible in "a broad church". He couldn't take this further with Advocates in the room and felt constrained. It was difficult to quantify but if Chief Pleas were ever unsatisfied the remedy would be an approach to the Lieutenant Governor.
- 34 Sieur Raymond Chief Pleas just wouldn't pay you!

- 35 Mr. Perrée Was most concerned at the loss of Congé as there was nobody to safeguard against those buying property. He had a fear of undesirables becoming resident on the Island.
- 36 Seneschal The right of Congé is not human rights compliant and Sark needs to be careful as to how it handles this situation. It could be vulnerable with so much money generated by the markets in the City.
- 37 Mlle. Bull Pointed out that the spelling of Seigneur was wrong on Page 13 [Clause 11 (2) 7th line].
- 38 Seneschal Congé and Treizième were the subject of legal challenge in the Royal Court.
- 39 Sieur Donnelly Surely the control lies in the receipt of funds by the Island through the Treasurer. There is strict money laundering legislation in place and funds must be from a satisfactory source.
- 40 Dep. Olsen Surely it was also down to the seller to know the buyer. The present owner must know who is buying the property. He suggested that criminal record checks, being promoted in Item 22, should also apply to new owners when registering property.
- 41 Mlle. Char Started identifying various errors and references in the Projet about which she was unclear. Page 8, Section 7 – second line – penalty typing error; Page 9, Section 8 (1)(b) should affective not effective; Page 9, Section 8 (2)(b) – limitation of greater amount – needed explanation.
- 42 Seneschal Will ask Sieur Raymond to query that phrasing.
- 43 Mlle. Char Page 4, Section 3 (4)(a) also needed explanation Page 21 – “possessor” (a) was unclear.
- 44 Sieur Gomoll Explained that this was the first in a series of the hierarchical list
- 45 Sieur Donnelly Should there not be definitions of the Seigneur and Deputy Seigneur for example. Someone has done a valiant job in producing this Projet but it is a quick fix.
- 46 Seneschal Seigneur’s Deputy and like definitions are all contained in the Reform Law.
- 47 Sieur Donnelly Does the remuneration go to the Deputy if the Seigneur is indisposed?
- 48 Seneschal It only goes to the Seigneur.
- 49 Seigneur If a Deputy stands in there could be a personal payment but by personal arrangement.
- 50 Mdm. Harriet Carré The Seigneur rents Sark and pays yearly for it. Will his successor inherit the Seigneur’s new contract or has he only given away his Treizième for his term of office?
- 51 Seigneur It is assigned for ever. Originally the Seigneur raised all sorts of tythes and as each has gone, it has gone for ever.
- 52 Mdm. Harriet Carré The Dame gave up many tythes during the occupation to allow bread to be made by the Islanders during periods of shortage. When the Dame’s husband returned to the Island there was a special sitting of Chief Pleas to legalise the changes. Could the Seigneur have reinstated those tythes?
- 53 Seigneur Some of the tythes for example were in sheaves of corn; with the arrival of combine harvesters, it became impractical to measure the tythes. It is because of such practicalities that they have never been reinstated.
- 54 Mlle. Char On Page 13 [Section 11 (2)] it identifies the loss of the Letters Patent of 1611 with no supporting law in place.
- 55 Seneschal Is it in the commencement section of the subordinate legislation – it must be in place before the new Law comes in. This was agreed by Sieur Raymond.
- 56 Sieur Guille It is being agreed for this Seigneur. Will it be abolished for ever or just for this Seigneur? Will his successor abide by the same rules?
- 57 Seneschal Once this Law comes in, it is irreversible.
- 58 Sieur Raymond This is all laid down in Section 12 (1) & (2) – neither Congé nor Treizième will be payable.
- 59 Sieur Baker Referred to the unsigned mailshot and other circulars which have contained distortions, scaremongering and brought shame to this House. He had previously had doubts about voting for these measures but was now convinced that he should support them.
- 60 Sieur Raymond Requested that, if the draft legislation was approved today, some allowance for the income from Property Transfer Tax could be incorporated into the 2008 budget brought to Chief Pleas at Michaelmas, which would allow the raising of direct taxation to be minimised.
- 61 Sieur Donnelly This Law won’t come in for some time. It is an altogether complicated document. Can he seek clarification on how it might come in without Royal Assent?
- 62 Sieur Raymond If in place it can be revenue earning by 2008.
- 63 Seneschal It is intended to send it in parallel and alongside the Reform Law and it is hoped to clear Royal Assent so that Ordinances can be drafted in January 2008. Because of the pressure that is being exerted on Congé and Treizième, it is likely to receive priority.
- 64 Mdm. Rang Does the Seigneur’s stipend go on in perpetuity?
- 65 Seneschal Yes providing the House remains satisfied with the performance of Seignourial duties

- 66 Mr. Perrée Remained concerned about the safekeeping of Sark.
 67 Seneschal It has already been explained that Congé is not human rights compliant. There is an opportunity to consider an alternative method in the penultimate paper tonight. If you don't like this proposition then vote against it.

Proposition - *That Chief Pleas approve The Projet de Loi entitled The Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law 2007.*

After a named vote the proposition was **CARRIED** – 24 pour, 10 contre and 2 no votes

A ten minute break was called at 9.00pm

12. The Seigneur

A Proposal to Assign Treizième – Report and Proposition

- 01 Seigneur Had been advised by his advocates as follows –
“You will note that in light of your proposal to assign Treizième to Chief Pleas on condition that you are paid an annual stipend, and assuming that the proposal is carried on the 4th July 2007, Mr. Barclay would be prepared to withdraw his proceedings if you are prepared to bear your own costs. Please let me know whether you agree to this proposal. In the circumstances, I consider it to be a satisfactory conclusion to the matter and will avoid any further costs being incurred”.
 In the light of that advice I now withdraw the propositions contained in the report and replace with an alternative proposition. (see below).
- 02 Sieur Raymond The background to the original proposal was that the Seigneur would be assigning to the Island the entire right to the Treizième, initially on La Friponnerie. This was perceived as a considerable sum. In these circumstances it seemed entirely reasonable that the Island should pay out of that sum the legal costs of the Seigneur up to the point of assignment, and the Island would be measurably in pocket as a result.
 Two events have subsequently happened; the Seigneur has received a letter saying that Mr. Barclay would withdraw his action if the Seigneur pay his own costs. A letter has been received saying that Mr. Barclay intends first to acquire a long leasehold interest over La Friponnerie, which is likely to leave the tenement itself without any great value. The Advocates letter counsels that he “would not want Chief Pleas to budget in the expectation of a windfall”.
 If therefore the sum being assigned turns out to be trivial, the Seigneur, who had no thought of transferring a liability to the Island, has elected to pay the costs himself.
- 03 Sieur Teers Had no idea of this whatsoever.
 04 Seneschal There is a scheduled court action over the sale of La Friponnerie. It is Mr. Duncan Barclay who is not expecting to pay this Island its due – it is nothing to do with the seller but with the purchaser who is trying to pay nothing to either the Island or the Seigneur.
 05 Dep. S. Williams Asked whether she understood this correctly – that the Barclays want to buy the tenement but not pay either the Seigneur or the Island the appropriate fee.
 06 Mlle. Bull Asked if the Island was giving way to this blackmail.
 07 Seneschal Was not prepared to comment.
 08 Mlle. Perrée This is exactly why we shouldn't give up Congé and Treizième
 09 Seneschal The Barclays knew of the Seigneur's plans to give up Congé and Treizième before the Court case.
 10 Sieur Donnelly Surely the House should have been informed of this before the last item was discussed?

Proposition – *That Chief Pleas accept the assignment of Treizième to Chief Pleas for the benefit of the Island until such time as the “Real Property (Transfer Tax, Charging and Related Provisions)(Sark) Law 2007” comes into force, and in return agree to pay to the Seigneur the annual stipend (£28,000) on the assignment of the Treizième.*
The proposition was CARRIED

13. Agriculture Committee

Agriculture Budget and to elect a Member to the Committee

- 01 Dep. P. Williams Put forward the Committee's proposition to nominate Sieur Curtis as a member of the Agriculture Committee.
 02 Seneschal Asked if there were any other nominations from the House.
 03 Sieur Baker Nominated Deputy E. Dewe and this was seconded by Mdm. Baker.
 Following a vote, Sieur D. Curtis was **ELECTED** as a Member of the Agriculture Committee.

Sieur Teers retired from the Meeting as he was feeling unwell.

- 04 Dep. P. Williams The Agriculture budget for the current year is £5,500 but there have been two large unforeseen bills so far – one is a massive increase in the humane slaughter insurance policy which normally runs at roundly £2k. Slaughter value of cloven foot animals is now at just over £131k and the premium has increased to £3,937. The extra has been taken from the Agriculture budget.
The second has been £2,130 for bovine TB testing. Driven by EU/UK it is compulsory if farmers want to continue selling dairy products and beef off-Island. The testing is required every four years – Tuberculin £90, Guernsey Vet (12 hours @ £170 per hour) £2,040. This leaves only £1,500 for fertilizer subsidies and any other small bills yet to come. With the insurance, testing and fertilizer/lime subsidies, the total subsidies to farmers is running at around £10k per annum, a level the Finance and Commerce Committee will not condone for long. It is suggested that fertilizer subsidy be removed altogether and other ways found of helping the farmers. One possibility would be for farmers to stop using chemical fertilizers entirely. This could be of great benefit as anything then produced could have the label of totally organic and command a premium price.
There is a small export market of beef, pork, lamb, eggs, ice cream and chocolates where the producer uses some local ingredients. Maybe it is time to promote this market more and help the Farmers expand. The fishing industry also falls in the export category. There have been no cross Committee discussions yet but there might be common interest which could lead to amalgamation of the two Committees. There is scope to jointly discuss conservation and with the new RAMSAR site, Marine Conservation should be high on the agenda alongside land based issues.
This is not a request for an increase in the agriculture budget at this stage but seeking Chief Pleas views on the issue of subsidies and the direction which you wish the Committee to go.
- 05 Dep. E. Dewe Supported the need to help farmers as much as possible. Farming keeps the Island beautiful and indirectly assists Tourism.
- 06 Sieur Donnelly Thanked Deputy Williams and supported the idea of keeping subsidies and developing the organic side of farming on the Island.
- 07 Sieur Baker Said the subsidy originally was for lime. There is quite sufficient grown on the Island without the need to subsidise fertilizer.
- 08 Dep. Olsen Agreed the need to help farmers if they need subsidies but they need to be encouraged in conservation.
- 09 Dep. Cocksedge Reminded the House of the efforts being made by the Fishermen with Guernsey's SEAFRESH products. Sea Fisheries Committee are looking to making Sark a Marine Conservation Area and limiting the number of pots used.
- 10 Sieur R. de Carteret Supported the removal of fertilizer subsidies but retention of those for lime. He drew attention to the cost of £7.65 for exporting carcasses of lamb which cannot compete with prices in Guernsey. He asked for the Shipping Committee to address the issue.
- 11 Sieur Donnelly Took it on board and would discuss when Sieur Raymond was talking again.
- 12 Seneschal Shipping Committee can talk directly with IoSS Managers – it is a day to day issue.
- 13 Sieur R. de Carteret Has been continually badgering Sieur Donnelly to set up a public meeting with IoSS to discuss and air such issues.
- 14 Sieur Curtis Declared an interest. He agreed the need to subsidise lime and lose fertilizer. His costs for lime were £200-300 per year whereas in the UK it was available at £15 per ton and that included spreading. The Island shouldn't be ashamed of the subsidies it pays for agriculture as it supports, quite justifiably, other spending Committees like Tourism, all of which provide necessary commercial activities on the Island.
- 15 Dep. P. Williams IoSS has always subsidised the cost of lime/fertilizer coming into the Island. The whole purpose of this discussion is to make the House aware that this years subsidies for lime/fertilizer will be down from the usual £4k to £1,500.
- 16 Mlle. Perrée Astounded that the cost of the vet is £170 per hour.

14. Development Control Committee To elect two Members to the Committee

- 01 Sieur Baker Introduced the proposition to elect Sieur S. de Carteret and added the name of Deputy Dunks to the nomination from the Committee.
- 02 Seneschal Asked for further nominations from the floor. There being none, Sieur S. de Carteret and Deputy Dunks were **ELECTED** to fill the vacancies on the Development Control Committee.

15. Finance & Commerce Committee

The Date of Easter 2008 Chief Pleas Meeting – Report with Proposition

- 01 Sieur Raymond The report and proposition were withdrawn as “ultra vires” and drafts of the accounts will be available even if not cleared by the auditors.

16. Trustees of Island Property

Old Hall Trust – Report with Proposition.

Schools Teachers Cottages - Report

- 01 Seigneur The Old Hall Trust has already been reported to and resolved by Chief Pleas. This Projet confirms those resolutions.

Proposition – *That the Projet de Loi “The Sark Hall Trust (Dissolution) Law 2007” be approved.*

The proposition was CARRIED

- 02 Seigneur Reported that a lower cost solution to improving their accommodation has been agreed with the Teachers and tenders for the building work are currently being sought.

17. Public Works Sub-Committee

Public Meeting on Refuse Disposal - Report

- 01 Dep. P. Williams The report is for information only but with an apology. The last paragraph promises a leaflet but this is still in the pipeline. An Engineer came to check the incinerator this week and was surprised at how efficiently it was working!

18. Brecqhou Liaison Sub-Committee

To elect a Member to the Sub-Committee

- 01 Sieur Donnelly The Sub-Committee has no name to put forward and was waiting on the GP&A Committee to consider the situation.
- 02 Seneschal Asked if there were any names from the floor of the House but none were forthcoming.
- 03 Sieur Raymond The Brecqhou Sub-Committee has reported and issues with Brecqhou are now being dealt with by two members of the GP&A Committee. Is there any need to retain the Sub-Committee?
- 04 Seneschal Asked that GP&A return at Michaelmas with a report and proposition.

19. The Douzaine

To elect a Member to the Douzaine

- 01 Sieur Baker Put forward the name of Dep. Le Lievre as a nomination from the Douzaine.
- 02 Sieur Donnelly Suggested that one of the new Deputies might be nominated.
- 03 Sieur Guille Nominated Deputy Burgess and this was seconded by Mlle. Perrée.
- 04 Following a vote, Deputy Le Lievre was **ELECTED** as a Member of the Douzaine.
- 05 Seneschal Called on Deputy Le Lievre to attend the Court tomorrow at 2.00pm to be sworn in.

20. Medical Committee

Composition of the Committee – Report with Proposition

Island Health Insurance – Report with Proposition

- 01 Dep. Olsen Introduced the proposition.
- Proposition 1** – *That Chief Pleas elect Dr. Stephen Henry as a non-Chief Pleas Member of the Medical Committee.* **The proposition was CARRIED and Dr. Stephen Henry was duly ELECTED**

- 02 Dep. Olsen Explained that the Medical Committee were exploring options for alternative insurance cover to that currently provided by the Island scheme. In the meantime, for the 2007/8 year, the existing scheme is quoting a rise in premiums of 2.9%, smaller than in recent years, as well as now applying excess to the individual annually rather than each illness. However, following revised billing procedures, there is now a greater onus on the patient when paying bills to reduce the administration on the doctor who needs to concentrate on medicine rather than paperwork. Outstanding bills have accumulated at the Hospital in Guernsey reportedly from residents and/or seasonal workers claiming to come from Sark. Whilst not the responsibility of Sark, the Committee can assist by requiring residents and seasonal workers to carry health insurance.

- 03 Dep. Melling There are some Sark residents who have found the premiums too high to continue paying health insurance. If residents have sufficient funds to pay their own bills they should not be required to take compulsory health insurance.
- 04 Dep. Olsen Arrangements can be made for a self-insurance declaration to be signed by the patient and endorsed by the doctor.
- 05 Dep. S. Williams If a compulsory scheme is introduced, will it be an Island scheme or can we continue with our own private insurance?
- 06 Dep. Olsen There will no compulsion to use any particular supplier.

Proposition - *That Chief Pleas approves in principle that Sark residents and seasonal workers should have medical insurance and that Chief Pleas directs the Medical Committee to develop a plan to implement this concept and to report to Chief Pleas in due course.* **The proposition was CARRIED**

21. Pilotage Committee

To elect a Member to the Committee

- 01 Dep. Cocksedge The Committee was nominating Deputy Le Lievre to the vacancy on the Pilotage Committee. Deputy Le Lievre already sat on the Harbours Committee and will provide a useful crossover between the two Committees with the ultimate aim of a merger.
- 02 Seneschal Asked for nominations from the floor. There being none, Deputy Le Lievre was **ELECTED** to fill the vacancy on the Pilotage Committee.

22. General Purposes & Advisory Committee

Criminal Records Checks – Report with Proposition

- 01 Dep. Olsen Introduced the report expressing concern that participation in the current voluntary system of checking seasonal workers was not universal and sometimes not done until well into the high season. There is a need to protect people and property from unnecessary harm and the Sark taxpayer from having to pay charges for anyone convicted from Sark and imprisoned in Guernsey.
- 02 Sieur R. de Carteret He supported the proposition but it does not go far enough. It should cover all residents of Sark as there is a growing risk that paedophiles and other less obvious criminals might take up residency here. The vetting could be organised by the Constables and the Deputy Court Officials to avoid compromising those who may need to sit in judgement in the Sark Court.
- 03 Dep. Olsen Agreed this might be a good way to implement and perhaps the proposition could be extended as suggested.
- 04 Dep. R. Dewe Sympathised with the problem but without compulsory registration and with financial independence (ie no National Insurance contributions etc.) there is no other way of picking them up.
- 05 Mlle. Perrée Could a form not be issued when they pay their tax or rent?
- 06 Dep. Olsen The introduction of work permits is being investigated and details of the Alderney and Guernsey Housing Permit system which is issued with the lease of property is underway.
- 07 Dep. Cocksedge Whilst accepting the principle, he was concerned about the potential cost involved and this must be built into any scheme operated.

Proposition - *That Chief Pleas approve in principle that Criminal Record Checks or “police checks” be required for employees including contract, sub-contract and seasonal workers on Sark and that the General Purposes and Advisory Committee be directed to consult with the Law Offices to bring recommendations to Chief Pleas.* **The proposition was CARRIED**

- 08 Dep. Melling Could GP&A Committee ensure forms issued now on a voluntary basis are tightened up?
- 09 Mlle. Char The Letters Patent cover people living on the Island.

23. General Purposes & Advisory Committee

Transfer of Funds (Sark) Ordinance 2007 – Report with Proposition and Ordinance

- 01 Dep. Olsen Explained that this Ordinance parallels Guernsey legislation and is the first of its kind. If Sark wishes in future to make changes of its own, it can do so without effecting the Bailiwick legislation.

Proposition - That Chief Pleas approve the Ordinance, "The Transfer of Funds (Sark) Ordinance 2007".
The proposition was CARRIED

Closing remarks

- **MICHAELMAS MEETING** - Wednesday 3rd October 2007 at 10.00am
Agenda closes - Friday 7th September 2007 at 5.00pm.
Papers distributed to Members - Wednesday 12th September 2007.

The meeting closed at 10.15pm on Thursday 5th July.

Brian Garrard (Sark Committee Secretary) 9-13th July 2007

17th July 2007

Greffier

Seneschal

ITEM 10 – SHIPPING COMMITTEE

Alderney Shipping Company - Report on the Sark Viking

The Sark Viking from the outside looks finished and a vessel ready to sail; but there are still internal pieces of work to be carried out. She is all painted.

BV instructed X-rays to be carried out on the vessel by a third party. These X rays are in the following areas;- shell Plate (outside hull) 3 taken on the port side, 3 on starboard side (wind and water strake) and 6 equally spaced on the underside of the vessel. 9 X rays out of 12 failed to meet required class specification.

In order to rectify the position all of the failed welds will require to be ground out and then re-welded class will then require further x-rays to be carried out to ensure the quality of the welds. Class are within their rights to instruct the whole of the vessel be x rayed. Then the vessel would have to be repainted.

Costs will be dependant upon extent of weld failure rate. Class can request these x rays at any point; a discussion with Class took place between ASC's marine superintendent and BV to see if there ways around this; class advised they would not sign the hull off in its present condition under any circumstances, failed welds must be rectified.

The guarantee contained within the contract limits the yards liability to the cost of reworking it themselves. Third parties can rework the problem areas, but costs will only be covered up to what the yard would have charged; costs on top will be to the Island to cover.

The yard have not been informed of the failure of the welds due to the management company ASC requesting the directors for instructions on how they wish to proceed given the potential costings it was imperative for the management company to receive instructions from the Directors of IOSS on how they wished to move the matter forward. The Directors were advised of the issue with the welds on 10th May 2007, but to date only Duncan Spence has responded.

This is exceptionally urgent and the longer no action or notification to the builder is taken the more it will cost.

No signed contract was provided to the management company, only an email copy and the specification was also provided. Guarantees and due diligence paperwork has never been provided to the management company. A personal guarantee was provided to W. Raymond by builder, however it is understood that the references to builders credit worthiness were verbal only. Builder refused to provide a bank guarantee.

A number of suppliers have not been paid for ship parts; the long credit that has been provided to IOSS is due to supplier relationship with management company. It is envisaged that suppliers will remove equipment from the vessel unless invoices now settled due to the management company ASC being replaced as of 12 noon 15th May 2007.

All documents will be passed to the new management company by ASC.

The contract is clear in the builder's obligations to build the vessel to class specification, it is not vague.

ITEM 10 – SHIPPING COMMITTEE

Alderney Shipping Company - Report on the Sark Viking

The Sark Viking from the outside looks finished and a vessel ready to sail; but there are still internal pieces of work to be carried out. She is all painted.

BV instructed X-rays to be carried out on the vessel by a third party. These X rays are in the following areas;- shell Plate (outside hull) 3 taken on the port side, 3 on starboard side (wind and water strake) and 6 equally spaced on the underside of the vessel. 9 X rays out of 12 failed to meet required class specification.

In order to rectify the position all of the failed welds will require to be ground out and then re-welded class will then require further x-rays to be carried out to ensure the quality of the welds. Class are within their rights to instruct the whole of the vessel be x rayed. Then the vessel would have to be repainted.

Costs will be dependant upon extent of weld failure rate. Class can request these x rays at any point; a discussion with Class took place between ASC's marine superintendent and BV to see if there ways around this; class advised they would not sign the hull off in its present condition under any circumstances, failed welds must be rectified.

The guarantee contained within the contract limits the yards liability to the cost of reworking it themselves. Third parties can rework the problem areas, but costs will only be covered up to what the yard would have charged; costs on top will be to the Island to cover.

The yard have not been informed of the failure of the welds due to the management company ASC requesting the directors for instructions on how they wish to proceed given the potential costings it was imperative for the management company to receive instructions from the Directors of IOSS on how they wished to move the matter forward. The Directors were advised of the issue with the welds on 10th May 2007, but to date only Duncan Spence has responded.

This is exceptionally urgent and the longer no action or notification to the builder is taken the more it will cost.

No signed contract was provided to the management company, only an email copy and the specification was also provided. Guarantees and due diligence paperwork has never been provided to the management company. A personal guarantee was provided to W. Raymond by builder, however it is understood that the references to builders credit worthiness were verbal only. Builder refused to provide a bank guarantee.

A number of suppliers have not been paid for ship parts; the long credit that has been provided to IOSS is due to supplier relationship with management company. It is envisaged that suppliers will remove equipment from the vessel unless invoices now settled due to the management company ASC being replaced as of 12 noon 15th May 2007.

All documents will be passed to the new management company by ASC.

The contract is clear in the builder's obligations to build the vessel to class specification, it is not vague.

ITEM 10 – SHIPPING COMMITTEE

Letter from the Island Manager of Brecqhou about the new freight service



Brecqhou Island
P.O. Box 7 Guernsey
Channel Islands
GY1 4AD

Tel: ++ 44 (0) 1481 705501 Fax ++ 44 (0) 1481 705525

25th June 2007

Mr William Raymond
Director, Isle of Sark Shipping
Chasse Murette
Sark GY9 0SF

Dear Mr Raymond

As a matter of courtesy, we wish to inform you that later this year it is our intention to provide freight transport between the Island of Sark and Guernsey at competitive prices for the benefit of the residents of Sark.

We wish to operate this service at times and days that will not conflict with Sark Shipping and I will consult you with our proposed schedule nearer the date.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Hogarth'.

Mark Harrison, Island Manager
Signed in his absence by
Steve Hogarth, Acting Deputy Island Manager

ITEM 12 – REPORT FROM THE SEIGNEUR

Letter from CollasDay Advocates of 26th June 2007
advising the Seigneur of the arrangement to drop proceedings.

CollasDay Advocates

Mr J M Beaumont
Seigneur of Sark
The Seigneurie
Sark
GY9 0SF

Your Ref:

Our Ref: GB/sip/32072/1

Doc: L540711.1

26 June 2007

Dear Mr Beaumont

Barclay v Seigneur & Seneschal of Sark

I refer to previous correspondence.

I enclose copies of Ozannes' letters dated 20 and 25 June 2007. The former encloses a copy of Ozannes' letter to William Raymond dated 20 June 2007 and the latter encloses a copy of Mr Barclay's Replies to your Defence. I apologise for the slight delay in forwarding the letter of 20 June 2007 but both Advocate Hay and I were out of the office last week.

You will note that in light of your proposal to assign treizieme to Chief Pleas on condition that you are paid an annual stipend, and assuming that the proposal is carried on 4 July 2007, Mr Barclay would be prepared to withdraw his proceedings if you are prepared to bear your own costs. Please let me know whether you agree to this proposal. In the circumstances, I consider it to be a satisfactory conclusion to the matter and will avoid any further costs being incurred.

I look forward to hearing from you.

Yours sincerely

Gareth Bell