

PROJET DE LOI

ENTITLED

The Reform (Sark) (Amendment) Law, 2021

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 14th April, 2021, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

Amendment of the principal Law.

1. The Reform (Sark) Law, 2008^a ("**the principal Law**") is amended as follows.
2. After Part IV of the principal Law, insert the following Part -

"PART IVA

EMERGENCY PROCEDURES

Application.

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the Speaker has made a determination, upon representations from the Civil Contingencies Authority,

^a Order in Council No. V of 2008; amended by Order in Council Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. II of 2018; No. VI of 2021; Sark Ordinance Nos. II and VI of 2015; No. XI of 2017; and No. XIII of 2018.

in the light of circumstances prevailing in Sark in relation to an emergency, which make it appropriate for this Part to apply.

(3) Before issuing a determination under subsection (2), the Speaker must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of such a determination in relation to the emergency in question.

(4) This Part shall cease to apply if the Speaker makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark, that it is appropriate for it to cease to apply.

(5) This section is subject to sections 55H(3), 55J(3) and 55K(4).

Public attendance at meetings of the Chief Pleas.

55B. Meetings of the Chief Pleas need not be open to the public.

Remote meetings of the Chief Pleas.

55C. (1) The Chief Pleas may meet remotely.

(2) A member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer shall be treated for all purposes of or under this Law as present at a remote meeting of the Chief Pleas (including, but not limited to, the purpose of forming a quorum in accordance with section 55E) if, by means of electronic communications or telecommunications or otherwise –

(a) the member, the Greffier, the Prévôt or the Treasurer, as the case may be, has declared that they are present, and

(b) in the case of a member other than the person presiding, and in the case of the Greffier, Prévôt or Treasurer, the person presiding has declared that the member, Greffier, Prévôt or Treasurer, as the case may be, shall be treated as present.

(3) For the purposes of this Part, a meeting of the Chief Pleas is a remote meeting if members of the Chief Pleas, the Greffier, the Prévôt and the Treasurer communicate and (in the case of Conseillers) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications.

Proxy voting at meetings of the Chief Pleas.

55D. (1) The Speaker may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the Chief Pleas, which shall entitle a Conseiller ("**first Conseiller**") to arrange for the first Conseiller's vote to be cast by another Conseiller acting as a proxy if the first Conseiller's circumstances require the first Conseiller to take an Authorised Absence from a meeting of the Chief Pleas.

(2) The Speaker shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

(3) Despite section 55C(2), reasons for an Authorised Absence may include where a Conseiller is absent for only part of a meeting of the Chief Pleas because it is necessary or expedient for the purposes of other Chief Pleas business or a Conseiller is unable to vote remotely due to a failure in telecommunications, electronic communications or other means of communication.

Quorum at a meeting of the Chief Pleas.

55E. The quorum at a meeting of the Chief Pleas is a minimum of seven Conseillers in addition to the person presiding.

Procedure for remote meetings of the Chief Pleas.

55F. (1) The following procedures shall apply where the Chief Pleas meet remotely.

(2) The Greffier shall make arrangements to enable a member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer to declare, in relation to a meeting of the Chief Pleas, that the member, Greffier, Prévôt or Treasurer, as the case may be –

- (a) is present,
- (b) intends to follow the proceedings and
- (c) in the case of a Conseiller, is able to vote by means of electronic communications, telecommunications or otherwise on that day.

(3) The Greffier shall inform the person presiding of the names of every person who has made the declaration under subsection (2) and the person presiding must state that those persons are present and instruct the Greffier to record that fact in the Minutes.

(4) Arrangements made by the Greffier must include arrangements for declarations under subsection (2) to be made after proceedings of the Chief Pleas have started; and the person presiding may admit a person making such a declaration to the remote meeting at any time.

Modifications to the Rules of Procedure for remote meetings of the Chief Pleas.

55G. (1) The Chief Pleas of Sark Rules of Procedure made on 2nd October, 2013 under section 36(1) ("**Rules of Procedure**") apply to remote meetings of the Chief Pleas subject to the provisions of this section.

(2) Rules 4(2), 11(2) and (6), 14(3) and 18(2) shall not apply.

(3) In rule 1 –

(a) in paragraph (3), the words "the same place and" shall not apply,

(b) in paragraph (4), for "placed in the official Island Notice Boxes" substitute "published on the official Sark Government Website and in such other form as the Speaker may determine", and the words "publicly available in paper form and" shall not apply.

(4) In rule 12(2), the words "from the floor" shall not apply.

(5) In rule 14 –

(a) in paragraph (1), for "written declaration, or any updated information, is submitted" substitute "declaration of interests, or updated information, is submitted to the Greffier, which may be submitted via electronic communications or telecommunications, and which declaration or updated information shall

be communicated by the Greffier to the Speaker",

(b) in paragraph (2), for "declare his interest and withdraw from the Chamber during" substitute "declare his interest to the Speaker via electronic communications or telecommunications and take no part in",

(c) for paragraph (4), substitute "A Conseiller who has declared his interest in an issue and is taking no part in the consideration of that issue in accordance with paragraph (2) may, if so requested by any other Conseiller, contribute factual or technical information for the purpose of any general debate of the issue in question.".

(6) In rule 17, add at the end "For the purposes of, and subject to, this rule, a Member may interrupt another Member by notifying the Greffier via electronic communications or telecommunications stating "Point of Order" or "Point of Correction", as the case may be, and waiting to be invited to speak by the Speaker.".

(7) In the first sentence of rule 19, for "a vote shall be conducted" substitute "a vote shall be conducted by appel nominal by means of electronic communication or telecommunications".

(8) In rule 21 –

(a) for paragraph (1), substitute "A Conseiller may vote only by appel nominal by means of electronic communication or

telecommunications (except where the Conseiller is entitled by virtue of section 55D to vote by proxy)",

- (b) in paragraph (2), the first sentence shall not apply.

Powers of Policy & Finance Committee to prescribe rules of procedure in relation to remote meetings of the Chief Pleas.

55H. (1) The Policy & Finance Committee may make additional rules of procedure applicable to remote meetings of the Chief Pleas, including (but not limited to) provision supplementing this section, and provision modifying the Rules of Procedure.

(2) For the avoidance of doubt, and without prejudice to subsection (1), the Chief Pleas may, whether meeting remotely or otherwise, by resolution –

- (a) make rules of procedure applicable to remote meetings of the Chief Pleas, and
- (b) amend, or revoke, rules of procedure made by the Policy & Finance Committee under subsection (1).

(3) Any rules made under this section at any time when this Part applies shall continue in effect despite this Part ceasing to apply in accordance with section 55A(4) but, for the avoidance of doubt, remote meetings of the Chief Pleas may only be held at any time when this Part applies.

Remote meetings of committees.

55I. (1) A member of a committee who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the person presiding considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a member of the committee who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination.

Power of Policy & Finance Committee to amend provisions in relation to Rules of Procedure.

55J. (1) The Policy & Finance Committee may by regulations amend or substitute any provisions in this Part, including in particular those which modify or otherwise refer to the Rules of Procedure, where it considers such amendment or substitution to be necessary or expedient as a result of any variation, revocation or replacement of those Rules of Procedure under section 36 or any other enactment.

(2) Regulations made under subsection (1) shall be laid before a meeting of the Chief Pleas as soon as possible after being made; and if

at that meeting or the next meeting the Chief Pleas resolve that the regulations be annulled, they shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

(3) Any amendments or substitutions made under subsection (1) at any time when this Part applies shall continue in effect despite this Part ceasing to apply in accordance with section 55A(4).

Time or mode of elections.

55K. (1) The Chief Pleas may by Ordinance modify, adapt or disapply the law as to elections in Sark for the purpose of enabling any election required to be held under this Law or any nominations or other election-related procedure to be –

- (a) subject to subsection (2), held at a time other than that provided for under this Law, or
- (b) held, exclusively or partially, by postal ballot.

(2) An Ordinance made under subsection (1) may not provide for an election or an election-related procedure to be held more than six months after the latest date on which it could have been held under the law as to elections in Sark as in force immediately before the making of that Ordinance.

(3) For the avoidance of doubt, subsection (1) includes, without limitation, a power to modify, adapt or disapply provisions under this Law relating to entry upon and tenure of office of the Speaker and Deputy Speaker and of the Conseillers.

(4) Any modifications made under subsection (1) at any time when this Part applies shall continue in effect for the purposes of the

specific election or election-related procedure in question despite this Part ceasing to apply in accordance with section 55A(4).

Interpretation of Part IVA.

55L. In this Part of this Law, unless the context requires otherwise –

"**Civil Contingencies Authority**" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**emergency**" has the meaning given by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**person presiding**" means the Speaker or other person presiding at a meeting of the Chief Pleas or of a committee, as the case may be,

"**Rules of Procedure**": see section 55G(1).".

Citation.

3. This Law may be cited as the Reform (Sark) (Amendment) Law, 2021.

Commencement.

4. This Law shall come into force on the day of its registration on the records of Sark.