



# Sark Electricity Ltd

## Open Correspondence - By Email

Ms Elaine Cobb  
Head of The Ministry of Justice Crown Dependencies Team  
International and Rights Directorate  
Ministry of Justice  
102 Petty France  
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7<sup>th</sup> July 2022

The Power Station  
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Dear Ms Cobb

Further to correspondence copied to you by Mr M Magee, Assistant Private Secretary to The Queen, I am writing in relation to the ongoing inability of Sark's Policy & Finance Committee (P&F) and Sark Electricity Limited (SEL) to achieve meaningful resolution to a raft of issues pertaining to the safe, legitimate and cost effective distribution of power across Sark. In this, I am not seeking to conflate the intended acquisition of SEL by Chief Pleas (CP). That is an entirely unrelated matter.

I am conscious that The Ministry of Justice (MoJ) has been copied into the copious correspondence between the parties and as a result, you are fully briefed. I have therefore not laboured such detail here.

As I was reminded by Mr Magee, the MoJ was directly involved in a meeting held on Sark in October 2020. I have highlighted to the attendees of that meeting on a number of occasions, the lack of progress on various commitments made at the time; stressing the impact that this has had on the day to operations of SEL and our ability to effectively deliver on our wider commitments to Sark and its residents.

This inability to implement previous commitments to SEL has placed a significant strain on the SEL / P&F relationship and this has significant ramifications on SEL's broader ability to deliver on its commitments to local residents.

Unfortunately, as a result, P&F have elected to repeatedly attack SEL for failing to adequately maintain its infrastructure, while simultaneously withholding the permissions necessary to allow such maintenance to take place.

This has forced me to reconsider the risk profile of my operation in Sark and to drastically reconsider my broader willingness to accept entirely unnecessary risks forced on the company by the Governments continued inaction in key areas. Most specifically in relation to a workable long term solution to the underlying permissions for critical works related to equipment upgrades which have continued to elude us.

This re-appraisal is forcing me to make a decision of significant consequence for a large number of residents. You have of course been copied into the various correspondence on this matter and are aware that, in our opinion, some in CP are seeking brinkmanship over resolution.

The deadline that I set to resolve this situation is now upon us. Regrettably, P&F has elected to pursue a scorched earth policy rather than seek a meaningful resolution to issues that are simply typical across all jurisdictions. These being access for utilities to legal permissions to maintain and upgrade key equipment. Equipment that is fundamental to the well-being of local residents and Sark's economic prosperity.

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This scorched earth approach is endemic among *some* in CP but I do not believe it is indicative of the attitudes of the whole. The support that SEL enjoys amongst a great many residents and a significant number of local politicians is gratefully received. It is this silent majority that SEL seeks to support, and I will continue to do so for as long as I can. This cannot, however, be at the risk of my personal freedoms and of the very real exposure to manslaughter charges should the unthinkable occur.

Allowing this equipment to quietly degrade is not an option.

You are aware that in an effort to engage the various stakeholders across the Crown Dependency of The Bailiwick of Guernsey in dialogue, I have taken to engaging directly with Her Majesty The Queen. This to ensure that Her Majesty is fully informed of the situation across this Crown Dependency. This was undertaken in the hope that a significantly wiser head could encourage engagement between the stakeholders.

I have recently been advised by Her Majesty's Private Office that SEL should once again "*ask for your assistance in ensuring that our requests [to CP] are responded to appropriately*". I am further assured by Her Majesty's Representative that the MoJ is "*ready to assist in any way you can*".

The additional observation, within said correspondence, that SEL should seek professional mediation between the parties is well understood and you will be aware that we have been calling on CP to agree to such a pathway toward resolution. Such requests are repeatedly kicked into the long grass by P&F. At the quarterly meeting of CP held last night, no mention of arbitration between the parties was raised, despite a recent assurance from P&F to our Advocates that our proposed arbitration needed to be, and indeed would be, considered by CP as a collective.

Progress, by mediation or otherwise, is simply impossible while the Government simply refuses to communicate with us and there appears to be no meaningful likelihood of a change to P&F's stance.

That being said, I continue to have faith that resolution to our differences can be found if the parties are in a place where dialogue must take place. I continue to sit, metaphorically, at the table and wait for the remaining stakeholders to join me.

To this end, I am pushing back the deadline in respect of a decision on permissions to the 5<sup>th</sup> August 2022. Further, I am asking that, in the spirit of the correspondence received by us both from Her Majesty's Private Office, that the MoJ works swiftly with the parties to arrange a series of face to face meetings to fully resolve the matters of disagreement between us.

Given that the required permissions stem from inaction on prior commitments made during previous meetings, such as that in October 2020, you will I trust understand why I have elected to maintain a schedule in respect of these internal risk assessments.

I do not wish to reduce the supply in any way and if formal signed permissions are finally provided, SEL will of course maintain grid connectivity throughout the works process. The company simply requires comfort that the overall risk to residents, visitors, staff and the board of directors is being adequately managed.

I look forwards to your swift response to this proposal.

Regards

Alan Witney-Price  
Managing Director  
Sark Electricity Limited