Property history made in Sark

March 2021

Collas Crill completed the first conveyance of part of a tenement in Sark on Friday 5 March, following recent changes to Sark's ancient property laws.

The long-awaited Land Reform (Sark) Law, 2019, (Law), came in to force on 1 February 2021 bringing with it sweeping changes to the principles of land ownership in Sark, principles which have been in place for more than 400 years. The Law provides the framework by which Sark's forty tenements can be subdivided into smaller parcels which can be conveyed, disposed of in a will and/or mortgaged.

Though the Law has been in force since 1 February, due to Covid 19 and the ensuing lockdown in Sark, the first-of-its-kind conveyance was presented and registered just over a month later when the Court of the Seneschal of Sark was able to reopen for proceedings.

Edric Baker, proud seller of Le Dos D'ane cottage and land which forms part of Le Dos D'ane tenement, sold to Marcus Barker who, since late last year, has been the tenant of the property and had an option to acquire the freehold once the law changed.

Marcus said: 'We have been watching the situation regarding land reform on Sark for a very long time. The options were so very limited indeed to purchase a freehold/tenement on Sark due to the fact there are so very few of them (approx 40).

'Now land reform has been approved, this has changed the landscape of actually owning your own home outright. We are so very pleased to own our own home on Sark and feel privileged to be the first in Sark's history to complete on such a transaction. Collas Crill made the process simple and stress-free. Additionally we owe a big thanks to Edric Baker, the tenement owner who conducted himself as the ever gentleman that he is.'

Collas Crill Partner Jason Green, who managed the conveyance, said: 'It has been an absolute pleasure to manage this special and ground-breaking transaction, supporting Marcus to realise his dream and working with Edric and his wife Diane who has assisted us greatly in completing the lease and the subsequent conveyance.'

'Subdividing the land has meant attending on site, drafting new boundaries with the aid of plans, drafting new rights and reservations and thinking about services – all things we do commonly in Guernsey and Alderney but never before in Sark. The conveyance was required to be registered with plans as the Law so requires.'

Of the legislative changes, Jason said: 'These updates are very much welcomed, giving Sark would-be land owners many more options in terms of land ownership and making acquisition of Sark property law much more accessible.'

The status quo of land ownership in Sark has stood the test of time – some four hundred years – and is an enduring example of feudal law on the island. While these reforms reflect further erosion of feudal Sark, the changes will feel well overdue for many of the island's residents today. Sarkees can now negotiate a purchase of the freehold title to their current leasehold property to secure their position. The ability to mortgage properties on the island opens up lots of opportunities and allows those already residing there to raise capital to buy further land or improve their current property.

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