

# ORDER IN COUNCIL

**XXVII  
2008**

ratifying a Projet de Loi

ENTITLED

## **The Reform (Sark) (Amendment) Law, 2008**

(Registered on the Records of the Island of Guernsey  
on the 12th November, 2008.)



2008



## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

12<sup>th</sup> day of November, 2008 before John Russell Finch, Esquire, Lieutenant Bailiff; present:- David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Esquires, Susan Mowbray, David Osmond Le Conte, John Ferguson and Stephen Murray Jones, Esquires, Jurats.

The Lieutenant Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 5<sup>th</sup> November 2008 approving and ratifying a Projet de Loi entitled "The Reform (Sark) (Amendment) Law, 2008", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ORDERED: -

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Sénéchal of Sark for registration on the records of that Island.



*At the Court at Buckingham Palace*

THE 5th DAY OF NOVEMBER 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the Chief Pleas of the Island of Sark:

“That, in pursuance of their Resolution of 26th March 2008, the Chief Pleas of the Island of Sark at a meeting on 20th May 2008 approved a Projet de Loi entitled The Reform (Sark) (Amendment) Law, 2008. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction The Reform (Sark) (Amendment) Law, 2008, and to order that it shall have force of law in the Island of Sark.

“The Committee have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Sark and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Reform (Sark) (Amendment) Law, 2008**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of the 26<sup>th</sup> March, 2008, 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 Reform (Sark) Law, 2008.**

1. For section 23 of the Reform (Sark) Law, 2008<sup>a</sup>, substitute the following -

#### **“Times of election and tenure of office.**

**23.** (1) The Chief Pleas shall, as soon as reasonably practicable after the commencement of this Law, by Ordinance -

- (a) appoint a day on which there shall be held a first general election for the purpose of electing twenty-eight Conseillers (“the first-elected Conseillers”), and
- (b) appoint a day, in January 2009, on which the first-elected Conseillers shall, subject to the provisions of this Law, take office.

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<sup>a</sup> Order in Council No. V of 2008.

(2) With effect from midnight on the day preceding the day appointed for the purposes of subsection (1)(b), the terms of office of those persons who are, at that time, pursuant to the Reform (Sark) Law, 1951, as amended<sup>b</sup>, members of the Chief Pleas as Tenants or as Deputies of the People, shall expire.

(3) The first-elected Conseillers shall hold office for such period determined in respect of each of them in accordance with subsections (4) to (6).

(4) Of the first-elected Conseillers, subject to the provisions of this Law -

(a) fourteen shall hold office until such day, during January 2013, as the Chief Pleas may by Ordinance appoint, and

(b) fourteen shall hold office until such day, during January 2011, as the Chief Pleas may by Ordinance appoint.

(5) Where, due to an insufficient number of candidates, the number of first-elected Conseillers is less than twenty eight, fourteen Conseillers shall hold office in accordance with subsection (4)(a) and the remainder shall hold office in accordance with subsection (4)(b); and any

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<sup>b</sup> Ordres en Conseil, Vol. XV, p. 215; Vol. XXIII, p. 200; Vol. XXVII, p. 385; Vol. XXIX, p. 352; and No. XI of 2000.

Conseillers elected as first-elected Conseillers at a further election held under section 25(3) shall also hold office in accordance with subsection (4)(b).

(6) The respective terms of office of each first-elected Conseiller under subsection (4)(a) shall be determined by lots drawn by the elected Candidates under the supervision of the returning officer immediately after the returning officer has declared which Candidates have been elected pursuant to section 25(1) or (3).

(7) Subsequent general elections shall be held on such day in every second year as the Chief Pleas shall by Ordinance appoint, for the purpose of electing fourteen Conseillers to replace those whose terms of office are due to expire; and the Conseillers elected at each such general election shall hold office, subject to the provisions of this Law, until such date, in the month of January 4 years after the commencement of their term of office, as the Chief Pleas may in each case by Ordinance appoint.

(8) Upon the occurrence of a casual vacancy among the Conseillers, subject to subsection (9), the Chief Pleas shall by Ordinance appoint a day not later than 6 months after the vacancy occurs on which there shall be held a by-election to elect a Conseiller to complete the term of office of the Conseiller whose office has become vacant, unless the vacancy occurs within 6 months before the expiry of the term of office of the Conseiller whose office has become vacant, in which case it shall be in the discretion of the Seneschal whether or not an election shall be held to fill the vacant office until the date of the next general election.

(9) No by-election shall be held pursuant to subsection (8) unless the occurrence of the casual vacancy has resulted in the number of

Conseillers then holding office falling below 26 or, where the number of Conseillers specified in section 21(1)(c) has been varied by Ordinance made under section 21(5), two Conseillers less than that number.

(10) A Conseiller elected at a by-election shall, subject to the provisions of this Law, hold office until the date when that term of office would have expired had it not been vacant; and where more than one Conseiller is so elected, and the periods of office remaining are different, the period of office to be served by each elected Candidate shall be determined by lots drawn by the elected Candidates under the supervision of the returning officer immediately after the declaration of the result of the by-election.”

### **Interpretation.**

2. (1) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Law.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

### **Citation.**

3. This Law may be cited as the Reform (Sark) (Amendment) Law, 2008.

### **Commencement.**

4. This Law shall come into force on the day it is registered on the

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.



Records of the Island of Sark.

S.M. SIMMONDS,  
Her Majesty's Deputy Greffier





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