

# ORDER IN COUNCIL

**XII  
2012**

ratifying a Projet de Loi

ENTITLED

## **The Tourism (Sark) (Amendment) Law, 2012**

(Registered on the Records of the Island of Guernsey  
on the 27th July, 2012.)



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2012

## ORDER IN COUNCIL



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

27<sup>th</sup> day of July, 2012 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Stephen Edward Francis Le Poidevin, Esquire, Susan Mowbray, John Ferguson, Peter Sean Trueman Girard, Esquires, Constance Helyar-Wilkinson, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, Esquire, Jurats.

Judge Finch having this day placed before the Court an Order of Her Majesty in Council dated 10<sup>th</sup> July, 2012 approving and ratifying a Projet de Loi entitled “The Tourism (Sark) (Amendment) Law, 2012”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED:

1. That the said Order 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 be sent by Her Majesty’s Greffier to the Sénéchal of Sark for registration on the records of that Island.

S M SIMMONDS  
Her Majesty’s Deputy Greffier



*At the Court at Windsor Castle*

THE 10th DAY OF JULY 2012

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 22 February 1952 the Committee have considered a Petition of the Chief Pleas of the Island of Sark:

"That, in pursuance of their Resolution of 18th January 2012, the Chief Pleas of the Island of Sark at a meeting on 18th January 2012 approved a *Projet de Loi* entitled the Tourism (Sark) (Amendment) Law, 2012. 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 Tourism (Sark) (Amendment) Law, 2012, 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.

*Richard Tilbrook*

# PROJET DE LOI

ENTITLED

## **The Tourism (Sark) (Amendment) Law, 2012**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of the 18<sup>th</sup> January, 2012, 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 1982 Law.**

1. (1) The Tourism (Sark) Law, 1982<sup>a</sup> is amended as follows.

(2) For section 10 (period of validity and extent of accommodation permits) substitute the following section -

### **"Period of validity of accommodation permits.**

10. (1) An accommodation permit shall, subject to subsections (2) and (3) -

(a) be valid up to and including the last day of February next following the date it is granted, and

(b) afterwards on being renewed under the

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<sup>a</sup> Ordres en Conseil Vol. XXVII p. 576; Vol. XXIX, p. 488.

provisions of section 11, be valid during the period commencing on the first day of March in any year and ending on the last day of February next following, both dates inclusive.

(2) The period of validity in subsection (1) is subject to the accommodation permit being granted for a lesser period or suspended or revoked under the provisions of this Law.

(3) The Committee may by regulations extend the period of validity of accommodation permits by regulations if it considers it expedient or necessary to do so.

(4) The Chief Pleas may by Ordinance amend the provisions of this section in such manner as they consider necessary or expedient in relation to providing for the period of validity of accommodation permits."

(3) For section 11 (renewal of accommodation permits) substitute the following section -

**"Renewal of accommodation permits.**

**11.** (1) An accommodation permit may be renewed in any year by the Committee, for the period specified in subsection (1)(b) of section ten, upon an application for a renewal of a permit being made to it on or before the thirtieth day of November in the calendar year immediately preceding the date upon which the accommodation permit expires.

(2) The provisions of sections six, seven, eight and nine of this Law shall apply in relation to an application under subsection one as

they apply in relation to an application for an accommodation permit under the provisions of section six.

(3) The Chief Pleas may by Ordinance amend the provisions of this section in such manner as they consider necessary or expedient in relation to providing for the procedure for the renewal of accommodation permits."

(4) For section 20 (variation and repeal of Ordinances) substitute the following section -

**"General provisions as to Ordinances and regulations.**

**20.** (1) Any Ordinance or regulations under this Law -

(a) may be amended or repealed by a subsequent Ordinance or regulations, as the case may be, hereunder, and

(b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).

(2) Any power conferred by this Law to make an Ordinance or regulations may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases

subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any regulations made under this Law must be laid as soon as practicable before a meeting of the Chief Pleas; and if, at that or their next meeting, the Chief Pleas resolve to annul the regulations, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations."

### **Interpretation.**

2. (1) In this Law, unless the context requires otherwise -

"**enactment**" means any Law, Ordinance or subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

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

(3) 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 Tourism (Sark) (Amendment) Law, 2012.

**Commencement.**

4. This Law shall come into force on the day appointed by Ordinance of the Chief Pleas; and different dates may be appointed for different provisions and for different purposes.

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

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



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