

ORDER IN COUNCIL

XVII
1949

Ratifying a Proiet de Loi entitled

" The Sark (Licensing of Vessels) Law, 1949 ".

(Registered on the Records of the Island of Guernsey on
the 4th day of June, 1949.)



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GUERNSEY STAR AND GAZETTE LTD.,
BORDAGE STREET.

1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of June, 1949, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present : Osmond Priaulx Gallienne, James Frederick Carey, Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council dated the 31st day of May, 1949, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled "The Sark (Licensing of Vessels) Law, 1949",—

THE COURT, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that a copy of this present Act, together with an extract of the said Order in Council be sent by His Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 31st day of May, 1949.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.
MR. SECRETARY NOEL-BAKER.
MR. GAITSKILL.
SIR FRANK SOSKICE.
SIR DAVID JENKINS.
SIR CYRIL RADCLIFFE.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 25th day of May, 1949, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of Robert Woodward Hathaway, Esquire, Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth :—

‘ 1. That the inhabitants of the Island of Sark are, to a great extent, dependent for the provision of their necessary traffic, both of imports and exports, on the existence of a regular shipping service which can be relied upon to run at all seasons of the year between that Island and the Island of Guernsey ; 2. That at present numerous Shipping Companies run services to Sark from Guernsey during the summer months, when the seasonal traffic is heavy, but that no Company is willing to provide a satisfactory service during the winter months, when such traffic is greatly diminished, unless in consideration for so doing, the Company is granted certain exclusive advantages in respect of the summer traffic ; 3. That the Tenants and Deputies of the Chief Pleas of Sark assembled on the 19th day of January, 1949, to consider the question of the provision of a regular shipping service at all seasons, and resolved that the Chief Pleas be granted such powers of licensing shipping between Guernsey and Sark as should enable an agreement to be made with a suitable Company for the provision of such a service ; 4. That in pursuance of their said resolution of the 19th day of January, 1949, they approved, at a meeting held on the 23rd day of March, 1949, a Bill or Projet de Loi entitled

"Projet de Loi" referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

"The Sark (Licensing of Vessels) Law, 1949".

The Court of Chief Pleas of Sark have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

1. A person shall not, without a licence in that behalf previously obtained from the Chief Pleas of Sark, do any act of trade from or in connection with a vessel lying at or in any harbour in the Island of Sark or lying off the coast of that Island.

2. A licence granted under the last preceding section may be for such period and on such terms and conditions as the Chief Pleas may therein specify.

3. A person who infringes any of the provisions of this Law, or any term or condition of a licence granted hereunder shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred pounds for every such infringement.

4. For the purposes of this Law, a person shall be deemed to do an act of trade from or in connection with a vessel if he, being the owner, charterer or other person having control over, or being the master or other person in charge of, that vessel, causes or permits the embarkation thereon or disembarkation therefrom of passengers or the loading thereon or unloading therefrom of cargo other than the transshipment of fish from a fishing boat to a vessel, and the expression "Vessel" shall not include His

"The Sark (Licensing of Vessels) Law, 1949", and requested Your Petitioners to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto; 5. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the Chief Pleas of Sark entitled "The Sark (Licensing of Vessels) Law, 1949", and to order and direct that the same shall have force of Law in the Island of Sark'.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty, to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi".

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Sark.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy of which is hereunto annexed) be entered upon the Registers of the Islands of Guernsey and Sark and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.

Majesty's ships, ships of war belonging to the Navy of or ships not being engaged in trade belonging to any sovereign state, yachts *bonâ fide* used exclusively for pleasure, vessels belonging to or under the control of any Department of His Majesty's Government or of the States of Guernsey or any Harbour or Navigational authority or body, being vessels used exclusively for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward, vessels plying directly between Jersey and Sark and between Alderney and Sark, vessels licensed by the Guernsey States Board of Administration to carry not exceeding twelve passengers between Guernsey and Sark, or fishing vessels not carrying passengers or merchandise other than fish.

JAMES E. LE PAGE,
H.M. Greffier.