

# ORDER IN COUNCIL

**XII**

**1982**

ratifying a Projet de Loi

ENTITLED

## **The Tourism (Sark) Law, 1982**

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(Registered on the Records of the Island of Guernsey  
on the 18th January, 1983.)

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1983

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 18th day of January, 1983 before Charles Keith Frossard, Esquire, Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Albert Richard McCartney Straw, Esquire, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey and John Christopher Bulstrode, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of December, 1982, ratifying a *Projet de Loi* of the Chief Pleas of Sark entitled "The Tourism (Sark) Law, 1982", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and 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 Seneschal of Sark for registration on the records of that Island.

# At the Court at Buckingham Palace

The 22nd day of December 1982

PRESENT,

## The Queen's Most Excellent Majesty in Council

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 14th day of December 1982 in the words following viz:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of John Michael Beaumont, Esquire, Seigneur of Sark, Hilary Carre, Esquire, M.B.E., Seneschal, and Alfred William John Adams, Esquire, Prévôt, of the Island of Sark, setting forth:

‘1. That in pursuance of their Resolution of the 22nd day of April 1981 the Chief Pleas of the Island of Sark at a meeting held on the 14th day of April 1982 approved a Bill or “Projet de Loi” entitled “The Tourism (Sark) Law, 1982”. 2. 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 Tourism (Sark) Law, 1982” and to order 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."

O HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her 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 HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

O AND the Lieutenant Governor and Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her 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.

*N. E. Leigh*



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

## PROJET DE LOI

ENTITLED

### **The Tourism (Sark) Law, 1982**

#### ARRANGEMENT OF SECTIONS

##### Section

1. Appointment of Tourism Committee.
2. Constitution of the Committee.
3. Duties of the Committee.
4. Power of the Committee to appoint Inspectors.
5. Prohibition of unauthorised provision of accommodation in premises and sites.
6. Accommodation permits.
7. Fees for accommodation permits.
8. Matters to be considered in granting, refusing, etc., accommodation permits.
9. Notification of refusal, etc., of an accommodation permit.
10. Period of validity and extent of accommodation permits.
11. Renewal of accommodation permits.
12. Exhibition of accommodation permits.
13. Duplicate accommodation permits.
14. Appeals.
15. Classification and grading of premises and sites.

16. Register of accommodation permits and of classification and grading of premises and sites.
17. Offences and penalties.
18. Powers of inspectors.
19. Power to make Ordinances relating to camping and for other purposes of this Law.
20. Variation and repeal of Ordinances.
21. Interpretation.
22. Citation.
23. Commencement.

# PROJET DE LOI

ENTITLED

## **The Tourism (Sark) Law, 1982**

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the twenty-second day of April, nineteen hundred and eighty-one, 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.

1. The Chief Pleas shall appoint a Committee to be styled the Tourism Committee (hereinafter referred to as "the Committee") with authority to exercise the powers and perform the duties conferred and imposed upon it by or under this Law.

Appoint-  
ment of  
Tourism  
Committee.

2. The Committee shall be constituted in such manner as the Chief Pleas may, from time to time, by Resolution resolve.

Constitution  
of the  
Committee.

3. It shall be the duty of the Committee—

Duties of  
the  
Committee.

(a) to develop and advertise the amenities and attractions of the Island both with the object of encouraging visitors to the Island and in the interests of such visitors and of the inhabitants of the Island as a whole;

(b) to control the provision to visitors to the Island of—

(i) sleeping accommodation, board and lodging in any premises in the Island;

(ii) letting of any premises for residential purposes;

(iii) letting of sites for camping;



- (c) to make, if necessary, recommendations to the Chief Pleas, from time to time, as to any legislation which may be necessary for the fulfilment of the duties set out in this section.

Power of the Committee to appoint Inspectors.

4. The Committee may, for the purpose of carrying out their duties under this Law, appoint in writing such Inspectors (hereinafter referred to as an "Inspector") either generally or for a special purpose as it may deem necessary.

Prohibition of unauthorised provision of accommodation in premises and sites.

5. (1) Subject to the provisions of the next succeeding subsection, a person shall not—

- (a) provide sleeping accommodation, board, lodging or board and lodging in any premises, for reward for two or more persons at any one time;
- (b) let any premises, whether furnished or unfurnished, for residential purposes, to any other person for any period of three months or less;
- (c) let any site for camping to any other person at any time;

save under and in accordance with a permit (hereinafter referred to as an "accommodation permit") granted by the Committee in respect of the premises or site, as the case may be, in which such accommodation is provided.

(2) For the purposes of the last preceding subsection, no account shall be taken of—

- (a) persons engaged in full-time domestic duties directly connected with the premises in which they sleep;

- (b) persons accommodated as pupils, teachers or organisers in bona-fide educational establishments; or persons engaged in full-time domestic duties and sleeping in such establishments;
- (c) persons accommodated as ministers of religion in bona-fide religious establishments; or persons engaged in full-time domestic duties and sleeping in such establishments;
- (d) persons accommodated in respect of an occupation directly concerned with the care of the sick, infirm, aged, or mentally affected persons or of persons under their care as patients of such persons;
- (e) children under the age of ten years;
- (f) persons accommodated in such circumstances that the Committee shall deem it unreasonable to apply the provisions of this Law.

(3) For the purposes of this section the expression "premises" shall include any part of any premises and the expression "let" shall include sub-letting.

6. (1) Any person desirous of obtaining an accommodation permit shall make application in that behalf to the Committee and such application shall be in such form and accompanied by such information as the Committee may, from time to time, require.

Accommo-  
dation  
permits.

(2) Subject to the provisions of sections eight and ten of this Law, the Committee may upon receipt of an application under the provisions of the last preceding subsection—

- (a) grant the permit applied for; or
- (b) refuse to grant such permit; or

- (c) grant such permit subject to such conditions either as to duration or otherwise as the Committee may consider it necessary or expedient to impose.

(3) Accommodation permits shall be in writing and shall be deemed to be unconditional save in so far as any conditions thereof are stated therein.

(4) Subject to the provisions of section eight of this Law, the Committee may from time to time revoke, suspend or vary the conditions of any accommodation permit.

Fees for  
accommodation  
permits.

7. There shall be paid in advance to the Treasurer in respect of the grant of an accommodation permit for each one of the number of persons authorised to be accommodated in the premises or on the site, as the case may be, under and in accordance with such accommodation permit a fee of one pound or such other fee as the Chief Pleas may, from time to time, by Ordinance prescribe.

Matters to  
be considered  
in granting,  
refusing, etc.  
accommodation  
permits.

8. In considering whether any accommodation permit shall be granted, refused, suspended or revoked, or what conditions (if any) shall be attached thereto or whether and in what respects a condition attached to any accommodation permit should be varied the Committee shall take into consideration—

- (a) in the case of sleeping accommodation in any premises, the nature of the accommodation and the amenities provided or to be provided;
- (b) in the case of the letting of any premises, the nature and condition of such premises and in addition, in the case of furnished premises, the household furniture, equipment and the amenities provided or to be provided;

- (c) in the case of the letting of any site, the nature and condition of the site and the amenities provided or to be provided;
- (d) the charges made or to be made for the accommodation, premises or site, as the case may be, and for meals, service and any matter ancillary thereto provided or to be provided for persons so accommodated or in respect of the premises or the site, in relation to what is or is to be provided for those charges;
- (e) the breach (if any) by the person applying for or to whom an accommodation permit has been granted of any duty laid upon him by this Law or by an Ordinance made thereunder;
- (f) the conviction of a person, to whom an accommodation permit has been granted, of a contravention of the provisions of subsection (3) of section fifteen of this Law;

and shall not refuse an application for or revoke an accommodation permit or revoke, suspend or vary (otherwise than by way of revocation) the conditions of such permit without first giving the applicant for or holder of the permit, as the case may be, not less than fourteen days' notice in which to make any relevant representations before the Committee either personally or by a representative.

9. The Committee shall—

- (a) on refusing any application for an accommodation permit;
- (b) on granting any accommodation permit otherwise than unconditionally;

Notification  
of refusal,  
etc. of an  
accommodation  
permit.

- (c) on revoking an accommodation permit;
- (d) on suspending an accommodation permit;
- (e) on variation, other than by way of revocation of the conditions of any accommodation permit;

notify in writing within fourteen days thereafter the person applying for or to whom has been granted such accommodation permit of the reasons for such refusal, conditions, revocation, suspension or variation of conditions.

Period of validity and extent of accommodation permits.

10. An accommodation permit shall, unless granted for a lesser period or unless suspended or revoked under the provisions of this Law, be valid until the thirty-first day of December next following the date of such grant and thereafter, upon being renewed in pursuance of the provisions of the next succeeding section, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December next following, both dates inclusive.

Renewal of accommodation permits.

11. (1) An accommodation permit may be renewed in any year by the Committee for the period specified in the last preceding section upon an application being made to it in that behalf on or before the thirtieth day of September of the year upon which the accommodation permit expires.

(2) The provisions of section six, seven, eight and nine of this Law shall apply to an application under the last preceding subsection as they apply in relation to an application for an accommodation permit under the provisions of the said section six.

12. A copy of his current accommodation permit shall be exhibited at all times by the person to whom such permit is granted in the main entrance of each of the premises to which it is applicable in such manner as to bring it clearly to the notice of any person entering such premises by such entrance and, in the case of a site for camping, a copy of his current accommodation permit shall be exhibited in like manner in a prominent position at the main entrance to the site.

Exhibition  
of accommo-  
dation  
permits.

13. If the person to whom an accommodation permit has been granted satisfies the Committee that his permit has been lost, destroyed or defaced, the Committee shall on payment to the Treasurer of a fee of fifty new pence or such other fee as the Chief Pleas may, from time to time, by Ordinance prescribe, issue to that person a duplicate accommodation permit and the duplicate so issued shall have the same effect as the original.

Duplicate  
accommo-  
dation  
permits.

14. (1) An appeal shall lie to the Court from any refusal, revocation or suspension of an accommodation permit by the Committee or against the attachment by the Committee of any condition to such permit, or on any question of law or mixed law and fact, or on either of the following grounds—

Appeals.

- (i) that the Committee has in such refusal, revocation, suspension or variation of condition, acted in a manner contrary to natural justice; or
- (ii) that in considering whether or not so to refuse, revoke, or suspend, or whether and in what respect so to attach any condition, the Committee has considered matters other than those set out in section eight hereof or has failed to consider any of such matters.

(2) Notice of appeal under the provisions of the last preceding subsection shall be given by the appellant to the Greffier before the expiration of twenty-one days after the date on which the Committee have made known in writing to the appellant the decision appealed from.

(3) Any decision of the Court on an appeal under the provisions of this section shall be final.

(4) A decision of the Committee to revoke, vary or suspend an accommodation permit or to attach any condition to such permit shall not have effect until the expiration of twenty-one days after the date on which the Committee have made known their decision to the person concerned, or until an appeal under the provisions of this section against that decision has been determined by the Court, as the case may be.

Classifica-  
tion and  
grading of  
premises  
and sites.

15. (1) The Committee are empowered, from time to time, in respect of any premises or site for which an accommodation permit has been granted, to classify or grade these premises or site and shall notify the person to whom that accommodation permit has been granted in writing of that classification or that grading or both.

(2) In so classifying or grading any premises or site the Committee shall, in so far as may be applicable, take into account the nature of the sleeping accommodation provided, the nature and condition of the premises or site concerned, the household furniture, equipment and other amenities provided in relation to such premises or site.

(3) A person to whom an accommodation permit has been granted in respect of any premises shall not directly or indirectly advertise or describe those premises with intent, or in a manner likely, to deceive.

16. The Committee shall keep a register, in a book kept solely for that purpose, of all accommodation permits granted under section six of this Law and of any renewal, suspension, revocation or variation made in pursuance of any provisions of this Law in relation to any such permits and of any classification or grading in respect of any premises or site.

Register of accommodation permits and of classification and grading of premises and sites.

17. (1) Any person acting in contravention of section five of this Law shall be guilty of a separate offence in respect of each person for whom sleeping accommodation is provided.

Offences and penalties.

(2) Any person who with intent—

- (i) to obtain the grant of an accommodation permit; or
- (ii) to avoid the variation of any condition to an accommodation permit; or
- (iii) to avoid the revocation or suspension of an accommodation permit;

willfully makes any statement which is false in a material particular to the Committee or to an Inspector appointed under this Law or who willfully withholds from the Committee or from any such person material information shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.



(3) Any person who publicly exhibits any notice or document which falsely purports to show that he has been granted an accommodation permit or which falsely purports to show that he has been granted an accommodation permit unconditionally or upon conditions more favourable to him than those which are attached to such permit shall be guilty of an offence.

(4) Any person wilfully obstructing an Inspector duly appointed under this Law in the exercise of the powers conferred upon him by this Law shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding twenty pounds or a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.

(5) Any person who contravenes any of the provisions of this Law for which a penalty is not specifically provided shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty pounds.

(6) Where an offence for which any person is liable under this Law has been committed by an agent of that person, the agent, as well as that person, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

18. (1) An Inspector is empowered, subject to the production to anyone reasonably demanding it of a certificate of his appointment, at all reasonable times to enter upon and inspect any premises or site in respect of which an accommodation permit has been applied for or has been granted.

Powers of  
Inspectors.

(2) Where there is reasonable cause to believe any premises or site in respect of which an accommodation permit has not been granted are being used in contravention of the provisions of section five of this Law the Committee may by order in writing, signed by the Chairman or Vice-Chairman of the Committee, authorise an Inspector at all reasonable times within seven days from the date of the order to enter upon and inspect any premises or site specified in the order for the purpose of ascertaining whether such premises or site are being so used.

19. The Chief Pleas may, from time to time, by Ordinance, make such provision as they deem necessary or expedient for regulating or prohibiting camping or the use of sites for camping and otherwise for the purpose of carrying out the provisions of this Law.

Power to  
make  
Ordinances  
relating to  
camping and  
for other  
purposes of  
this Law.

20. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in like manner to vary or repeal the Ordinance.

Variation  
and repeal  
of  
Ordinances.

21. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

Interpreta-  
tion.

“accommodation permit” has the meaning assigned to it in section five of this Law and includes an accommodation permit renewed under the provisions of section eleven of this Law;

“the Committee” has the meaning assigned to it in section one of this Law;

“the Court” means the Court of the Seneschal;

“Inspector” has the meaning assigned to it in section four of this Law;

“the Island” means the Island of Sark and any of its Dependencies.

(2) The Interpretation (Guernsey) Law, 1948(a) shall apply to the interpretation of this Law as it applies to the interpretation of a Guernsey enactment.

(3) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

Citation.        22. This Law may be cited as the Tourism (Sark) Law, 1982.

Commence-        23. This Law shall come into force on such date  
ment.            as the Chief Pleas may by Ordinance appoint.

K. H. TOUGH,

Her Majesty's Greffier.

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(a) Ordres en Conseil Vol. XIII, p. 355.