

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Reform (Amendment) (Sark) Law, 1981

(Registered on the Records of the Island of Guernsey
on the 16th February, 1982.)



1981

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of February, 1982 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, 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., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon and James de Sausmarez Carey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of December, 1981, ratifying a *Projet de Loi* of the Chief Pleas of Sark entitled "The Reform (Amendment) (Sark) Law, 1981"; the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 16th day of December 1981

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 26th day of November 1981 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 21st day of January 1981 the Chief Pleas of the Island of Sark, at a meeting held on the 30th day of September 1981 approved a Bill or “Projet de Loi” entitled “The Reform (Amendment) (Sark) Law, 1981”. 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 Reform (Amendment) (Sark) Law, 1981” 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.”

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.

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 Reform (Amendment) (Sark) Law, 1981

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the twenty-first day of January, 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 Reform (Sark) Law, 1951, as amended (hereinafter referred to as "the principal Law") (a) is hereby further amended as follows:—

**Amend-
ments to
Law of
1951.**

(a) the marginal note and section two thereof are repealed and the following marginal note and section are substituted therefor:—

"Deputy
Seigneur.

2. (1) The Seigneur may, from time to time, appoint in writing a person of full age who shall be styled the Deputy Seigneur to perform all the duties and exercise all the powers of the Seigneur in and in connection with the Chief Pleas in the absence or incapacity of the Seigneur and during a vacancy in the office of Seigneur.

(a) Ordres en Conseil Vol. XV, p. 215; Vol. XXII, p. 200.

(2) The Seigneur shall not appoint a person as Deputy Seigneur unless:—

(a) that person is ordinarily resident in Sark, or

(b) that person is the issue of the Seigneur whether or not that person is ordinarily resident in Sark.

(3) The Seigneur shall not appoint a person as Deputy Seigneur if that person is for the time being the Seneschal, the Deputy Seneschal, the Prévôt, the Greffier, the Treasurer or a Deputy of the People.

(4) The Seigneur may at any time revoke the appointment of any person as Deputy Seigneur.”;

(b) subsection (1) of section three thereof is repealed and the following subsection is substituted therefor:—

“(1) The Seneschal shall be ex-officio President of the Chief Pleas.”;

(c) in subsection (2) of section three thereof the words “his Deputy” are repealed and the words “the Deputy Seneschal” are substituted therefor;

(d) in subsection (3) of section six thereof:—

(i) immediately after the words “the owner of a tenement” there are inserted a comma and the words and a comma “whether a married woman or not”;

- (ii) immediately after the word "he" where that word first occurs there are inserted the words "or she";
- (iii) immediately after the word "him" there are inserted the words "or her";
- (e) in paragraph (3) of section seven thereof the words "or the Treasurer or the duly appointed deputy of any of those persons" are repealed and the words "the Treasurer or the Deputy Seigneur" are substituted therefor;
- (f) in subsection (2) of section fourteen thereof the words "the Chief Pleas for a period of six consecutive months" are repealed and the words "three consecutive meetings of the Chief Pleas" are substituted therefor;
- (g) in section sixteen thereof:—
 - (i) the word "Christmas" is repealed and the word "Easter" is substituted therefor;
 - (ii) the word "Michaelmas" is repealed and the word "Christmas" is substituted therefor;
- (h) in section twenty thereof the words "at the Michaelmas sitting" are repealed and the words "at their meeting after Christmas" are substituted therefor;
- (i) subsections (2) and (3) of section twenty-two thereof are re-numbered as subsections "(7)" and "(8)" of the said section and immediately after subsection (1) of the said section there are inserted the following five additional subsections numbered "(2)", "(3)", "(4)", "(5)" and "(6)":—

“(2) Notwithstanding the provisions of any enactment for the time being having force of law in Sark, the Seigneur may, from time to time, after consultation with the Seneschal and with the approval of the Lieutenant Governor appoint in writing a person of full age ordinarily resident in Sark who shall be styled the Deputy Seneschal:—

- (a) to perform all the duties and exercise all the powers of the Seneschal in and in connection with the Chief Pleas,
- (b) to perform all the duties and exercise all the powers of the Seneschal in and in connection with the Court of the Seneschal, and
- (c) to perform all such other duties and exercise all such other powers including the endorsement of warrants issued outside Sark as are required by the law for the time being in force to be performed or exercised by the Seneschal,

in the absence or incapacity of the Seneschal and during a vacancy in the office of Seneschal.

(3) The Seigneur shall not appoint a person as Deputy Seneschal if that person is for the time being the Deputy Seigneur, the Prévôt or the Deputy Prévôt, the Greffier or the Deputy Greffier or the Treasurer or the Deputy Treasurer.

(4) The Deputy Seneschal shall take the oath of office before the Court of the Seneschal and, subject to the provisions of the next succeeding subsection, he shall not be removable from office except at his own request or by the direction of the Crown.

(5) Having taken the oath of office the Deputy Seneschal shall hold office until the expiration of the term of office then current of the Seneschal for the time being and thereafter until he or another person duly appointed as the next succeeding Seneschal has taken the oath of office in accordance with the provisions of subsection (1) of this section and the Deputy Seneschal shall thereupon cease to hold office as such.

(6) A person who is removed from office as Deputy Seneschal at his own request or who ceases to hold office by virtue of the provisions of the last preceding subsection shall be eligible for re-appointment."

2. (1) The Chief Pleas may, from time to time, by Resolution appoint a person (hereinafter referred to as "the Assistant Constable") to discharge such functions and exercise such powers as he may be authorised so to do under or by virtue of the provisions of the next succeeding section and the Chief Pleas may at any time by Resolution revoke any such appointment.

Appoint-
ment of
Assistant
Constable.

(2) Subject to the provisions of the last preceding subsection, the appointment of a person as Assistant Constable shall be for such period and subject to such terms and conditions of service as the Chief Pleas may at any time in any such Resolution as aforesaid prescribe.

3. (1) Notwithstanding the provisions of the principal Law, the Assistant Constable, upon being authorised by the Constable so to do, may discharge any function and exercise any power appertaining to the office of Constable.

Functions
and
powers of
Assistant
Constable.

(2) Nothing in the provisions of the last preceding subsection shall derogate from the functions and powers of the Vingtenier.

(3) In the event of the Assistant Constable discharging any functions or exercising any powers appertaining to the office of Constable which he is authorised to discharge or exercise under or by virtue of subsection (1) of this section, the provisions contained in or made under any other enactment relating to the discharge of such functions or the exercise of such powers shall have effect as if reference therein to the Constable included a reference to the Assistant Constable.

(4) It shall be the duty of the Constable or, in the absence or incapacity of the Constable and during a vacancy in that office, the Vingtenier to ensure that the Assistant Constable carries out the duties of his office faithfully and well.

Citation and
collective
title.

4. (1) This Law may be cited as the Reform (Amendment) (Sark) Law, 1981.

(2) This Law and the Reform (Sark) Laws, 1951 and 1971, may be cited together as the Reform (Sark) Laws, 1951 to 1981.

K. H. TOUGH,

Her Majesty's Greffier.