

ORDER IN COUNCIL

III
2014

ratifying a Projet de Loi

ENTITLED

Marriage (Special Licences) (Sark) Law, 2013

(Registered on the Records of the Island of Guernsey
on the 13th January, 2014.)



2014

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of January, 2014 before Richard James McMahon, Esquire, Deputy Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Terry George Snell, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Jonathan Grenfell Hooley, Esquire, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 11th December, 2013 approving and ratifying a Projet de Loi of the Chief Pleas of Sark entitled “The Marriage (Special Licences) (Sark) Law, 2013”, 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 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.

J TORODE
Her Majesty’s Greffier



At the Court at Buckingham Palace

THE 11th DAY OF DECEMBER 2013

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 Resolutions of 5th October 2011 and 3rd October 2012, the Chief Pleas of the Island of Sark at a meeting on 2nd October 2013 approved a *Projet de Loi* entitled the Marriage (Special Licences) (Sark) Law, 2013. 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 Marriage (Special Licences) (Sark) Law, 2013, 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 Marriage (Special Licences) (Sark) Law, 2013

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the 5th October, 2011 and the 3rd October, 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.

Marriage in building or place approved by Registrar-General.

1. A marriage which is solemnised, in accordance with Article 18 of the Law of 1919, by special licence of the Registrar-General, may take place, in addition to the buildings mentioned in that Article, in any building or other place in Sark approved for that purpose in any particular case by the Registrar-General or his deputy.

Period of notice required.

2. The Chief Pleas may by Ordinance substitute, for the period of one month mentioned in Article 18(a) of the Law of 1919, such period as they shall think fit, which substituted period shall be applicable only where-

- (a) the marriage is intended to be solemnised in Sark,
- (b) the notice of marriage is given in Sark, and
- (c) the person giving the notice has fulfilled the residence requirement by residence in Sark for the specified

period.

Modifications to Law of 1919 in Sark.

3. The Law of 1919 is modified in its application to Sark in accordance with the following provisions -

- (a) in Article 2(b), immediately after "maison particulière" insert "ou tel autre édifice ou lieu sanctionné pour célébration de mariage par le Registraire-Général ou son député",
- (b) in Article 12, immediately after "ouvertes au public" insert "et, en cas de la célébration de mariage dans un lieu sanctionné par le Registraire-Général ou son député, le lieu se doit être ouvert au public",
- (c) in Article 18 -
 - (i) at the end of the first sentence, immediately after "maison particulière" insert ", soit dans un édifice ou autre lieu sanctionné par le Registraire-Général ou son député", and
 - (ii) in paragraph (a), immediately after l'île de Guernesey ou" insert "telle période que les Chefs Plaids ordonnent aux fins de l'Article 2 de la Loi intitulée "The Marriage (Special Licences) (Sark) Law, 2013",
- (d) in Article 21, after the words ""Registraire-Général",

in the first place where they appear, insert "ou son député",

- (e) in Article 22, after "l'édifice" insert "ou lieu",
- (f) in Article 26, after the words "Registraire-Général" insert "ou son député",
- (g) in Article 34 -
 - (i) after the words "par le dit Registraire- Général ou son député" insert "en l'Ile de Guernesey",
 - (ii) at the end of the first sentence, after the words "pour le mariage" insert "sauf que le Député-Registraire en l'Ile de Sercq est autorisé à livrer une licence spéciale aux fins de l'Article 18 de cette loi en cas d'une notification donnée au dit Député-Registraire",
 - (iii) at the end of the third sentence, after the words "l'Article 27 de cette loi", insert "ou, en cas de la célébration de mariage par licence spéciale aux fins de l'Article 18 de cette loi, dans une maison particulière ou dans un édifice ou autre lieu sanctionné par le Registraire-Général ou son député".

Interpretation.

4. (1) In this Law, "**the Law of 1919**" means the Law entitled "Loi

ayant rapport aux Mariages Célébrés dans l'Ile de Guernesey et dans les Iles d'Auregny et de Serk, 1919" registered on the 6th day of May, 1919^a.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

(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.

5. This Law may be cited as the Marriage (Special Licences) (Sark) Law, 2013.

^a Ordres en Conseil, Vol. VI, p. 57; Vol. XV, p. 200; Vol. XX, p. 267; Vol. XXX, p. 114; Vol. XXXIII, p. 444 and Vol. XXXV(1), p. 398.

^b Ordres en Conseil Vol. XIII, p. 355.

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