

ORDER IN COUNCIL

XIII
2002

ratifying a Projet de Loi

ENTITLED

The Education (Sark) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 29th April, 2002.)



2002

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 29th day of April, 2002 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, and Michael John Tanguy, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th day of March, 2002, approving and ratifying a Projet de Loi of the Chief Pleas of Sark entitled “The Education (Sark) Law, 2001”, 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 in Council 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 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 26th day of March, 2002

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 12th day of February 2002 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 the humble Petition of John Michael Beaumont O.B.E., Seigneur of Sark, Lieutenant Colonel Reginald John Guille M.B.E., Seneschal of Sark, and Alfred William John Adams, Prévôt of the Island of Sark setting forth:—

1. That, in pursuance of their Resolution of the 16th day of October, 1999, the Chief Pleas of the Island of Sark, at a Meeting held on the 3rd day of October, 2001, approved a Bill or “Projet de Loi” entitled “The Education (Sark) Law, 2001”:
2. That the said Bill or “Projet de Loi” is as 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 Education (Sark) Law, 2001”, 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 Projet de Loi annexed thereto 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, and it is hereby ordered, that the same shall have the force of law within the Island of Sark.

AND HER MAJESTY doth 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Education (Sark) Law, 2001

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 6th October, 1999, 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.

Chief Pleas may enact Ordinances as to educational provision.

1. (1) The Chief Pleas may by Ordinance make such provision as they think fit in relation to the provision of education in Sark; and such an Ordinance may, without limitation, include provision -

- (a) constituting a Committee of the Chief Pleas to administer this Law and any Ordinance under it and to perform such other functions as may be conferred on it;
- (b) establishing a statutory system of public education for children in Sark;
- (c) specifying the stages, purposes, objectives and standards of any such system;
- (d) requiring and regulating the provision, maintenance and management of schools, facilities (including

Order in Council No. XIII of 2002

facilities for recreation, social and physical training, and transport), equipment and other educational resources;

- (e) for the appointment, conditions of service, disciplining and dismissal of staff;
- (f) as to secular instruction (including curricula and examinations) and religious education;
- (g) as to the funding of education (in Sark or elsewhere), the charging of fees and the provision of financial assistance;
- (h) in relation to children with special needs;
- (i) as to the attendance of children at school and as to parental duties in relation to education;
- (j) regulating the provision of -
 - (i) education and training otherwise than at school;
 - (ii) independent schools; and
 - (iii) board and lodging for children;
- (k) as to the employment of children of school age;
- (l) requiring the independent inspection of schools and the

Order in Council No. XIII of 2002

medical inspection of schoolchildren;

- (m) as to the discipline and exclusion from school of children;
- (n) prescribing compulsory school ages, the times of school days and the dates of school terms;
- (o) as to the enforcement of the provisions of the Ordinance, including the creation of criminal offences.

(2) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder;
- (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Chief Pleas to be necessary or expedient.

(3) Any power conferred by this Law to make an Ordinance 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 (including different categories of schools), 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.

Citation.

2. This Law may be cited as the Education (Sark) Law, 2001.