

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 16th day of January, 1995 before Sir Graham Dorey, Bailiff;
present:—Harry Wilson Bisson, Stanley Walter John Jehan, Leonard
Arthur Moss, John Edward Morris, Charles Anthony Spensley,
Lawrence Oscar Ozanne, John Richard Rowe Henry and David
Charles Lowe, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 2nd day of November, 1994, approving and ratifying a *Projet de Loi* entitled “The European Bank for Reconstruction and Development (Sark) Law 1994”, 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 SÉNÉSCHAL 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 2nd day of November 1994

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 21st day of October 1994 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, Seigneur of Sark, Lawrence Philip de Carteret, Seneschal, and Alfred William John Adams, Prévôt, of the Island of Sark, setting forth:—

‘1. That, in pursuance of their Resolution of the 6th day of October 1993 the Chief Pleas of the Island of Sark, at a Meeting held on the 6th day of April 1994 approved a Bill or “Projet de Loi” entitled “The European Bank for Reconstruction and Development (Sark) Law, 1994”. 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 European Bank for Reconstruction and Development (Sark) Law, 1994”, and to order that the same shall have force of law in the Island 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 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.

(No.XXIX - 1994)

PROJET DE LOI

ENTITLED

**The European Bank for Reconstruction and
Development (Sark) Law, 1994**

ARRANGEMENT OF SECTIONS

Section

1. Purposes of Law.
2. ERBD's status and capacities.
3. Legal process.
4. Official archives.
5. Import and export prohibitions.
6. Rates and property taxes.
7. Import duties and fuel impôts.
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The European Bank for Reconstruction and Development (Sark) Law, 1994

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of 6th October, 1993, 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

Purposes of Law.

1. The provisions of this Law have effect, notwithstanding any rule of law or any other enactment from time to time in force, for the purposes of -

- (a) recognising the capacities of the European Bank for Reconstruction and Development (in this Law referred to as "the EBRD") established by an Agreement done at Paris on 29th May 1990; and
- (b) affording privileges, immunities, exemptions and reliefs in relation to the EBRD and its Governors, Directors, Alternate Governors, Alternate Directors, officers and employees, and to experts performing missions for it.

EBRD's status and capacities.

2. (1) The EBRD is an organisation of which the United Kingdom and other sovereign powers are members.

(2) The EBRD has the legal capacities of a body corporate.

Legal process.

3. (1) The EBRD has immunity from suit and legal process -

- (a) if it has no office and no appointed agent for the purpose of accepting service or notice of process, in the Bailiwick of Guernsey, and has not issued or guaranteed securities in the Bailiwick of Guernsey;

- (b) in actions brought by, or by a person acting for or deriving claims from, any member of the EBRD;
- (c) in respect of any form of seizure of, or attachment of or execution on, the EBRD's property or assets (wherever located and by whomever held) before delivery of final judgment against the EBRD;
- (d) in respect of the search, requisition, confiscation or expropriation of such property or assets.

(2) Any Governor, Director, Alternate Governor, Alternate Director, officer or employee of the EBRD, and any expert performing a mission for EBRD has -

- (a) immunity from suit and legal process in respect of acts performed by him in his official capacity, except in respect of civil liability in the case of damage arising from a road traffic accident caused by him;
- (b) such immunity from suit and legal process as is necessary to ensure that all of his official documents have the like inviolability as is accorded in respect of the EBRD's official archives by section 4 of this Law.

(3) The immunities conferred by this section may be waived -

- (a) in the case of those conferred by subsection (1), by the EBRD's Board of Directors, or
- (b) in the case of those conferred by subsection (2), by the EBRD's Board of Directors or President,

either entirely or to such extent as may be specified by the waiver.

Official archives.

4. The EBRD's official archives are inviolable at any time and wherever they are.

Import and export prohibitions.

5. The EBRD is exempt from prohibitions and restrictions on importation and exportation in the case of goods and publications imported or exported by the EBRD and necessary for the exercise of its official activities.

Rates and property taxes.

6. (1) The EBRD is not liable in respect of its official premises to pay any taxes or dues, except such as represent payment for specific services rendered.

(2) For the avoidance of doubt, subsection (1) of this section does not apply to sums payable under any rule of law or enactment from time to time in force by people contracting with the EBRD.

(3) For the purposes of this section, EBRD's "official premises" are all buildings, parts of buildings and land ancillary to them, which (irrespective of ownership) are used for the purposes of the EBRD, including the residence of any person appointed by the EBRD to be in charge of its operations in any Island of the Bailiwick of Guernsey.

Import duties and fuel impôts.

7. (1) Subject to compliance with such conditions as the Chief Revenue Officer may impose for the protection of the Revenue, the EBRD is exempt from duties and taxes on the importation by it or on its behalf of goods and publications necessary for the exercise of its official activities.

(2) The EBRD shall be entitled to relief by way of refund of duty paid on any motor spirit necessary for its official activities, under and subject to arrangements made by the Chief Pleas.

Interpretation.

8. The Interpretation (Guernsey) Law, 1948(a) applies as respects the interpretation of this Law in the Island of Sark.

Citation.

9. This Law may be cited as the European Bank for Reconstruction and Development (Sark) Law, 1994.

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