

ORDER IN COUNCIL

I

Ratifying a Projet de Loi entitled

1950

The Sark Elections (Validation) Law, 1950.

(Registered on the Records of the Island of Guernsey on
the 18th day of February, 1950.)



Printed by the GUERNSEY HERALD LIMITED, Bordage Street.

1950.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY.

The 18th day of February, 1950, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff ; present:— Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 3rd day of February, 1950, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled "The Sark Elections (Validation) Law, 1950",— the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that a copy of this present Act, together with an extract of the said Order in Council, be sent by His Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island, of which *Projet de Loi* the tenor followeth:—

At the Court at Sandringham

The 3rd day of February, 1950.

Present,

The King's Most Excellent Majesty.

LORD CHANCELLOR
VISCOUNT HALL
SIR ALAN LASCELLES.

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 January, 1950, in the words following viz. :—

“ YOUR MAJESTY, having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the Humble Petition of Robert Woodward Hathaway, Esquire, Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth :—

1. That, at a meeting of the Tenants and Deputies of the Chief Pleas of Sark assembled on the 13th day of September, 1949, doubt was expressed as to the legality of the election of the Deputies then members of such Chief Pleas ;
2. That on further consideration it appeared, as is more particularly set out in the Preamble to the Bill or Projet de Loi hereunto annexed, that elections of Deputies have not, since the year 1922, been conducted in conformity with the provisions of the enactments from time to time in force regarding the same;
3. That accordingly at an assembly of the said Chief Pleas held on the 13th day of September, 1949, it was resolved that it was desirable that the validity of all such elections be established retrospectively by law ;
4. That in pursuance of their said Resolution, the said Chief Pleas approved, at a meeting held on the 21st day of November, 1949, the Bill or Projet de Loi hereinbefore referred to, entitled “ The Sark Elections (Validation) Law, 1950 ”, and requested your Petitioners to present a most humble petition to Your Majesty in Council praying for your Royal Sanction thereto ;
5. 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 Sark Elections (Validation) Law, 1950," and to order and direct 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."

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

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

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

The Sark Elections (Validation) Law, 1950.

WHEREAS His Most Excellent Majesty was graciously pleased by Order in Council registered on the Records of the Island of Guernsey on the 15th day of July, 1922, to grant to the Island of Sark a new and reformed Constitution :

WHEREAS by Article 16 of the said Order in Council it was provided, *inter alia*, that all matters concerning the election of deputies to the Chief Pleas of Sark should be regulated by the Royal Court of Guernsey :

WHEREAS in accordance with the said Article 16 the said Royal Court on the 5th day of September, 1922, passed an Ordinance entitled "Ordonnance réglant la Procédure à suivre dans les Elections des Députés aux Chefs-Plaids de l'Ile de Serk," which Ordinance was made permanent on the 5th day of October, 1931 :

WHEREAS on the 30th day of September, 1925, the said Chief Pleas passed a Resolution in the following form—"Les Chefs Plaids ont été d'avis de passer amendement au paragraphe 2 (a) de l'Acte de Sa Majesté en Conseil en date du 20 juin 1922" (being the above-recited Order in Council) "comme suit ; shall be qualified for the election of deputies, viz., inhabitants of Sark who being males have attained the age of 20 years and are ratepayers" :

WHEREAS a Projet de Loi implementing the said Resolution was never submitted for the Sanction of His Most Excellent Majesty in Council, accordingly the said Resolution is and has always been of no effect :

WHEREAS it now appears that elections of deputies to the Chief Pleas of Sark have since the year 1925 been conducted as though the said Resolution had the force of law :

WHEREAS certain of such elections since the year 1922 have not been conducted in accordance with the above-recited Ordinance of the Royal Court :

NOW THEREFORE the Chief Pleas of Sark have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Sark :

1. The election of any person to the office of deputy of the Chief Pleas of Sark at any time between the 15th day of July, 1922, and the date of commencement of this Law shall be deemed not to have been invalidated by reason only of any failure at such election to comply with the provisions of paragraph (a) of Article 2 of the above recited Order in Council of 1922 or with any of the provisions of the above-recited Ordinance of the Royal Court, and any such person shall be deemed, notwithstanding such failure but without prejudice to any other objection to his election, to have been validly elected.

2. This Law shall come into force on the date of its registration on the Records of the Island of Guernsey.

JAMES E. LE PAGE,
H.M. Greffier.