

ORDERS IN COUNCIL

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(Registered on the Records on the 1st December, 1951.)

1951

AT THE COURT AT BUCKINGHAM PALACE,

The 1st day of November, 1951.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT SWINTON.

LORD DE L'ISLE AND DUDLEY.

LORD CHERWELL.

SECRETARY SIR DAVID MAXWELL FYFE.

MR. THOMAS.

MR. ECCLES.

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 October, 1951, in the words following, viz.:—

Reform
(Sark)
Law, 1951.

“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 Jehanne Rosemary Ernestine Bell, Deputy Seigneur, William Baker, Esquire, Seneschal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth:—

‘1. That the Tenants and Deputies of the Chief Pleas of Sark assembled on the 28th day of June, 1951, the 24th day of September, 1951, and on the 3rd day of October, 1951, considered and approved a Bill or Projet de Loi intituled “The Reform (Sark) Law, 1951.” 2. That the said Bill or Projet de Loi is in the words and figures 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 intituled “The Reform (Sark) Law, 1951 ” 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

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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.

F. J. FERNAU.

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

PROJET DE LOI

ENTITLED

THE REFORM (SARK) LAW, 1951.

PART I.

The Chief Pleas of Sark.

Composition. 1.—(1) Subject to the provisions of this law, the Chief Pleas of Sark shall be composed as follows:—

- (a) The Seigneur ;
- (b) The Seneschal ;

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(c) The Tenants ;

(d) Twelve Deputies of the People, to be elected triennially and, subject to the provisions of section 28 of this law, holding office for a period of three years.

(2) It shall be the duty of the Prévôt, the Greffier, and the Treasurer to attend all meetings of the Chief Pleas but they shall not by virtue of their respective offices be members thereof. The Treasurer may nevertheless address the Chief Pleas on any matter concerning taxation or the finances of the Island. It shall be the duty of the Greffier to act as Clerk of the Chief Pleas.

(3) A person who is an alien shall not be competent to be a member or an officer of the Chief Pleas.

2. The Seigneur may from time to time appoint in writing any person of full age ordinarily resident in Sark to perform the duties and exercise the powers of the Seigneur in the Chief Pleas in the absence of the Seigneur, provided that such person be not the Seneschal or the Deputy Seneschal, the Prévôt, the Greffier, the Treasurer or a Deputy of the People. Acting
Seigneur.

3.—(1) The Seneschal shall be ex-officio President of the Chief Pleas and may from time to time appoint in writing a tenant, not being the Seigneur, the Prévôt, the Greffier or the Treasurer, or any Deputy Seigneur, Deputy Prévôt, Deputy Greffier or Deputy Treasurer, as his Deputy, to perform the duties and exercise the powers of Seneschal in the Chief Pleas in the absence of the Seneschal or during a vacancy in his office. The Seneschal may at any time revoke such appointment. President.

(2) If at any meeting of the Chief Pleas the Seneschal is absent and his Deputy is not present or, if present, is unwilling to preside, the members of the Chief Pleas may elect one of their number to preside at that meeting, who shall in respect of that meeting have the powers and duties of the Seneschal.

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Members'
votes and
casting vote.

4. Every member present at a sitting of the Chief Pleas, whether present in one capacity or in more than one, shall have one vote only, save that in the event of an equality of votes the person performing the duties of President shall have a casting vote in addition to his original vote.

Definition of
"tenant".

5. For the purposes of this Law, the expression "tenant" shall mean,

(a) the owner of a Tenement ; or

(b) in the case of a Tenement owned jointly by two or more persons, such one of those persons as may be appointed by them, or by a majority in number of them, by an instrument in writing lodged at the Greffe, which instrument shall be revocable at any time by a majority in number of the said joint owners on lodgment of the instrument of revocation at the Greffe ; or

(c) a person appointed to represent a tenant under the provisions of the next succeeding section.

Representa-
tive of
owner of
tenement.

6.—(1) In the case of a proprietary interest in a tenement owned by a person under legal disability, the Court of the Seneschal may on application appoint a person, not being the owner of a proprietary interest in a tenement or a person otherwise entitled to sit in, or an official required to attend, the Chief Pleas, to represent that interest in lieu of the person under legal disability and the person so appointed shall have the like rights as respects representation in the Chief Pleas as the person under legal disability would have if he were not under legal disability.

(2) In the case of a tenement owned by a married woman, that woman may, by an instrument in writing lodged at the Greffe, but revocable at any time by her on lodgment thereof of an instrument of revocation, appoint her husband to represent that tenement in lieu of herself, and during the currency of the instrument

of appointment he shall have the like rights in the Chief Pleas as she would have had if she had not lodged that instrument:

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PROVIDED that any such instrument of appointment shall have effect until but not after, the date on which the Deputies of the People then in office vacate the same.

(3) Where the owner of a tenement is incapacitated by reason of infirmity from attending the Chief Pleas, he may by an instrument in writing lodged at the Greffe appoint a person, not being the owner of a proprietary interest in a tenement, or a person otherwise entitled to sit in, or an official required to attend, the Chief Pleas to represent him at the sitting of the Chief Pleas then next to be held, and the person so appointed shall, at that sitting, have the like rights in the Chief Pleas as the appointor would have had had he or she not lodged the instrument of appointment:

PROVIDED that the lodgment at the Greffe of an instrument of appointment under this subsection shall be of no effect unless made not later than three hours before the time of the sitting and accompanied by a certificate signed by a Medical Practitioner that the infirmity of the appointor is such as reasonably to make it impracticable for the appointor to attend the Chief Pleas.

7. The qualifications for the office of Deputy of the Deputies. People shall be that a person—

(1) has his name inscribed on the Electoral Roll;

(2) is not the owner, either alone or jointly with any other person, of a tenement;

(3) is not the Seigneur, the Seneschal, the Prévôt, the Greffier or the Treasurer, or the duly appointed deputy of any of those persons.

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PART II.

Powers and Procedure of Chief Pleas.

Ordinances.

8.—(1) The Chief Pleas may make Ordinances, as heretofore, for the maintenance of public order and for the regulation of the local affairs of the Island.

(2) Subject to the provisions of subsection (4) of this section, the Seigneur may veto any Ordinance so made.

(3) Every Ordinance shall, unless vetoed, be registered by the Greffier and published by him in such manner as the Chief Pleas may from time to time direct. A copy thereof shall forthwith be transmitted to the Royal Court of Guernsey who may, without prejudice to anything previously done or suffered thereunder, annul any Ordinance on the ground that it is unreasonable or ultra vires the Chief Pleas, but the Chief Pleas may appeal to His Majesty in Council against any such annulment. Unless the Ordinance shall otherwise provide, it shall have effect from the date of registration.

(4) An Ordinance which has been vetoed shall not be registered but shall be filed by the Greffier who shall make a record of the fact that it has been vetoed. Such Ordinance shall be re-submitted by the Seneschal to the Chief Pleas not earlier than ten days and not later than twenty-one days after the date on which it was made and if, on such resubmission, the Chief Pleas resolve that the Ordinance shall have effect, the veto shall cease to be operative and may not be re-imposed thereon and the provisions of the last preceding sub-section shall thenceforth have effect as if no veto had been imposed.

Meetings.

9. The Chief Pleas shall meet in each year on the first Wednesday after the 15th day of January, the first Wednesday after Easter and the first Wednesday after Michaelmas, and shall in addition meet whenever they are so directed by His Excellency the Lieutenant Governor and Commander-in-Chief (hereinafter referred to as "the Lieutenant Governor") or are sum-

moned by the Seneschal with the consent of the Seigneur. 1951

10. The Royal Court of Guernsey may by Order direct that any Rule of Procedure shall apply to and be followed in the proceedings of the Chief Pleas and subject thereto the Chief Pleas may by Resolution decide the Rules to be applicable to their proceedings. The Royal Court of Guernsey or the Chief Pleas, as the case may be, may at any time vary, revoke or suspend any such Order or Resolution made or passed by them respectively. Rules of Procedure.

11. A quorum of the Chief Pleas shall be nine members in addition to the person performing the duties of President. Quorum.

PART III.

Electoral Roll and Elections.

12. Elections for the office of Deputy of the People shall be held, and the Electoral Roll shall be compiled, maintained and exhibited, on such dates at such times and in such manner as may from time to time be prescribed by ordinance of the Chief Pleas. Elections and Electoral Roll.

13.—(1) No person shall be entitled to vote at an election unless his name is inscribed on the said Roll. Voting.

(2) A person, other than the owner of a proprietary interest in a tenement, shall be entitled to have his name so inscribed as aforesaid if—

(a) he is not an alien and is of full age ;

(b) his ordinary place of residence has been in Sark during the preceding twelve months :

PROVIDED that no person shall be entitled to have his name so inscribed while he is a person under legal disability.

14.—(1) If it shall appear to the Court of the Seneschal on petition brought by a person entitled to vote at an election by virtue of the provisions of this Part of this Law that a Deputy of the People did not Vacation of office of Deputy and resignation of Deputy.

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at the time of his election possess the qualifications required by the provisions of Section seven of this Law or has, subsequently to such election, ceased to possess those qualifications the Court shall so declare and thereupon the office of such Deputy shall be vacated.

(2) If by a majority a meeting of the Chief Pleas is satisfied that a Deputy of the People has failed to attend the Chief Pleas for a period of six consecutive months, that Deputy shall thereupon be deemed to have resigned his office and notice thereof shall be published in the manner appointed in Sark for the publication of official notices.

(3) A Deputy of the People may at any time resign office by giving notice in writing to the Seneschal of his desire so to do, and his resignation shall take effect on such date as may be specified in that notice, or if no date is specified therein, then on the date thereof, and the Seneschal shall cause such notice to be published in manner aforesaid.

By-elections.

15. On a vacancy occurring in the office of Deputy of the People under the provisions of section fourteen of this Law at any time within two years and seven months of the date of the preceding general election, an election shall be held to fill the office so vacated for the remainder of the three year term then current; should a vacancy so occur within the last five months of such term it shall be in the discretion of the President of the Chief Pleas whether or not an election shall be held to fill the vacant office until the date of the next general election.

PART IV.

Finance.

Accounts and
Estimates.

16. The Treasurer shall submit to the Chief Pleas at their meeting after Christmas audited accounts of the expenditure incurred for public purposes during the preceding financial year, and shall, at the meeting after Michaelmas, present an estimate of such expenditure for the ensuing year, and such estimate if approved

by the Chief Pleas shall be submitted to the Lieutenant Governor for approval.

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17. The consent of His Majesty in Council shall be required as heretofore for any taxation proposed by the Chief Pleas. Taxation.

18. No expenditure shall be incurred otherwise than in accordance with the Estimate as approved, except with the consent of the Lieutenant Governor on behalf of the Crown. Consent of Lieutenant Governor.

19. All receipts of revenue shall be paid to the Treasurer and the Treasurer shall keep a full and accurate account of all receipts and expenditure. The Treasurer shall submit accounts of revenue and expenditure quarterly to the Lieutenant Governor, and a complete account at the close of each year, which latter account shall be audited by an auditor approved by the Lieutenant Governor. Duties of Treasurer.

20. The foregoing provisions shall not apply to expenditure for the purposes of the Douzaine and to revenue raised by "direct tax" for such purposes. The amount of the "direct tax" for such purposes shall be fixed annually by the Chief Pleas at the Michaelmas sitting. Exceptions.

PART V.

Douzaine and Officers of the Island.

21.—(1) The Douzaine shall consist as heretofore of twelve members of the Chief Pleas elected by the Chief Pleas. The Douzaine in office at the commencement of this Law shall remain in office and at the Michaelmas sitting of the Chief Pleas next following the date of such commencement and at each subsequent Michaelmas sitting the two senior members of the Douzaine shall retire from office and two members shall be elected by the Chief Pleas to fill the vacancies so created. A retiring Douzenier shall be eligible for re-election. Douzaine.

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(2) The Douzaine shall cause accurate accounts to be kept by the Constable and the Procureur des Pauvres of all monies received, and of all expenditure incurred, for Douzaine purposes. The Douzaine shall submit to the Chief Pleas at their Easter and Michaelmas sittings accounts of the receipts and expenditure up to those dates, and at their January sitting a complete account for the calendar year then last past.

Officers of
the Island.

22.—(1) The Officers of the Island shall be the following, viz.:—

The Seneschal
Prévôt
Greffier
Treasurer
Constable
Vingtenier.

The Seneschal shall be appointed by the Seigneur for a term of three years with the approval of the Lieutenant Governor and shall take the oath of office before the Royal Court of Guernsey. He shall be eligible for re-appointment. He shall not be removable during his term of office except at his own request or by the direction of the Crown.

The Prévôt, Greffier and Treasurer shall be appointed from among the inhabitants of the Island by the Seigneur with the approval of the Lieutenant Governor and shall take the oath of office before the Seneschal. They shall only be removable with the consent of the Lieutenant Governor or by the direction of the Crown. The offices of Greffier and Treasurer may be held by the same person.

The Constable and Vingtenier shall be appointed by the Chief Pleas.

In the event of any default on the part of the Seigneur or Chief Pleas to appoint the officers mentioned in this Article, the power of appointment shall vest in the Crown.

Any officer may be paid from the revenue of the Island such salaries as may, from time to time, be approved by the Crown.

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The duties of the Prévôt, Greffier and Treasurer shall, in case of doubt, be determined as regards the Prévôt and Greffier, by the Royal Court of Guernsey, and as regards the Treasurer by the Lieutenant Governor on behalf of the Crown.

(2) The Prévôt, the Greffier and the Treasurer may each, subject to the approval of the Seigneur, appoint any person of full age ordinarily resident in Sark to act as his deputy and any such appointee when acting in the absence from duty of the appointor, shall have and exercise all the rights, powers and duties attaching to the office of the appointor.

(3) It shall be the duty of the Lieutenant Governor to see that the said Officers carry out the duties of their offices faithfully and well.

23.—(1) The Court of the Seneschal shall be the sole Court. Court of Justice in the Island with the same jurisdiction in criminal and civil causes as heretofore. The right to appeal therefrom in criminal causes to the Royal Court of Guernsey and, in civil causes to the said Royal Court sitting as an Ordinary Court, is hereby confirmed.

(2) It shall be the duty of the Greffier to act as Clerk of the Court, and of the Prévôt to execute the judgments of the Court, to collect all fines imposed by the Court and all fees and charges payable to the Court. All monies so received by the Prévôt shall be paid over by him to the Treasurer of the Island for the account of the revenues of the Island.

24. The Seneschal's Court shall be the authority for granting licences for the sale of intoxicating liquors and tobacco. The fees for licences shall be fixed by the Chief Pleas with the approval of the Seigneur and shall be paid to the Treasurer to be carried to the revenues of the Island.

Licences
for sale of
intoxicating
liquor and
tobacco.

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Guernsey
Police—
duty in
Sark.

25. One or more police officers shall, on the application of the Seigneur, or, in his absence, his deputy, or in the absence of the Seigneur and his deputy, the Seneschal, from time to time, when occasion requires, be detailed for duty in Sark by the Chief Officer of the Guernsey States' Police, from the Police in his charge, and shall act under his orders. The cost of the police while so detailed shall be borne by the revenues of Sark and paid to the Treasurer of the Guernsey States. If at any time the Lieutenant Governor considers that police are required in Sark and no such application as aforesaid emanates from Sark His Majesty's Procureur in Guernsey may make the application.

PART VI.

Miscellaneous.

Collection
of revenue,
etc.

26. All matters concerning the collection of revenue and the accounting for the same shall be regulated by the Lieutenant Governor on behalf of the Crown.

Repeals.

27. Article two of the Island of Sark Constitution Order in Council registered on the Records of Guernsey on the 15th day of July, 1922, is hereby repealed and the remainder of that Order in Council and the Order in Council similarly registered on the 14th day of July, 1923, shall stand repealed at the end of the day preceding the date appointed by Ordinance of the Chief Pleas as the date of the commencement of office of the Deputies of the People elected in pursuance of section twenty-eight of this Law, and the Deputies of the People then in office shall thereupon vacate the same.

First election
of Deputies.

28. An election of the twelve Deputies of the People shall be held after the commencement of this Law on such date as may be appointed by Ordinance of the Chief Pleas, and Deputies elected thereat shall enter into office on such date as shall be appointed by Ordinance of the Chief Pleas and shall hold office until the end of the calendar year 1954.

29. In this Law the expression "a person under legal disability" means a person who is a minor or who is certified as a person of unsound mind, or who is subjected, in the case of a person of full age, to guardianship, or who is a patient for reasons of mental illness of a hospital or other institution or who is undergoing imprisonment.

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Definition.

30. The Interpretation (Guernsey) Law, 1948, shall apply to this Law as if the same were an enactment in force in the Island of Guernsey.

Interpre-
tation.

31.—(1) Sections Twelve, Thirteen, Twenty-seven, Twenty-eight, Twenty-nine and Thirty of this Law shall come into force upon the registration on the Records of Guernsey of the Order in Council sanctioning this Law.

Commence-
ment.

(2) The other provisions of this Law shall come into force on the date on which the Deputies of the People elected in pursuance of section Twenty-eight of this Law, assume office.
