

ORDER IN COUNCIL

XVII

1971

ratifying a Projet de Loi

ENTITLED

The Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971

(Registered on the Records of the Island of Guernsey
on the 14th day of December, 1971.)



1971.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of December, 1971, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of October, 1971, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled "The Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and 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, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 27th day of October 1971

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD PRIVY SEAL

LORD TRYON

LORD MACLEAN

MR. AMERY

MR. CORFIELD

SIR EUSTACE ROSKILL

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 1971, 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 Sibyl Mary Hathaway, D.B.E., Dame de Sercq, Bernard Grace Jones, Esquire, Seneschal, and John Peter Guille, Esquire, Prévôt of the Island of Sark, setting forth:—

‘1. That in pursuance of their Resolution of the 14th day of April 1971 the Chief Pleas of the Island of Sark, at a Meeting held on the 23rd day of July 1971, approved a Bill or “Projet de Loi” entitled “The Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971”. 2. 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 Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971" 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 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."

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, as it is hereby ordered, that the same shall have the force of the 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.

W. G. Agnew.



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

PROJET DE LOI

ENTITLED

The Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971

WHEREAS by Article thirteen of the Island of Sark Constitution Order in Council registered on the Records of the Island of Guernsey on the fifteenth day of July, nineteen hundred and twenty-two, the Royal Court of Guernsey was empowered to determine the jurisdiction of the Court of the Seneschal in civil and criminal matters:

AND WHEREAS the Royal Court of Guernsey did determine the said jurisdiction by an Ordinance of the seventh day of June, nineteen hundred and thirty(a):

AND WHEREAS the said Ordinance fixed the amount of the maximum fine which the Court of the Seneschal can impose at two pounds and the maximum term of imprisonment at three days, with or without a fine, or in default of the payment of a fine:

AND WHEREAS the said jurisdiction as determined by the Royal Court of Guernsey by the said Ordinance was preserved and confirmed by section twenty-three of the Reform (Sark) Law, 1951(b):

(a) Recueil d'Ordonnances Tome V, p. 383.

(b) Ordres en Conseil Vol. XV, p. 215.

AND WHEREAS the amount of the maximum fine which the Court of the Seneschal can impose was increased to five pounds by the Court of the Seneschal (Increase of Jurisdiction) Law, 1954(c):

AND WHEREAS the Chief Pleas of Sark are desirous that the amount of the maximum fine which the Court of the Seneschal may impose should be again increased and that the maximum term of imprisonment which the said Court may impose should be increased:

AND WHEREAS the Chief Pleas of Sark are desirous that any part of a term of imprisonment beyond the first three days thereof imposed by the Court of the Seneschal should be served in the Island of Guernsey:

NOW, THEREFORE, the Chief Pleas of Sark, in pursuance of their Resolution of the fourteenth day of April, nineteen hundred and seventy-one, 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.

Amendment
to Law of
1951.

1. Section twenty-three of the Reform (Sark) Law, 1951 (hereinafter referred to as "the principal Law") is hereby repealed and the following section is hereby substituted therefor:—

"23. (1) The Court of the Seneschal shall be the sole Court of Justice in the Island with the same jurisdiction—

(a) subject to the provisions of subsection three of this section, in criminal matters,
and

(b) in civil actions,
as heretofore.

(2) The right of appeal from the Court of the Seneschal in criminal matters to the Royal Court of Guernsey sitting as a Full Court and in civil actions to the said Royal Court sitting as an Ordinary Court is hereby confirmed.

(3) The Court of the Seneschal shall have jurisdiction to impose as respects any offence which the Court is Competent to try a fine not exceeding fifty pounds, or a term of imprisonment not exceeding one month or both such fine and such term of imprisonment, or such term of imprisonment in default of payment of a fine: Provided that the aggregate of the punishments which may be inflicted on the same occasion on one and the same person found guilty of several offences shall not exceed the sum of one hundred pounds in fines or a period of two months imprisonment or both such fines and such imprisonment.

(4) Where the Court of the Seneschal imposes a term of imprisonment in excess of three days the Court shall order that the part of the said term in excess of three days shall be served in the Island of Guernsey and that, subject to delay caused by stress of weather, the convicted person concerned shall, before the expiration of the said period of three days, be transferred to the Island of Guernsey to serve the remainder of the said term of imprisonment in the States of Guernsey Prison in accordance with arrangements made with the States of Guernsey.

(5) It shall be the duty of the Greffier to act as Clerk of the Court of the Seneschal and of the Prévôt to execute and enforce the judgements of the said Court, to collect all fines imposed by the said Court and all fines, fees and charges payable to

the said Court and 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."

Repeal.

2. The Court of the Seneschal (Increase of Jurisdiction) Law, 1954, is hereby repealed.

Citation
and
collective
title.

3. (1) This Law may be cited as the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971.

(2) This Law and the principal Law may be cited together as the Reform (Sark) Laws, 1951 and 1971.

Commence-
ment.

4. This Law shall come into force on such date as the Chief Pleas may by Ordinance appoint.

R. H. VIDELO,

Her Majesty's Greffier.