

ORDER IN COUNCIL

II
2014

ratifying a Projet de Loi

ENTITLED

Housing (Control of Occupation) (Sark) (Amendment) Law, 2013

(Registered on the Records of the Island of Guernsey
on the 13th January, 2014.)



2014

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of January, 2014 before Richard James McMahon, Esquire, Deputy Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Terry George Snell, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Jonathan Grenfell Hooley, Esquire, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 11th December, 2013 approving and ratifying a Projet de Loi of the Chief Pleas of Sark entitled “The Housing (Control of Occupation) (Sark) (Amendment) Law, 2013”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:

1. That the said Order 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 be sent by Her Majesty’s Greffier to the Sénéchal of Sark for registration on the records of that Island.

J TORODE
Her Majesty’s Greffier



At the Court at Buckingham Palace

THE 11th DAY OF DECEMBER 2013

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22 February 1952 the Committee have considered a Petition of the Chief Pleas of the Island of Sark:

"That, in pursuance of their Resolution of 10th April 2013, the Chief Pleas of the Island of Sark at a meeting on 2nd October 2013 approved a *Projet de Loi* entitled the Housing (Control of Occupation) (Sark) (Amendment) Law, 2013. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Housing (Control of Occupation) (Sark) (Amendment) Law, 2013, and to order that it shall have force of law in the Island of Sark.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it."

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Sark and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Housing (Control of Occupation) (Sark) (Amendment) Law, 2013

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 10th April, 2013, 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.

Definition of "ordinarily resident".

1. (1) Immediately after section 5(9) of the Housing (Control of Occupation) (Sark) Law, 2011^a, insert the following additional subsections -

"(10) Subject to subsection (11), for the purposes of this section -

- (a) a person shall be regarded as ordinarily resident in Sark in any year if and only if he is in the Island for an aggregate of not less than 273 days during that year,
- (b) notwithstanding the provisions of paragraph (a), a person does not cease to be ordinarily

^a Order in Council No. IV of 2013.

resident in Sark during any period by reason only of the fact that during that period -

- (i) he is engaged, elsewhere than in Sark, in full-time education or training at an establishment which is, or which is comparable to, a university, college or school,
- (ii) he is undergoing treatment or care, elsewhere than in Sark, for a medical condition which cannot practicably or reasonably be treated in Sark,
- (iii) he is serving, elsewhere than in Sark, a sentence of imprisonment or youth detention, and (for the avoidance of doubt) this sub-paragraph shall apply to any period during which a person is required to reside, elsewhere than in Sark, for the purposes of compliance with any conditions attached to any parole licence or any comparable post-custodial conditions,
- (iv) he is serving, elsewhere than in Sark, in the armed forces of the Crown or in the Merchant Navy.

(11) Subsection (10) shall apply only for the purpose of

determining whether a person is ordinarily resident in Sark during any year beginning on or after the date of commencement of that subsection and shall not apply in respect of any year beginning but not completed before such date."

Interpretation.

2. The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Citation.

3. This Law may be cited as the Housing (Control of Occupation) (Sark) (Amendment) Law, 2013.

Commencement.

4. This Law shall commence on the date of its registration on the records of the Island of Sark.

^b Ordres en Conseil Vol. XIII, p. 355.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey

PRICE £4.00

Printed by Colour Monster Printshop, Lowlands Building, Lowlands Industrial Estate, Guernsey GY3 5XH.