

The Libya (Restrictive Measures) (Sark) (Amendment) (No.2) Ordinance, 2011

THE GENERAL PURPOSES AND ADVISORY COMMITTEE, in exercise of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Amendment of Libya (Restrictive Measures) (Sark) Ordinance, 2011.

1. (1) The Libya (Restrictive Measures) (Sark) Ordinance, 2011^c ("**the Ordinance**") is amended as follows.

(2) In section 1(2) of the Ordinance, for "2, 3, 4 or 5" substitute "2, 3, 4, 4b, 5 or 9a".

(3) For section 2 of the Ordinance, substitute the following section -

"Modification of Regulation.

2. The EU Regulation in its application to Sark is modified as follows -

(a) Articles 1(g) and 18 shall not apply,

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Order in Council Nos. V, VII and XXVII of 2008 and No.XIV of 2010.

^c Folio No. 194; amended by the Libya (Restrictive Measures) (Sark) (Amendment) Ordinance, 2011 made by the General Purposes and Advisory Committee on 5th April, 2011.

- (b) in Article 2.4, for "the competent authorities in the Member States as listed in Annex IV" substitute "the States of Guernsey Policy Council ("the Policy Council")",
- (c) in Article 3.3, for "the competent authorities in the Member States, as listed in Annex IV," substitute "the Policy Council",
- (d) in Article 4 -
 - (i) for "the customs territory of the Union" substitute "Sark",
 - (ii) immediately after "(EEC) No 2454/93 laying down provisions for the implementation thereof", insert "and under or in accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 and any other enactment for the time being in force in Sark relating to customs or, as the case may be, excise", and
 - (iii) for "the competent customs authorities of the Member State concerned" substitute "the Chief Officer of Customs and Excise for the time being appointed

by the Policy Council in accordance with section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972",

- (e) in Article 4b, in paragraph 1, any reference to the Union shall be construed as including Sark,
- (f) in Article 7.1, for "the competent authorities in the Member States, as identified on the websites listed in Annex IV," substitute "the Policy Council",
- (g) in Articles 7.2, 8b.1 and 8b.2, for "the competent authorities of the Member States, as indicated on the websites listed in Annex IV," substitute "the Policy Council",
- (h) in Articles 8 and 8a, for "the competent authorities in the Member States, as listed in Annex IV," substitute "the Policy Council",
- (i) in Article 7.2(b) -
 - (i) for "the competent authority" substitute "the Policy Council", and
 - (ii) for "the other competent authorities of the Member States"

and to the Commission at least two weeks before the authorisation" substitute "one of Her Majesty's Principal Secretaries of State",

(j) in Article 8(d), for "the Member State concerned" substitute "Sark",

(k) in Articles 7, 8, 8a, 8b and 10, references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council,

(l) in Articles 8(f) and 8a, for "the other Member States and the Commission" substitute "one of Her Majesty's Principal Secretaries of State",

(m) for Articles 8b.1(d) and (e), substitute -

"(d) the Policy Council has consulted in advance with one of Her Majesty's Principal Secretaries of State about the use of such funds or economic resources; and

(e) the Policy Council has shared with one of Her Majesty's Principal Secretaries of State the notifications submitted

pursuant to points (b) and (c) of this paragraph and the Principal Secretary in question has not objected to the release of such funds or economic resources.",

(n) in Article 8b.2.(a), for "the competent authority concerned" substitute "the Policy Council",

(o) in Article 9 -

(i) for "the Union" substitute "Sark", and

(ii) for "the relevant competent authority" substitute "the Policy Council",

(p) in Article 10 -

(i) for "the competent authorities of the Member States, as indicated on the websites listed in Annex IV" substitute "the Policy Council",

(ii) in paragraph (a), for "the competent authority concerned" substitute "the Policy Council", and

(iii) in paragraph (c), for ", at least two weeks prior to the grant of the authorisation, notified the other

Member States and the Commission"
substitute "notified one of Her
Majesty's Principal Secretaries of
State",

(q) in Article 12, immediately after "or any
Member State" insert "or the Policy Council",

(r) in Article 13 -

(i) in paragraph 1(a), for "the competent
authority in the Member State where
they are resident or located, as indicated
on the websites listed in Annex IV, and
shall transmit such information, either
directly or through the Member States,
to the Commission" substitute "the
Policy Council", and

(ii) in paragraph 1(b), for "that competent
authority" substitute "the Policy
Council", and

(s) in Article 19 -

(i) in paragraph (a), for "the territory of
the Union, including its airspace"
substitute "Sark, including its airspace
and the territorial waters adjacent
thereto",

- (ii) in paragraph (b), the reference to a Member State shall be construed as including Sark,
- (iii) in paragraph (d), the reference to the law of a Member State shall be construed as including the law of Sark, and
- (iv) in paragraph (e), the reference to the Union shall be construed as including Sark."

(4) In section 3(1) of the Ordinance, immediately before "or 10" insert ", 8b".

Repeals.

2. The Libya (Restrictive Measures) (Sark) (Amendment) Ordinance, 2011^d is repealed.

Citation.

3. This Ordinance may be cited as the Libya (Restrictive Measures) (Sark) (Amendment) (No.2) Ordinance, 2011.

Commencement.

4. This Ordinance shall come into force on the 18th October, 2011.

^d Made by the General Purposes and Advisory Committee on 5th April, 2011.