

The Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013

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 Tunisia (Freezing of Funds) (Sark) Ordinance, 2011.

1. (1) The Tunisia (Freezing of Funds) (Sark) Ordinance, 2011^c ("**the Ordinance**") is amended as follows.

(2) For section 1(2) of the Ordinance, substitute the following section -

"(2) A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EU Regulation is guilty of an offence."

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

^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. 193

"Modification of Regulation.

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

- (a) Articles 1(e) and 14 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty's Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,
- (e) references to the Member State concerned shall be construed as including Sark where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Sark,
- (g) references to the territory of the Union and its

airspace shall be construed as including Sark, its airspace and the territorial waters adjacent thereto,

- (h) references to ports of Member States shall be construed as including any port in Sark,
- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Sark or from Sark, and
- (k) references to the law of a Member State shall be construed as including the law of Sark."

(4) In section 9 of the Ordinance -

- (a) for the definition of "Bailiff", substitute the following definition -

"**Bailiff**" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délegué and a Judge of the Royal Court,"
and

- (b) insert the following definitions in the appropriate places -

""**advocate**" means an advocate of the Royal Court of Guernsey,"

""**Chief Officer of Customs and Excise**" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

""**enactment**" includes a Law, an Ordinance and any subordinate legislation,"

""**Judge of the Royal Court**" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,"

""**subordinate legislation**" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and".

Citation.

2. This Ordinance may be cited as the Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the 2nd April, 2013.