

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. XVII of 2014

**The Road Traffic (Constitution of Tribunal) (Sark)
Ordinance, 2014**

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by sections 34 and 41 of the Motor Vehicles (Sark) Law, 2013^a and all other powers enabling them in that behalf, hereby order:-

Constitution of tribunal.

1. The tribunal referred to in section 34(1) of the Motor Vehicles (Sark) Law, 2013 ("**the Tribunal**") shall be constituted as follows.

Panel members.

2. (1) Tribunal members shall be selected to hear appeals from a panel of a maximum of seven persons appointed by Chief Pleas by Resolution ("**the Panel**").

(2) Neither a member of Chief Pleas nor any of the following persons may be appointed under subsection (1) –

- (a) a member of the Road Traffic Committee who is not a member of Chief Pleas,
- (b) the Constable,
- (c) the Vingtenier,
- (d) the Seneschal,

^a Order in Council No. XV of 2013.

- (e) the Deputy Seneschal,
- (f) any person who has been ordinarily resident on Sark for less than two years.

(3) Subject to subsections (4) to (6), a member of the Panel shall hold office until the date specified for that purpose in the Resolution appointing him.

(4) A member of the Panel (including, for the avoidance of doubt, the Chairman elected under section 3) may resign his office at any time by giving one month's notice to the President of Chief Pleas; and he must so resign if he is elected or appointed a member of Chief Pleas, or to any of the offices set out at section 2(2), at any time after his appointment.

(5) Chief Pleas may by Resolution declare the office of a member of the Panel to be vacant, and (subject to the provisions of this section) subsequently appoint a person to fill that office by Resolution, if that member has resigned or Chief Pleas resolve that any of the circumstances mentioned in subsection (6) apply.

(6) The circumstances are that the member –

- (a) has been absent from the Island for more than six consecutive months,
- (b) is incapacitated by physical or mental illness, or
- (c) is otherwise unfit or unable to discharge his office.

Election of the Chairman of the Panel.

3. (1) On appointment, members of the Panel shall elect a member to be the Chairman of the Panel.

(2) If Chief Pleas have, by Resolution under section 2(5), declared in respect of the Chairman that his office of member is vacant, on a person subsequently being appointed to fill that vacancy under that section, the members of the Panel (including, for the avoidance of doubt, the newly appointed member) shall elect a member to be the new Chairman of the Panel.

(3) The members of the Panel may also elect a member to be the new Chairman of the Panel if the Chairman informs the other members that he no longer wishes to be Chairman of the Panel, but wishes to remain a member of the Panel.

Selection of members to constitute the Tribunal.

4. (1) Subject to the provisions of this section, the members of the Tribunal constituted to hear an appeal shall be the Chairman and two other members of the Panel, who shall be selected by the Chairman on the service of a summons on the Chairman of the Road Traffic Committee or the Constable (as the case may be) under section 34(3) of the Motor Vehicles (Sark) Law, 2013.

(2) The Chairman must not select a member if that member has a direct or indirect pecuniary or other personal interest in the matter.

(3) If the Chairman has an interest of the type referred to in subsection (2), he must delegate all his functions under this Ordinance in relation to that matter, including his functions under subsection (1), to a member of his choice who has no such interest, and the Chairman shall play no further part in it.

Rules of procedure.

5. Subject to the provisions of the Motor Vehicles (Sark) Law, 2013 and this Ordinance, the Tribunal may make its own rules of procedure (which, for the avoidance of doubt, it may vary from time to time, and which, without prejudice to the generality of the foregoing, may include provision as to the giving and confirming of evidence before the Tribunal).

Interpretation.

6. (1) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and Commencement.

7. This Ordinance may be cited as the Road Traffic (Constitution of Tribunal) (Sark) Ordinance, 2014 and shall come into force on 6th October, 2014.

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