

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. I of 2017

The Sark Machinery of Government (Transfer of Functions)

Ordinance, 2017

THE CHIEF PLEAS, in pursuance of their Resolution of 13th January 2017, and in exercise of the powers conferred upon them by section 1 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^a and all other powers enabling them in that behalf, hereby order:-

Transfer of functions under relevant enactments.

1. (1) The functions, rights and liabilities of a committee named in column 2 of Schedule 1 and of its Chairman arising under or by virtue of any relevant enactment are transferred to and vested in, respectively, the committee named in relation to that committee in column 3 of Schedule 1 and its Chairman.

(2) For the purposes of subsection (1), the provisions of Schedule 2 have effect in relation to the relevant enactments specified therein.

Amendment of statutory references.

2. (1) For any reference in any relevant enactment to a committee named in column 2 of Schedule 1 or its Chairman, however expressed, there is substituted a reference to the committee named in relation to that committee in column 3 of Schedule 1 or (as the case may be) its Chairman.

(2) For the purposes of subsection (1), the provisions of Schedule 2

^a Ordres en Conseil Vol. XXXIII, p. 478; as amended by Ordinance No. XXXIII of 2003 and No. IX of 2016.

have effect in relation to the relevant enactments specified therein.

Savings and transitional provisions.

3. Anything done before the date of the commencement of this Ordinance or in the process of being done on that date by or in relation to a committee named in column 2 of Schedule 1 or its Chairman, under or by virtue of any relevant enactment, shall have effect as if done or (as the case may be) may be continued by or in relation to the committee named in relation to that committee in column 3 of Schedule 1 or (as the case may be) its Chairman.

Subordinate legislation.

4. The provisions of sections 1, 2 and 3 also apply in relation to any subordinate legislation made or having effect as if made under a relevant enactment as they apply to a relevant enactment; and the provisions of the relevant enactment under which the subordinate legislation was made are varied insofar as is necessary to give effect to this section.

Interpretation.

5. (1) In this Ordinance the expression "**relevant enactment**" means-
- (a) any Law, and any Act of Parliament extended to the Bailiwick, which is applicable only in Sark,
 - (b) any Ordinance of the Chief Pleas of Sark, and
 - (c) any subordinate legislation made by any committee of the Chief Pleas of Sark,

and "**subordinate legislation**" means any regulation, rule, order, rule of court,

resolution, scheme, byelaw or other instrument (including any provision or portion of any such regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument) made under any relevant enactment and having legislative effect.

(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.

(3) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Ordinance.

Citation.

6. This Ordinance may be cited as the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017.

Commencement.

7. This Ordinance shall come into force on 14th January, 2017.

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

SCHEDULE 1

Section 1.

TRANSFER OF FUNCTIONS UNDER RELEVANT ENACTMENTS

| | COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED | COMMITTEE TO WHICH FUNCTIONS ARE TRANSFERRED |
|----|--|---|
| 1. | Sark Agriculture & Environment Committee | Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee |
| 2. | Sark Sea Fisheries Committee | Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee |
| 3. | Sark Medical Committee | Sark Medical & Emergency Services Committee |
| 4. | Sark Emergency Services Committee | Sark Medical & Emergency Services Committee |
| 5. | Sark Shipping Committee | Sark Harbours & Shipping Committee |
| 6. | Sark Firearms Committee | Sark Douzaine |
| 7. | Sark Public Health Committee | (a) Sark Medical & Emergency Services Committee (in relation to any function not specified in Part 1 of Schedule 2) (b) Sark Development Control Committee (in relation to any function specified in paragraph 1 of Part 1 of Schedule 2) (c) Sark Tourism Committee (in relation to any function specified in paragraph 2 of Part 1 of Schedule 2) (d) Sark Douzaine (in relation to any function specified in paragraph 3 of Part 1 of Schedule 2) |
| 8. | Sark Harbours & Pilotage Committee | (a) Sark Harbours & Shipping Committee (in relation to any function not specified in Part 2 of Schedule 2) (b) Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee (in relation to any function specified in Part 2 of Schedule 2) |

SCHEDULE 2

TRANSFER OF FUNCTIONS UNDER SPECIFIC RELEVANT ENACTMENTS & SUBORDINATE LEGISLATION

PART 1

Paragraph 7 of Schedule 1.

1. Functions of Sark Public Health Committee transferred to Sark Development Control Committee

- Sewerage (Sark) Law, 1978^c

2. Functions of Sark Public Health Committee transferred to Sark Tourism Committee

- Catering (Sark) Law, 1988^d
- Tourism (Sark) Law, 1982^e

^c Ordres en Conseil Vol. XXVI, p.445

^d Ordres en Conseil Vol. XXXI, p.68; as amended by Ordres en Conseil Vol. XXXI, p. 320 and the Catering (Transfer of Functions) (Sark) Ordinance, 1992.

^e Ordres en Conseil Vol. XXVII, p. 576; as amended by Ordres en Conseil Vol. XXIX, p. 488; Vol. XXXI, p. 320; Order in Council No. XII of 2012; No. III of 2015 and the Tourism (Accommodation Permits) (Sark) Ordinance, 2011.

3. Functions of Sark Public Health Committee transferred to Sark Douzaine

- Refuse and Litter (Sark) Ordinance, 1983
- Transfrontier Shipment of Waste (Sark) Ordinance, 2001^f

PART 2

Paragraph 8 of Schedule 1.

Functions of Sark Harbours & Pilotage Committee transferred to Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee

- Pilotage (Sark) Law, 1991^g
- Sark Pilotage Ordinance, 1992^h

^f As amended by Order in Council No. XIII of 2010; No. XXXIII of 2003 and No. IX of 2016.

^g Ordres en Conseil Vol. XXXIII, p. 172.

^h As amended by the Sark Pilotage (Amendment) Ordinance 1993 and the Sark Pilotage (Amendment) Ordinance, 2001.