

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, La Chasse Murette, Sark, GY10 1SF.

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* Sark Ordinance No. 179. See also the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015 (Sark Ordinance No. II of 2015); the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018 (Sark Ordinance No. XIII of 2018).

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(Approved by Chief Pleas on 30th September, 2009.)

The Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009

THE CHIEF PLEAS, in pursuance of their Resolutions of 22nd February, 2007, 21st January, 2009, and 30th September, 2009, 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.

1. The functions, rights and liabilities of the Sark General Purposes and Finance Committee and of its Chairman arising under or by virtue of any relevant enactment are transferred to and vested in, respectively, the Sark General Purposes and Advisory Committee and its Chairman in relation to the functions listed in Schedule 1, and the Sark Finance and Commerce Committee and its Chairman in relation to the functions listed in Schedule 2.

NOTE

In accordance with the provisions of the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015, section 2, Schedule, with effect from 21st January, 2015, the Sark General Purposes and Advisory Committee has since been replaced by the Sark Policy and Performance Committee, and the Sark Finance and Commerce Committee has since been replaced by the Sark Finance and Resources Committee; the functions, rights and liabilities of the Sark General Purposes and Advisory Committee and of its Chairman arising under or by virtue of this Ordinance have been transferred to and vested in, respectively, the Sark Policy and Performance Committee and its Chairman and the functions, rights and liabilities of the Sark Finance and Commerce Committee and of its Chairman arising under or by virtue of this Ordinance have been transferred to and vested in, respectively, the Sark Finance and

^a Ordres en Conseil Vol. XXXIII, p. 478.

Resources Committee and its Chairman by the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015, section 1, Schedule, with effect from 21st January, 2015, subject to the savings and transitional provisions in section 3 of the 2015 Ordinance. In accordance with the provisions of the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 1, with effect from 10th October, 2018, the Sark Policy and Performance Committee and the Sark Finance and Resources Committee have both since been replaced by the Sark Policy and Finance Committee; and the functions, rights and liabilities of the Sark Policy and Performance Committee and the Sark Finance and Resources Committee and of their respective Chairmen have been transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman.

Savings and transitional provisions.

2. (1) 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 the Sark General Purposes and Finance Committee or its Chairman under or by virtue of any relevant enactment in relation to a function listed in Schedule 1 shall have effect as if done or (as the case may be) may be continued by or in relation to the Sark General Purposes and Advisory Committee or (as the case may be) its Chairman.

(2) 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 the Sark General Purposes and Finance Committee or its Chairman under or by virtue of any relevant enactment in relation to a function listed in Schedule 2 shall have effect as if done or (as the case may be) may be continued by or in relation to the Sark Finance and Commerce Committee or (as the case may be) its Chairman.

Amendment of statutory references.

3. For any reference in any relevant enactment to the Sark General Purposes and Finance Committee or to its Chairman, however expressed –

- (a) in relation to a function specified in Schedule 1 there shall be substituted a reference to the Sark General

Purposes and Advisory Committee or (as the case may be) its Chairman, and

- (b) in relation to a function specified in Schedule 2 there shall be substituted a reference to the Sark Finance and Commerce Committee or (as the case may be) its Chairman.

Interpretation.

4. (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.

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

NOTE

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Citation.

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

5. This Ordinance may be cited as the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009.

Commencement.

6. This Ordinance shall come into force on 1st November, 2009.

SCHEDULE 1

FUNCTIONS OF THE SARK GENERAL PURPOSES AND FINANCE
COMMITTEE TRANSFERRED TO THE SARK GENERAL PURPOSES AND
ADVISORY COMMITTEE

To advise Chief Pleas on matters relating to the allocation of duties to Committees

To advise Chief Pleas on matters relating to the Island's constitutional position, international relations and matters relating to the other Islands of the Bailiwick

To develop, present to Chief Pleas for approval and implement policies on the above matters

To appoint the Committee Secretary, the Assistant Constable and any other salaried employee as directed by Chief Pleas and to recommend their salaries and terms of employment

To examine any matter which falls outside the mandate of any existing Committee and report to Chief Pleas thereon

With the approval of Chief Pleas, to appoint any *ad-hoc* or sub-committee to study and report to it on any relevant matter that falls within these functions or is outside the mandate of any existing Committee

SCHEDULE 2
FUNCTIONS OF THE SARK GENERAL PURPOSES AND FINANCE
COMMITTEE TRANSFERRED TO THE SARK FINANCE AND COMMERCE
COMMITTEE

To collect data on the expenditure of independent Committees, so as to monitor the overall expenditure of Chief Pleas

To regulate and control the financial affairs of Chief Pleas

To raise Chief Pleas revenue and utilise its financial resources

To monitor costs of the Seneschal's Court and make recommendations to Chief Pleas on the funding of the Court

To advise Chief Pleas on commercial matters