

# ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

## **The Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 \***

*[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 Marette, Sark, GY10 1SF.*

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\* Sark Ordinance No. VIII of 2018; as amended by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Amendment) Ordinance, 2019 (Sark Ordinance No. I of 2019).

# ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

## **The Sark Machinery of Government (Transfer of Functions) Ordinance, 2018**

### ARRANGEMENT OF SECTIONS

1. Transfer of functions.
2. Amendment of statutory references.
3. Savings and transitional provisions.
4. Subordinate legislation.
5. Interpretation.
6. Citation.
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SCHEDULE 1  
SCHEDULE 2

*(Made on 4th July, 2018.)*

## **The Sark Machinery of Government (Transfer of Functions) Ordinance, 2018**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of the 17<sup>th</sup> January, 2018, and in exercise of the powers conferred on them by sections 1 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>a</sup>, and all other powers enabling them in that behalf, hereby order: –

### **Transfer of functions.**

1. (1) The functions, rights and liabilities of a committee named in column 1 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 2 of that Schedule and its Chairman.

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

### **Amendment of statutory references.**

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

(2) For any reference in any relevant enactment to the committee

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<sup>a</sup> Ordres en Conseil Vol. XXXIII, p. 478; amended by Ordinance No. XXXIII of 2003; No. IX of 2016.

named in column 1 of Schedule 2, or its Chairman, in relation to the functions of that committee under the enactments specified in column 3 of Schedule 2, however expressed, there is substituted a reference to the committee named in column 2 of Schedule 2, or its Chairman.

**Savings and transitional provisions.**

3. (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 a committee named in column 1 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 2 of Schedule 1 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 committee named in column 1 of Schedule 2, or its Chairman, under or by virtue of an enactment specified in column 3 of that Schedule, shall have effect as if done or (as the case may be) may be continued by or in relation to the committee named in column 2 of that Schedule 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 –

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

legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

**"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,

**"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<sup>b</sup> applies to the interpretation of this Ordinance.

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**NOTE**

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016,*

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

*section 28(a), with effect from 1st October, 2018.*

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**Citation.**

6. This Ordinance may be cited as the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018.

**Commencement.**

7. This Ordinance shall come into force on the 11<sup>th</sup> January, 2019.

COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED	COMMITTEE TO WHICH FUNCTIONS ARE TRANSFERRED
[...]	[...]
[...]	[...]
Road Traffic Committee	Douzaine

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**NOTE**

*In Schedule 1, the words omitted in square brackets were repealed by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Amendment) Ordinance, 2019, section 2, with effect from 11th January, 2019.*

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COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED	COMMITTEE TO WHICH FUNCTIONS ARE TRANSFERRED	ENACTMENTS
Agriculture, Environment, Sea Fisheries & Pilotage Committee	Harbours & Shipping Committee	Pilotage (Sark) Law, 1991 <sup>c</sup> Sark Pilotage Ordinance, 1992 <sup>d</sup>

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<sup>c</sup> Ordres en Conseil, Vol. XXXIII, p. 172.

<sup>d</sup> Sark Ordinance No. 97; amended by No. 101 and the Sark Pilotage (Amendment) Ordinance, 2001.