

# PROJET DE LOI

ENTITLED

## **The Reform (Sark) Law, 2008 \***

*[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 ISF.*

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\* No. V of 2008; as amended by the: Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 (No. VI of 2008); Reform (Sark) (Amendment) Law, 2008 (No. XXVII of 2008); Reform (Sark) (Amendment) Law, 2010 (No. XIV of 2010); Reform (Sark) (Amendment) (No. 2) Law, 2010 (No. XII of 2011); Reform (Sark) (Amendment) Law, 2014 (No. XI of 2014); Reform (Sark) (Amendment) Law, 2016 (No. IX of 2016); Reform (Sark) (Amendment) Law, 2017 (No. II of 2018); Reform (Sark) (Amendment) Law, 2020 (No. VI of 2021); Reform (Sark) (Amendment) Law, 2021 (No. VIII of 2022); Reform (Sark) (Amendment) Law, 2022 (No. XVI of 2022); Reform (Sark) (Amendment) (No. 2) Law, 2022 (No. XX of 2022); Reform (Sark) (Amendment) Law, 2023 (No. IV of 2023); Reform (Sark) (Amendment) Law, 2025 (No. XIII of 2025); Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015 (Sark Ordinance No. II of 2015); Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015 (Sark Ordinance No. VI of 2015); Reform (Sark) Law, 2008 (Amendment) Ordinance, 2017 (Sark Ordinance No. XI of 2017); Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018 (Sark Ordinance No. XIII of 2018). See also the: Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Reform (Sark) Law, 2008 (Commencement) Ordinance, 2008 (Sark Ordinance No. 170); Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009 (Sark Ordinance No. 179); Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018 (Sark Ordinance No. VII of 2018).

# PROJET DE LOI

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## **The Reform (Sark) Law, 2008**

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## The Reform (Sark) Law, 2008 <sup>1</sup>

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolutions of the 20<sup>th</sup> day of June, 2002, the 2<sup>nd</sup> day of July, 2002, the 2<sup>nd</sup> day of October, 2002, the 30<sup>th</sup> day of April, 2003, the 14<sup>th</sup> day of May, 2003, the 8<sup>th</sup> day of July, 2004, the 24<sup>th</sup> day of November 2004, the 19<sup>th</sup> day of January 2005, the 24<sup>th</sup> day of February 2005, the 8<sup>th</sup> day of March 2006, the 19<sup>th</sup> day of April 2006, the 4<sup>th</sup> day of October 2006, the 16<sup>th</sup> day of January, 2008 and the 21<sup>st</sup> day of February 2008, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in Sark.

### PART I

#### GENERAL, CONSTITUTIONAL, PROVISIONS

##### **Legislative and executive functions.**

1. All legislative and executive functions which may be exercised within Sark are exercisable by the Chief Pleas constituted in accordance with Part III or, in the case of a function imposed or conferred by an enactment or by a resolution, by the committee of the Chief Pleas or other body on which, or by the person on whom, the function is so imposed or conferred.

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#### NOTES

*The following cases have referred to this Law:*

*Sir David Barclay, Sir Frederick Barclay and the Barclay Foundation v. Latrobe-Bateman and Seven Others* (2009) (Unreported, Court of the Seneschal, 28th January and 4th February) (Guernsey Judgment No. 5/2009); 2009–10 GLR Note 1;

*R (on the application of Barclay & Ors) v Secretary of State for Justice & Ors* (Rev 1) [2009] UKSC 9;

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark)* (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).

*The following cases referred to the Reform (Sark) Law, 1951:*

*Matthews v. Monaghan & R.G. Falla Ltd.; Woodward v. R.G. Fall Ltd.* (2000) (Unreported, Royal Court, 8th May) (Guernsey Judgment No. 6/2000); (2000) 28.GLJ.8;

*Castle Company Management LLC v Guernsey Financial Services Commission* (2004) (Unreported, Royal Court, 27th August) (Guernsey Judgment No. 36/2004);

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark)* (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).

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### **Judicial functions.**

2. All judicial functions which may be exercised within Sark are exercisable, except to the extent that any enactment otherwise provides, by the Court of the Seneschal constituted in accordance with Part II.

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#### **NOTE**

*The following case has referred to section 2:*

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark)* (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).

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### **Public office, oaths and affirmations.**

3. (1) The holding of public office in Sark is open to any person who is not an alien within the meaning of the law in force in the United Kingdom; regardless of sex, marriage, religion or property.

(2) Without prejudice to the generality of subsection (1), a person who conscientiously objects to taking an oath required by law may make a solemn affirmation to the same effect as the required oath; and the same consequences shall attach to that affirmation as attach to the required oath.

### **The prerogative, laws and customs and public functions.**

4. (1) Her Majesty's prerogative is unaffected by this Law.

(2) Except to the extent that their continued existence or exercise would be inconsistent with this Law, this Law does not affect –

(a) any of the laws or customs of Sark, or

(b) the powers, rights or duties of a person exercising public functions in relation to Sark.

(3) It is hereby declared for the avoidance of doubt that the customary law in criminal matters is the same in Sark as in Guernsey.

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**NOTE**

*The following case has referred to section 4:*

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark) (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).*

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**PART II**

**THE COURT OF THE SENESCHAL**

*Composition of the Court*

**Constitution of the Court.**

5. [ (1)] The Court of the Seneschal shall be the sole court of justice in Sark and shall be constituted by the Seneschal sitting alone.

[ (2) Where it appears to the Seneschal that it would be expedient so to do, any proceedings, or part of any proceedings, of the Court may be heard by the

Court sitting in the Island of Guernsey.]

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**NOTES**

*In section 5, subsection (1) was renumbered and subsection (2) inserted by the Reform (Sark) (Amendment) Law, 2016, section 3, with effect from 6th October, 2016.*

*The following case has referred to section 5:*

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark) (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).*

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**[Appointments Committee.]**

**5A.** (1) The Seigneur shall from time to time appoint a committee ("the Appointments Committee") for the purposes of appointing the Seneschal and the Deputy Seneschal.

(2) No person who is a Conseiller may be a member of the Appointments Committee.

(3) The Appointments Committee shall comprise two members in addition to the Seigneur, who shall be the chairman of that Committee.]

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**NOTE**

*Section 5A was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 3, with effect from 3rd September, 2012.<sup>2</sup>*

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**[Seneschal.]**

**6.** (1) The Seneschal, who –

(a) shall be a person of full age and ordinarily resident in

Sark, and

- (b) shall not be a Conseiller, nor the holder of any of the offices mentioned in sections 49 to 55,

shall be appointed by the Appointments Committee, with the approval of the Lieutenant Governor.

(2) The Seneschal shall retire from office upon attaining the age of 65 but he may be re-appointed by the Appointments Committee for a period or periods not exceeding five years at any one time provided that any such further term of office shall end not later than the date on which he attains the age of 75.

(3) The Seneschal shall not be removable from office prior to his retirement in accordance with subsection (2) except at his own request in writing addressed to the Seigneur or, for good cause, by the direction of the Lieutenant Governor upon the recommendation of the Seigneur.

(4) The other terms and conditions of the office of Seneschal, [excluding] the payment of remuneration out of public funds, shall be determined by the Chief Pleas upon the recommendation of the [Sark Policy and Finance Committee] [...]

[ (5) Remuneration attaching to the office of the Seneschal shall be determined by the Remuneration Panel, after consultation with the [Sark Policy and Finance Committee], and shall be payable out of public funds.

(6) The Remuneration Panel shall be constituted by three persons appointed for the purpose from time to time by the Seigneur.

(7) No person who is a Conseiller may be a member of the

Remuneration Panel.].]

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**NOTES**

*Section 6 was substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 4, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.*

*In section 6,*

*first, the word in the first pair of square brackets in subsection (4) was substituted and the words omitted in the third pair of square brackets therein were repealed and, second, subsection (5), subsection (6) and subsection (7) were inserted by the Reform (Sark) (Amendment) Law, 2016, section 4, respectively paragraph (a) and (b), with effect from 6th October, 2016;<sup>3</sup>*

*the words in square brackets within subsection (5) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018;*

*the words in the second pair of square brackets in subsection (4) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018.<sup>4</sup>*

*The functions, rights and liabilities of the Sark Policy and Performance Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.<sup>5</sup>*

*The functions, rights and liabilities of the Sark Finance and Resources Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.<sup>6</sup>*

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**Deputy Seneschal.**

7. (1) The [Appointments Committee] may, from time to time, after consultation with the Seneschal, and with the approval of the Lieutenant Governor, appoint a person [who satisfies the conditions in section 6(1)(a) and (b)] to be the Deputy Seneschal.

(2) The Deputy Seneschal shall[...] –

- (a) perform all the duties and exercise all the powers of the Seneschal in and in connection with the Court,
- (b) perform all the duties and exercise all the powers of the Seneschal [in connection with the election of the [Speaker] of the Chief Pleas under section 22A], and
- (c) perform all such other duties and exercise all such other powers, including (without limitation) the endorsement of warrants issued outside Sark, as are required by law for the time being in force to be performed or exercised by the Seneschal,

if the Seneschal shall, for any reason, be unable [or unwilling] to act, or in the absence or incapacity of the Seneschal, and during a vacancy in the office of Seneschal.

[ (3) The provisions of [section 6(2), (3), (4) and (5)] apply to the office of Deputy Seneschal as they apply to the office of Seneschal.]

(4) ...

(5) ...

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**NOTES**

*In section 7,*

*first, the words in the first and second pairs of square brackets in subsection (1) were substituted, second, the words omitted in the first pair of square brackets in subsection (2) were repealed, third, the words in square brackets in paragraph (b) of subsection (2) were substituted, fourth, subsection (3), subsection (4) and subsection (5) were repealed and, fifth, subsection (3) was re-inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 5, respectively paragraph (a), paragraph (b), paragraph (c), paragraph (d) and paragraph (e), with effect from 27th February, 2013;*

*the word in square brackets within the square brackets in paragraph (b) of subsection (2) was substituted and the words in the third pair of square brackets in subsection (2) were inserted by the Reform (Sark) (Amendment) Law, 2016, section 5(a), with effect from 27th February, 2017;*

*the words, figures and parentheses in square brackets in subsection (3) were substituted by the Reform (Sark) (Amendment) Law, 2016, section 5(b), with effect from 6th October, 2016.*

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**Lieutenant Seneschals.**

8. [ (1) The Lieutenant Governor may, after consultation with the Seneschal and the Bailiff, appoint one or more Lieutenant Seneschals who –

(a) shall have been in practice as –

(i) an Advocate of the Royal Court,

(ii) a member of –

(A) the Bar of England and Wales,

(B) the Bar of Northern Ireland, or

(C) the Faculty of Advocates in Scotland, or

(iii) a Solicitor –

(A) of the Senior Courts of England and Wales,

(B) of the Supreme Court of Judicature of Northern Ireland, or

(C) in Scotland, or

(b) shall have held judicial office in the United Kingdom, Guernsey, Jersey or the Isle of Man,

for not less than 5 years (or such shorter period as the Lieutenant Governor, after consultation with the Seneschal and the Bailiff, may agree to in any particular case).

(1A) The Chief Pleas may by Ordinance, after consultation with the Seneschal and the Bailiff, amend the qualifications and the period set out in subsection (1).]

(2) A person appointed as a Lieutenant Seneschal shall not be removable from office except at his own request in writing addressed to the Seneschal or, for good cause, by the direction of the Lieutenant Governor.

(3) A Lieutenant Seneschal may perform all the duties and exercise all the powers of the Seneschal in and in connection with the Court when requested by the Seneschal so to do in any proceedings.

(4) ...

[ (5) The terms and conditions of the office of Lieutenant Seneschal, [excluding] the payment of remuneration out of public funds, shall be determined by the Chief Pleas upon the recommendation of the [Sark Policy and Finance Committee] in consultation with the [Sark Policy and Finance Committee].]

[ (6) Remuneration attaching to the office of a Lieutenant Seneschal shall be determined by the Remuneration Panel, after consultation with the [Sark Policy and Finance Committee], and shall be payable out of public funds.]

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## NOTES

*In section 8,*

*subsection (1) was substituted and subsection (1A) inserted by the Reform (Sark) (Amendment) Law, 2014, section 2, with effect from 28th November, 2014;<sup>7</sup>*

*subsection (4) was repealed, the word in the first pair of square brackets within subsection (5) was substituted and subsection (6) was inserted by the Reform (Sark) (Amendment) Law, 2016, section 6, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 6th October, 2016;*

*subsection (5) was substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 6, with effect from 18th April, 2012;*

*the words in the second and third pairs of square brackets within subsection (5) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018;<sup>8</sup>*

*the words in square brackets within subsection (6) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018.*

*The functions, rights and liabilities of the Sark Policy and Performance Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance; and the functions, rights and liabilities of the Sark Finance and Resources*

*Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.<sup>9</sup>*

*The functions, rights and liabilities of the Sark Finance and Resources Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.*

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### **Oaths.**

9. (1) Subject to section 3(2), before entering on his office, a person appointed as the Seneschal shall take the oath of office before the Royal Court in such form as may be prescribed by Ordinance, and shall not be required to take an oath in any other form.

(2) Subject to section 3(2), before entering on his office, a person appointed as the Deputy Seneschal or as a Lieutenant Seneschal shall take the oath of office before the Court of the Seneschal or, in the case of a Lieutenant Seneschal, before the Royal Court, in such form as may be prescribed by Ordinance, and shall not be required to take an oath in any other form.

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### **NOTE**

*The following Ordinances have been made under section 9:*

*Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008;*  
*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

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*Jurisdiction of the Court*

**Extent of civil jurisdiction.**

**10.** (1) The civil jurisdiction of the Court comprises all matters other than criminal matters –

- (a) in respect of which the Court had jurisdiction immediately before the commencement of this section,
- (b) which are assigned to it by this Law or by any other enactment,

and in this Law any such matter is referred to as "**a civil matter**".

(2) The jurisdiction of the Court in a civil matter is not limited by reference to any question of value.

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**NOTE**

*The following case has referred to section 10:*

*A v. R (In the Matter of an Appeal from the Court of the Seneschal of Sark) (2016) (Unreported, Court of Appeal, 13th June) (Guernsey Judgment No. 27/2016).*

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**Extent of criminal jurisdiction.**

**11.** (1) The Court has jurisdiction, subject to subsection (2), in all criminal matters in which the Court had jurisdiction before the commencement of this

section.

(2) The Court has jurisdiction to impose as respects any offence which the Court is competent to try a fine not exceeding level 4 on the Sark uniform scale, or a term of imprisonment not exceeding 1 month, or both such fine and such term of imprisonment, or such term of imprisonment in default of payment of a fine:

Provided that the aggregate of the sentences which may be imposed on the same occasion on a person found guilty of more than one offence shall not exceed the sum of twice the amount of level 4 on the Sark uniform scale in fines or a period of 2 months' imprisonment or both such fine and such imprisonment.

(3) Where the Court imposes a term of imprisonment in excess of three days the Court shall order that the part of the said term in excess of three days shall be served in Guernsey and that, subject to delay caused by lack of transport or stress of weather, the convicted person concerned shall, before the expiration of the said period of three days, be transferred to Guernsey to serve the remainder of the said term of imprisonment in the States of Guernsey Prison in accordance with arrangements made with the States of Guernsey.

(4) If the Court is of the opinion that an offence with which a person is charged, or the punishment appropriate to it, is beyond the competence of the Court, it shall transfer that case to the Royal Court sitting as an Ordinary Court with a view to its being dealt with in accordance with Part IV of the Magistrate's Court (Guernsey) Law, 1954, as amended<sup>a</sup>.

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**NOTE**

*The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st*

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<sup>a</sup> Ordres en Conseil, Vol. XVI, p. 103; Vol. XXX, p. 224.

*September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

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**Licences for sale of intoxicating liquor and tobacco.**

**12.** (1) The Court shall be the authority for granting licences for the sale of intoxicating liquors and tobacco products.

(2) The fees for such licences shall be fixed by the Chief Pleas and shall be paid to the Chief Pleas and shall be applied towards expenditure for public purposes in Sark.

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**NOTE**

*The following Ordinance has been made under section 12:*

*Sale and Supply of Tobacco Products (Sark) Ordinance, 2015;  
Liquor Licensing (Sark) (Amendment) Ordinance, 2017.*

*The following Ordinances have effect as if made under section 12:*

*Liquor Licensing (Amendment) (Sark) Ordinance, 1994;  
Liquor Licensing (Amendment) (Sark) Ordinance, 2006.*

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**Contempt.**

**13.** (1) The Court has jurisdiction under this section to deal with any person who –

- (a) wilfully insults the Seneschal, any officer of the Court, any advocate having business in the Court or any witness, during their attendance in court or while going to or returning from the Court, or
- (b) wilfully interrupts the proceedings of the Court or otherwise misbehaves in or in the precincts of the

Court.

(2) In any such case as is mentioned in subsection (1) the Court may order an officer of the Court or [a Constable] to take the offender into custody and detain him until the rising of the Court; and the Court may, if it thinks fit, commit the offender to custody for a specified period not exceeding 1 month or impose on him a fine not exceeding level 5 on the Sark uniform scale, or both.

(3) It is hereby declared for the avoidance of doubt that this section is in addition to, and shall not be construed as in any way derogating from, any other power of the Court to deal with cases of contempt.

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**NOTE**

*In section 13, the words in square brackets in subsection (2) were substituted by the Reform (Sark) (Amendment) Law, 2022, section 5(1), with effect from 18th November, 2022.*

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*Procedure, costs, interest and appeals*

**Institution of criminal proceedings.**

14. Criminal proceedings before the Court may be instituted only by or under the authority of Her Majesty's Procureur.

**Power of Court to make rules of procedure, etc.**

15. The Court may, from time to time, make rules, which shall not come into force unless and until approved by the Royal Court, regulating and prescribing –

- (a) the procedure, including the method of pleading, and the practice to be followed in the Court in all proceedings,

- (b) the means by which particular facts may be proved and the method by which evidence may be given in or in connection with any proceedings,
- (c) any other matters incidental to or relating to –
  - (i) any such procedure and practice, or
  - (ii) the administration of the Court or of the Court records.

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**NOTE**

*The following Rules have been made under section 15:*

*Court of the Seneschal Civil Rules, 2019.*

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**Court records, execution and enforcement of judgments.**

**16.** (1) It shall be the duty of the Greffier to maintain Court records and generally to act as Clerk of the Court.

(2) It shall be the duty of the Prévôt to execute and enforce the judgements of the Court, to collect all fines imposed by the Court and all fines, fees and charges payable to the Court and all monies so received by the Prévôt shall be paid over by him to the Chief Pleas and shall be applied towards expenditure for public purposes in Sark.

**[Expenses and accounts.]**

**17.** (1) [All] necessary expenses of administering justice in Sark certified by the Greffier to have been incurred, shall be defrayed by the Treasurer out of the revenues of Chief Pleas, without the necessity for an order or vote or resolution of the Chief Pleas.

(2) The Treasurer shall, when he submits to Chief Pleas the [...] accounts referred to in section 63, submit with them a statement or a summary of a statement of the moneys received by him under section 16(2) and the expenditure defrayed by him under this section during the previous financial year.

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**NOTES**

*In section 17,*

*the marginal note thereto and the word in square brackets in subsection (1) were substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 22, respectively paragraph (a) and paragraph (b), with effect from 18th April, 2012;*

*the word omitted in square brackets in subsection (2) was repealed by the Reform (Sark) (Amendment) Law, 2016, section 7, with effect from 6th October, 2016.*

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**Power of Court as to costs of proceedings.**

18. (1) The costs of and incidental to all proceedings shall be in the discretion of the Court, and the Court shall have power to determine by whom (including a person not a party to the proceedings) and to what extent the costs are to be paid.

(2) The Court may, from time to time, make rules, which shall not come into force unless and until approved by the Royal Court, regulating and prescribing –

- (a) the fees payable to the Court and to the officers of the Court in respect of proceedings and any ministerial act or function of the Court or of the officers of the Court,
- (b) the costs payable to, or recoverable by, the Chief Pleas

in respect of making a recording of any proceedings and in providing to any party a transcription of any proceedings, or in respect of providing any other facility in connection with any proceedings,

- (c) the fees and expenses recoverable by a party in any proceedings where costs are awarded to that party under subsection (1).

(3) The Court may order the parties to any proceedings, or any of them, to furnish such security for the costs incurred or to be incurred by the Chief Pleas pursuant to subsection (2)(b).

(4) In subsections (1) and (2)(c), "**costs**" includes –

- (a) allowances payable to a person attending to give evidence,
- (b) expenses properly and reasonably incurred by a party to proceedings,
- (c) such other expenses as the Court may by Order prescribe.

(5) Rules made under subsection (2) may include provision for any consequential, incidental, supplementary and transitional matters.

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**NOTES**

*The following Rules have been made under section 18:*

*Court of the Seneschal (Costs and Fees) Rules, 2015;*

*Court of the Seneschal Civil Rules, 2019.*

*The following case has referred to section 18:*

*Sir David Barclay, Sir Frederick Barclay and the Barclay Foundation v. Latrobe-Bateman and Seven Others* (2009) (Unreported, Court of the Seneschal, 28th January and 4th February) (Guernsey Judgment No. 5/2009); 2009–10 GLR Note 1.

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### **Appeals to the Royal Court.**

19. There shall be a right of appeal from the Court in criminal matters to the Royal Court sitting as a Full Court and in civil matters to the Royal Court sitting as an Ordinary Court.

## PART III

### THE CHIEF PLEAS OF SARK

#### *The Chief Pleas*

### **Status of the Chief Pleas and liability of members.**

20. (1) The Chief Pleas is a body with legal personality distinct from that of its members, which shall have perpetual succession in the collective persons of its members for the time being.

(2) The Chief Pleas shall have power to own property and rights of all types and descriptions and to enter into transactions and arrangements with respect to any such property and rights, and to exercise and be subject to all the incidents and obligations of ownership.

(3) No personal liability shall accrue against a member of the Chief Pleas who acts, or who purports to act, on behalf of the Chief Pleas provided that such member is acting in good faith and with the authority of the Chief Pleas.

**Composition of the Chief Pleas.**

21. (1) The Chief Pleas shall, with effect from such date as the Chief Pleas by Ordinance shall appoint, be composed of the following members –

- (a) the Seigneur,
- (b) [ the Speaker, and]
- (c) [ eighteen] Conseillers, elected in accordance with this Law.

(2) It shall be the duty of the Greffier, as Clerk to the Chief Pleas, and of the Prévôt and the Treasurer, to attend meetings of the Chief Pleas, but they shall not, by virtue of their respective offices or otherwise, be members thereof.

(3) Notwithstanding the provisions of subsection (2), the Chief Pleas shall not be deemed to be inquorate by virtue only of the absence of the Prévôt or the Treasurer.

(4) The Chief Pleas shall not be deemed incompetent to perform any of the functions or exercise any of the powers conferred upon them by or under this Law or any other enactment by reason only of the existence at any time of a vacancy among the members.

(5) The Chief Pleas may, by Ordinance, from time to time vary the number of Conseillers specified in subsection (1)(c)[, and such Ordinance may make provision for any incidental, consequential, supplementary and transitional matters which the Chief Pleas consider necessary or expedient for the purpose of implementing such variation].

## NOTES

*In section 21,*

*the words in square brackets in paragraph (b) of subsection (1) were substituted by the Reform (Sark) (Amendment) Law, 2016, section 8, with effect from 27th February, 2017;<sup>10</sup>*

*the words in square brackets in paragraph (c) of subsection (1) were substituted by the Reform (Sark) (Amendment) Law, 2017, section 3(a), with effect from 11th January, 2019;<sup>11</sup>*

*the words in square brackets in subsection (5) were inserted by the Reform (Sark) (Amendment) Law, 2017, section 3(b), with effect from 19th January, 2018.<sup>12</sup>*

*The following Ordinance has been made under section 21:*

*Reform (Sark) Law, 2008 (Commencement) Ordinance, 2008.*

*In accordance with the provisions of the Reform (Sark) Law, 2008 (Commencement) Ordinance, 2008, section 2, with effect from 20th May, 2008, the date appointed for the purpose of subsection (1) of this section, when the new composition of the Chief Pleas shall take effect, is 9th January, 2009.*

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### **[Code of conduct.]**

**21A.** (1) The Chief Pleas may by resolution adopt (and subsequently amend, revoke or replace) a code of conduct –

- (a) prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life, of members, and
- (b) containing such other provision in relation to those matters as the Chief Pleas think fit.

(2) A code of conduct may, without limitation, make provision –

- (a) for the investigation and disposal of allegations and

complaints that a member –

- (i) has failed to comply with the code, or
  - (ii) has been guilty of any breach or abuse of privilege,
- (b) for the establishment of a panel or panels to investigate allegations and complaints falling within subparagraph (a)(ii), and the constitution, powers and proceedings of any such panel,
- (c) requiring any member under investigation by a panel or the Sark Commissioner to co-operate fully with the panel or the Sark Commissioner (as the case may be),
- (d) without prejudice to subparagraph (b), empowering the panel and the Sark Commissioner to request the production of documents from any person (including the member under investigation) and to request any person to appear before the panel or the Sark Commissioner (as the case may be),
- (e) for the sanctions to be available against an offending member, which may include –
- (i) a reprimand or caution,
  - (ii) requiring the member to apologise, or
  - (iii) suspension or expulsion (for example, by

debarring him or her from proceedings of, or terminating his or her membership of, the Chief Pleas or any committee (howsoever titled), or by removing any of his or her functions in relation to such proceedings).

(3) Subject to subsection (5), members must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it; and the code and any such decision shall have effect for the purposes of –

- (a) this Law,
- (b) the Chief Pleas of Sark Rules of Procedure (which includes any similar document, however titled),
- (c) the Constitution and Operation of Chief Pleas Committees (which includes any similar document, however titled), and
- (d) any enactment relating to the organisation and functioning of the Chief Pleas,

the provisions of which shall apply accordingly.

(4) For the purposes of this section and Schedule 3, "**member**" –

- (a) means a member of the Chief Pleas as set out in section 21 of this Law, and
- (b) includes -

- (i) a person who has at any time on or after the relevant date been a member of Chief Pleas, and
- (ii) for the avoidance of doubt, the Deputy Speaker and the Deputy Seigneur.

(5) The Seigneur and the Deputy Seigneur are only required to comply with a code of conduct in relation to the exercise of functions carried out under this Law.

(6) For the purposes of this section, "**relevant date**" has the same meaning as in Schedule 3.]

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**NOTE**

*Section 21A was inserted by the Reform (Sark) (Amendment) Law, 2025, section 1(2), with effect from 1st January, 2026, subject to the provisions of section 1(5) and (6) of the 2025 Law.*

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**Commissioner for Standards.**

**21B.** Schedule 3 shall have effect.]

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**NOTE**

*Section 21B was inserted by the Reform (Sark) (Amendment) Law, 2025, section 1(2), with effect from 1st January, 2026.*

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**Deputy Seigneur.**

**22.** (1) The Seigneur may by writing, from time to time, appoint a Deputy Seigneur.

(2) The Seigneur shall not appoint a person as Deputy Seigneur

unless that person is of full age and is –

(a) ordinarily resident in Sark, or

(b) the issue of the Seigneur.

(3) The Seigneur shall not appoint a person as Deputy Seigneur if that person is for the time being the Seneschal, the Prévôt, the Greffier, the Treasurer, or the duly appointed deputy of any of those persons, or a Conseiller.

(4) The Seigneur may by writing at any time revoke the appointment of any person as Deputy Seigneur.

(5) The Deputy Seigneur may perform all the duties and exercise all the powers of the Seigneur in and in connection with the Chief Pleas [(including, for the avoidance of doubt and without limitation, his powers of appointment under this Law)] in the absence or incapacity of the Seigneur, or if the Seigneur shall be unable [or unwilling] for any reason to act[...].

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## NOTES

*In section 22,*

*the words in the first pair of square brackets in subsection (5) were inserted by the Reform (Sark) (Amendment) Law, 2010, section 1(a), with effect from 20th August, 2010;*

*the words in the second pair of square brackets in subsection (5) were inserted by the Reform (Sark) (Amendment) Law, 2016, section 9, with effect from 6th October, 2016;*

*the words omitted in the third pair of square brackets in subsection (5) were repealed by the Reform (Sark) (Amendment) Law, 2025, section 2(2), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law.*

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[ *Speaker of the Chief Pleas* ]

**[Speaker of the Chief Pleas.]**

22A...[ (1) Subject to subsection (11), the Speaker of the Chief Pleas ("**the Speaker**") shall be appointed by the Chief Pleas for such term of office as the Chief Pleas shall, subject to subsection (1A), by resolution determine.

(1A) The term of office determined by the Chief Pleas under subsection (1) shall be a term of at least 3, but no more than 5, years.]

(2) The Seneschal shall preside over the Chief Pleas for the purpose only of the election of the [Speaker].

(3) A person shall be eligible for election as [Speaker] if he is not the Seigneur or the Seneschal and he fulfils the conditions for eligibility for election as a Conseiller set out in paragraphs (a) and (b) of section 28(3).

(4) Should a person who is elected as the [Speaker] be a Conseiller or the holder of any of the offices mentioned in sections 49 to 55, his resignation as Conseiller, or from such office, as the case may be, shall be deemed to take effect immediately upon his election.

[ (5) Elections for the office of Speaker, except for any election held under subsection (10), shall be held at least 30 days before the expiration of the term of office determined under subsection (1), in each case on a date to be appointed by Ordinance.]

(6) The Chief Pleas shall by Ordinance make provision for the procedure to be followed at an election for the office of [Speaker] including, without limitation –

- (a) prescribing the form and manner in which a nomination is to be made,
- (b) prescribing the manner in which the voting is to be counted,
- (c) the procedure to be followed where there is only one candidate at such an election, and
- (d) the procedure to be followed where there is an equality of votes for two or more candidates at such an election.

[ (6A) Section 40 applies in relation to an Ordinance made under this section as it applies in relation to an Ordinance made under section 37.]

(7) The [Speaker] shall be required to vacate his office before the expiration of his term of office if –

- (a) he ceases to possess the qualifications required by subsection (3) for eligibility for election as the [Speaker], or
- (b) a vote of no confidence in him is passed by the Chief Pleas.

(8) It is hereby declared for the avoidance of doubt that no act of a person as the [Speaker] shall be deemed to be, or ever to have been, invalid by reason only of –

- (a) any lack of qualification on his part to be elected in accordance with subsection (3), or

(b) the existence of any circumstances requiring him to vacate his office in accordance with this section.

(9) Notwithstanding any other provision of this Law, the [Speaker] may at any time resign his office by a letter addressed to the Lieutenant Governor.

(10) Should the office of [Speaker] fall vacant, an election to fill the vacancy shall be held at a meeting of the Chief Pleas within thirty days of the vacancy arising.

(11) A [Speaker] elected at an election held under subsection (10) shall hold office until the date when that term of office would have expired had it not become vacant.

(12) Subject to section 3(2), before entering on his office, a person appointed as the [Speaker] shall take the oath of office before the Court of the Seneschal, in such form as may be prescribed by Ordinance, and shall not be required to take an oath in any other form.

(13) At the expiration of his term of office, but not otherwise, the [Speaker] shall be eligible for re-election in accordance with the provisions of this section.]

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**NOTES**

*Section 22A, and the heading thereto, were inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 8 and, save for subsection (5) and subsection (6), entered into force on 27th February, 2013 in accordance with the provisions of the Reform (Sark) (Amendment) (No. 2) Law, 2010 (Commencement No. 3) Ordinance, 2012, section 1.<sup>13</sup>*

*In section 22A, subsection (5) and subsection (6) were brought into force on 3rd September, 2012 by the Reform (Sark) (Amendment) (No. 2) Law, 2010*

*(Commencement No. 2) Ordinance, 2012, section 1(b).*

*In section 22A,*

*first, the centre heading immediately before section 22A and, second, the marginal note to section 22A were substituted, third, subsection (1) was substituted and subsection (1A) inserted, fourth, the word "Speaker" in square brackets, wherever occurring (save in subsection (6)), was substituted and, fifth, subsection (5) was substituted by the Reform (Sark) (Amendment) Law, 2016, respectively section 10, section 11, section 12 and section 13, with effect from 27th February, 2017;<sup>14</sup>*

*the word in square brackets in subsection (6) was substituted and subsection (6A) was inserted by the Reform (Sark) (Amendment) Law, 2016, respectively section 12 and section 14, with effect from 6th October, 2016.*

*The following Ordinances have been made under section 22A:*

*Reform (Election of President) (Date of Election) (Sark) Ordinance, 2012;*

*Reform (Election of President) (General Provisions) (Sark) Ordinance, 2012;*

*Reform (Elections of Speaker and Deputy Speaker) (General Provisions) (Sark) Ordinance, 2016;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021;*

*Reform (Election of Speaker) (Sark) Ordinance, 2022;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2023;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2026.*

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**[Deputy Speaker of the Chief Pleas.**

**22B.** (1) There shall be a Deputy Speaker of the Chief Pleas ("**the Deputy Speaker**") –

- (a) who shall assist the Speaker in the discharge of the duties and exercise of all the powers of the office of Speaker, as directed from time to time by the Speaker, and
- (b) who may perform all the duties and exercise all the powers of the office of Speaker in the absence or incapacity of the Speaker, or if the Speaker shall be

unable or unwilling for any reason to act,

[...].

(2) The provisions of section 22A, other than subsection (2), apply to the office of Deputy Speaker as they apply to the office of Speaker.]

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#### NOTES

*Section 22B was inserted by the Reform (Sark) (Amendment) Law, 2016, section 15, with effect from 6th October, 2016.<sup>15</sup>*

*In section 22B, the words omitted in square brackets were repealed by the Reform (Sark) (Amendment) Law, 2025, section 2(3), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law.*

*The following Ordinance has been made under section 22B:*

*Reform (Elections of Speaker and Deputy Speaker) (General Provisions) (Sark) Ordinance, 2016;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2023;*

*Reform (Election of Deputy Speaker) (Sark) Ordinance, 2026.*

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#### *Elections of Conseillers*

#### **General elections.**

23. (1) A general election for the purpose of electing one half of the total number of Conseillers specified in section 21(1)(c), as varied from time to time, shall be held on such date in every second year as the Chief Pleas by Ordinance shall appoint.

(2) A Conseiller elected at a general election shall, subject to the provisions of this Law, hold office –

(a) from such date after the general election as the Chief

Pleas may by Ordinance appoint, and

- (b) until such date, in the fourth year after the date appointed for the purpose of paragraph (a), as the Chief Pleas may by Ordinance appoint,

provided that the Chief Pleas may by Ordinance vary the date appointed for the purpose of paragraph (b), to a different date in the fourth year after the date appointed for the purpose of paragraph (a), should they deem it expedient to do so.

(3) Where, at the date of the publication of the nominations prior to a general election, there exist any vacancies amongst the Conseillers, such vacancies shall be added to the number of vacancies available to be filled at that election; and in such a case the period of office to be served by each elected Candidate shall be determined in accordance with section 25(2).]

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#### **NOTES**

*Section 23 (which was previously substituted by the Reform (Sark) (Amendment) Law, 2008, section 1, with effect from 14th November, 2008) and the corresponding entry in the Arrangement of Sections were substituted by the Reform (Sark) (Amendment) Law, 2017, respectively section 4 and section 2, with effect from 19th January, 2018, subject to the savings and transitional provisions in section 9 of the 2017 Law.<sup>16</sup>*

*The following Ordinances have been made under section 23:*

*Conseillers (Tenure of Office) (Sark) Ordinance, 2018;  
Reform (General Election) (Sark) Ordinance, 2018;  
Reform (General Election) (Sark) Ordinance, 2020;  
Reform (General Election) (Sark) Ordinance, 2022;  
Reform (General Election) (Sark) Ordinance, 2024.*

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#### **[By-elections.]**

**23A.** (1) Subject to subsection (2), upon the occurrence of a casual

vacancy amongst the Conseillers, a by-election shall be held on such date, not later than six months after the occurrence of the vacancy, as the Chief Pleas shall by Ordinance appoint.

(2) Where a casual vacancy occurs after 30<sup>th</sup> June in any year in which a general election is to be held pursuant to section 23(1), it shall be in the discretion of the Speaker whether or not a by-election should be held to fill that vacancy unless the vacancy has left the Chief Pleas without the quorum required by section 36(2).

(3) A Conseiller elected at a by-election shall, subject to the provisions of this Law, hold office until the date when the term of office in relation to the vacancy would have expired had it not become vacant.

(4) Where a by-election is held for the purpose of filling more than one vacancy, and the terms of office remaining in respect of such vacancies are different, the successful candidates who receive the largest numbers of votes shall be declared elected to fill the vacancies with the longer period of office remaining and the remaining successful candidates shall be declared elected to fill the other vacancies.

(5) If, at a by-election, there is an equal number of votes for two or more successful candidates such that their respective terms of office cannot otherwise be determined, the period of office to be served by each such candidate shall be determined by lots drawn by those candidates under the supervision of the returning officer immediately after the declaration of the result of the by-election.]

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**NOTE**

*Section 23A and the corresponding entry in the Arrangement of Sections were inserted by the Reform (Sark) (Amendment) Law, 2017, respectively section 4 and section 2, with effect from 19th January, 2018, subject to the*

savings and transitional provisions in section 9 of the 2017 Law.

The following Ordinances have been made under section 23A:

*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020;*  
*Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2022;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2023;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2024;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2025;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2026.*

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#### **Returning officer.**

24. (1) Subject to subsection (2), the [Speaker] shall be *ex officio* the returning officer for the purposes of elections[, other than the election of the [Speaker],] held under this Law.

(2) Should the [Speaker] be unable or unwilling to act as returning officer in respect of any election [...], [the Deputy Speaker (except in the case of an election for the Deputy Speaker) or, should he be so unable or unwilling,] the Greffier or, should he be so unable or unwilling, the Deputy Greffier, shall be *ex officio* the returning officer in respect of that election.

(3) The returning officer shall do all things necessary for effectually conducting the election in accordance with the law as to elections in Sark.

(4) A person is not subject to any incapacity to vote at an election by reason only of his being the returning officer at that election.

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**NOTES**

*In section 24,*

*the word "Speaker" in square brackets, wherever occurring in subsection (1), was substituted by the Reform (Sark) (Amendment) Law, 2016, section 16, with effect from 27th February, 2017;<sup>17</sup>*

*the words in the second pair of square brackets in subsection (1) were inserted and the words omitted in the second pair of square brackets in subsection (2) were repealed by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 9, respectively paragraph (b) and paragraph (c), with effect from 27th February, 2013;*

*the words in the first and third pairs of square brackets in subsection (2) were, respectively, substituted and inserted by the Reform (Sark) (Amendment) Law, 2016, section 17, with effect from 27th February, 2017.<sup>18</sup>*

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**Result of election and equality of votes.**

25. [ (1) At a general election or a by-election, the returning officer shall, subject to [the provisions of this section], declare to be elected as Conseillers the candidates who have received the largest number of votes, up to the number of vacancies to be filled.]

[ (2) Where, at a general election, there are one or more existing vacancies to be filled pursuant to [section 23(3)] –

- (a) the successful candidates who receive the largest number of votes shall be declared elected [for the purposes of section 23(1)], and the existing vacancies shall be filled by the remaining successful candidates,
- (b) if, at such an election, there is an equal number of votes for two or more successful candidates such that their respective terms of office cannot otherwise be

determined, those respective terms of office shall be determined by lots drawn by the relevant candidates under the supervision of the returning officer immediately after the declaration of the result of the election,

- (c) if the number of candidates is not greater than the total number of vacancies to be filled, the returning officer shall, after the time fixed for the making of nominations has expired, declare to be elected each candidate who has consented to a nomination, and
  - (i) where the number of candidates is greater than the number required [for the purposes of section 23(1)], the respective terms of office of the candidates shall be determined by lots drawn by the candidates under the supervision of the returning officer, and
  - (ii) where there is an insufficient number of candidates [for the purposes of section 23(1)], a further election shall be held in accordance with subsection (3).]

(3) If at any election [other than one falling within subsection (2)] [...], the number of candidates is not greater than the number of vacancies to be filled, the returning officer shall, after the time fixed for the making of nominations has expired, declare to be elected each candidate who has consented to a nomination and, where[, at a general election,] there is an insufficient number of candidates, a further election shall be held on such date, as soon as may be after the original election, as shall be appointed by Ordinance, which further election shall, for the

purposes of the term of office of any successful candidate, be deemed to have been held on the date of the original election.

(4) Where, notwithstanding a further election held pursuant to subsection (3), there remains a vacancy among the Conseillers, a by-election may be held, on such date before the next general election as the Chief Pleas may by Ordinance appoint, for the purpose of filling such vacancy until the next general election.

(5) If at any election [...] there is an equal number of votes for two or more candidates, and the addition of one vote to his poll would have entitled any such candidate to be declared elected, a further election shall be held on a day appointed by Ordinance for that purpose, in respect of such candidates only and without further nomination, which further election shall, for the purposes of the term of office of any successful candidate, be deemed to have been held on the date of the original election.

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## NOTES

*In section 25,*

*subsection (1) was substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 17(a), with effect from 18th April, 2012;*

*first, the words in square brackets within subsection (1) and, second, subsection (2) were substituted and, third, the words in the first pair of square brackets in subsection (3) were inserted by the Reform (Sark) (Amendment) Law, 2016, respectively section 18, section 19 and section 20, with effect from 6th October, 2016;<sup>19</sup>*

*first, the word, figures and parentheses in the first pair of square brackets within subsection (2) and, second, the words "for the purposes of section 23(1)" in square brackets, wherever occurring, were substituted by the Reform (Sark) (Amendment) Law, 2017, section 5, respectively paragraph (a) and paragraph (b), with effect from 19th January, 2018, subject to the savings and transitional provisions in section 9 of the 2017 Law;*

*first, the words omitted in the second pair of square brackets in subsection (3) and in square brackets in subsection (5) were repealed and, second, the words and punctuation in the third pair of square brackets in subsection (3) were inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, respectively section 17(c) and section 17(b), with effect from 18th April, 2012.*

*The following Ordinances have been made under section 25:*

*Reform (General Election) (Sark) Ordinance, 2018;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020;*  
*Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020;*  
*Reform (General Election) (Sark) Ordinance, 2020;*  
*Reform (Election of Conseillers) (Further Election) (Sark) Ordinance, 2021;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2022;*  
*Reform (General Election) (Sark) Ordinance, 2022;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2023;*  
*Reform (Election of Conseillers) (Further Election) (Sark) Ordinance, 2023;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2024;*  
*Reform (General Election) (Sark) Ordinance, 2024;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2025;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2026.*

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### **Ordinances and absent voters.**

26. (1) The Chief Pleas may from time to time by Ordinance –
- (a) prescribe the place at which, and the hours during which, polling is to take place,
  - (b) regulate the polling and counting of votes at any election, and confer powers on the returning officer to

regulate the polling at any election,

- (c) prescribe the time at which, and the form and manner in which, a nomination is to be made, and the manner of signifying consent to a nomination,
- (d) prescribe the form of the register to be prepared under section 29 and make provision as to the manner of its publication,
- (e) prescribe the manner in which a person may apply to have his name inscribed in the Register of Electors prepared under section 29 and, subject to section 29(3), the manner in which a person may object to the inclusion or correction of a name or other entry in that register or to the exclusion of a name from that register,
- (f) make provision for, and regulate, postal voting by absent voters and the casting of votes by proxy,
- (g) provide that a contravention of any such Ordinance is to be an offence punishable, on conviction, by a fine not exceeding a specified sum of level 4 on the Sark uniform scale,
- (h) regulate generally the conduct of elections in Sark.

(2) Section 40 applies in relation to an Ordinance made under this section as it applies in relation to an Ordinance made under section 37.

(3) For the purposes of subsection (1)(f), "**absent voter**" means a

person who, as respects any election –

- (a) is blind,
- (b) will be out of Sark at the time of that election,
- (c) is suffering from a physical defect or disability by reason of which he is incapable of attending at the place at which the polling at that election is to take place, or
- (d) is otherwise an absent voter within the meaning of an Ordinance made by Chief Pleas pursuant to this section.

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**NOTE**

*The following Ordinances have been made under section 26:*

*Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008;*

*Reform (Elections of Conseillers) (General Provisions) (Amendment) (Sark) Ordinance, 2012;*

*Reform (Elections of Conseillers) (General Provisions) (Sark) (Amendment) Ordinance, 2016;*

*Reform (Election of Conseillers) (General Provisions) (Sark) (Amendment) Ordinance, 2022.*

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**Offences.**

27. (1) Any person who –
- (a) votes more than once at an election, whether in person, by post, or both in person and by post, or
  - (b) makes an application or declaration under the law as to elections in Sark which he knows to be false,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the Sark uniform scale.

(2) An election shall not be invalidated by reason of the fact that a person has been convicted of an offence under this section in relation to that election.

*Franchise and registration of electors*

**Franchise and inclusion in Register of Electors.**

28. (1) [A] person is entitled to vote at an election for the office of Conseiller if on the date appointed for that election –

- (a) he has attained the age of [16] years, and
- (b) he is entitled to have his name inscribed, and his name is so inscribed, in the Register of Electors, prepared pursuant to section 29, in force on that date.

(2) ...

(3) A person is eligible to be elected as Conseiller if –

- [(a) the person's name is inscribed in the Register of Electors, and]
- (b) he is not an alien within the meaning of the law in force in the United Kingdom, and
- (c) he is not the Seigneur, the Seneschal, the Prévôt, the Greffier, the Treasurer, or the duly appointed deputy of

any of those persons, and

- (d) he has been nominated and has signified his consent to nomination in the form and manner prescribed by an Ordinance of the Chief Pleas made under section 26[, and]

[(e) the person has attained the age of 18 years.]

(4) A person is entitled to have his name inscribed in the Register of Electors if –

- (a) he is of the age of [15] years or over, provided that a person shall not vote at any election before he attains the age of [16] years, and

- (b) he is ordinarily resident in Sark, and

[(c) the person has been ordinarily resident in Sark throughout any period of 24 months that began on or after the person attaining the age of 13 years, and]

- (d) he is not (age apart) subject to any legal disability, and

- (e) he has applied to have his name so inscribed and has complied with such provisions in that regard as are prescribed by any Ordinance made by the Chief Pleas under section 26.

(5) ...

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**NOTES**

*In section 28,*

*first, the word in subsection (1) was substituted and, second, subsection (2) was repealed by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 19, respectively paragraph (a) and paragraph (b), with effect from 18th April, 2012, subject to the transitional provision in section 26(3) of the 2010 Law;*

*first, the figures in square brackets in subsection (1)(a), second, paragraph (a) of subsection (3) and, third, the punctuation and word in square brackets in paragraph (d) of that subsection were all substituted, fourth, subsection (3)(e) was inserted, fifth, the figures in the first and second pairs of square brackets in paragraph (a) of subsection (4) and, sixth, subsection (4)(c) were both substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2022, section 1, respectively paragraph (a), paragraph (b)(i), paragraph (b)(ii), paragraph (b)(iii), paragraph (c)(i) and paragraph (c)(ii), with effect from 18th November, 2022;<sup>20</sup>*

*subsection (5) was repealed by the Reform (Sark) (Amendment) Law, 2010, section 1(c), with effect from 20th August, 2010.*

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**Register of Electors, amendments and challenges.**

29. [ (1) The Greffier shall compile and maintain a register containing the names and addresses of all persons entitled to have their names inscribed in that register, which register shall be the Register of Electors.

(2) The Register of Electors in force shall be open for public inspection at the Greffe Office during normal office hours.

(3) No challenge shall be made to a decision of the Greffier concerning the inclusion or correction of a name in the Register of Electors or the exclusion of a name from the Register of Electors unless made by petition to the Court of the Seneschal within 28 days after the date of such decision; and if upon hearing such a petition the Court so directs, the Greffier shall forthwith amend the Register of Electors.]

(4) The Register of Electors shall be conclusive evidence that the persons whose names are inscribed therein, and only those persons, are entitled to have their names inscribed therein; and, without prejudice to the generality of the foregoing, an election shall not be invalidated by reason of the inclusion or correction of a name in the Register of Electors or the exclusion of a name from the Register of Electors, whether or not that inclusion, correction or exclusion has been or is challenged under subsection (3).

[ (5) For the avoidance of doubt, the duty of the Greffier under subsection (1) to maintain the Register of Electors shall (without limitation) include a duty to remove from that register the name of any person who is no longer entitled to have his name inscribed in that register.

(6) Notwithstanding the provisions of this section, the Register of Electors shall be closed on such date, prior to a general election or by-election, as the Chief Pleas may by Ordinance appoint, [and shall not reopen until –

- (a) subject to paragraph (c), the day following the election, or
- (b) where, in accordance with section 25(3) (due to the number of candidates not exceeding the number of vacancies to be filled), the returning officer declares the candidates to be elected without an election being held, the day following such declaration, or
- (c) where a further election is required under section 25(5) (in the event of an equality of votes), the day after such further election,]

and, during the period [of such closure], no entry in the Register shall be made or

amended except as a result of a challenge to a decision of the Greffier under subsection (3).]

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**NOTES**

*In section 29,*

*first, subsection (1), subsection (2) and subsection (3) were substituted and, second, subsection (5) and subsection (6) were inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 20, respectively paragraph (a) and paragraph (b), with effect from 18th April, 2012;*

*the words in, first, the first and, second, the second pairs of square brackets within subsection (6) were, respectively, inserted and substituted by the Reform (Sark) (Amendment) Law, 2017, section 6, paragraph (a) and paragraph (b), with effect from 19th January, 2018, subject to the savings and transitional provisions in section 9 of the 2017 Law.*

*The following Ordinances have been made under section 29:*

*Reform (General Election) (Sark) Ordinance, 2018;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2019;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020;*  
*Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020;*  
*Reform (General Election) (Sark) Ordinance, 2020;*  
*Reform (Election of Conseillers) (Further Election) (Sark) Ordinance, 2021;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2022;*  
*Reform (General Election) (Sark) Ordinance, 2022;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2023;*  
*Reform (Election of Conseillers) (Further Election) (Sark) Ordinance, 2023;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2024;*  
*Reform (General Election) (Sark) Ordinance, 2024;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2025;*  
*Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2026.*

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Conseillers

**Oaths of allegiance and of office.**

30. (1) Subject to section 3(2), before entering office, each Conseiller shall take before the Court of the Seneschal an oath of allegiance and an oath of office in such form as may be prescribed by Ordinance.

(2) Subsection (1) requires an oath of allegiance and an oath of office to be taken by a Conseiller after each occasion on which he is elected, notwithstanding that he may previously have held that office.

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**NOTE**

*The following Ordinance has been made under section 30:*

*Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008.*

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**Vacation and resignation of office.**

31. (1) A Conseiller shall become disqualified and shall be required to vacate his office if he –

- (a) ceases to possess the qualifications required by section 28(3) for eligibility for election as a Conseiller, or
- (b) has failed to attend three consecutive ordinary meetings of the Chief Pleas.

(2) If to the knowledge of the Greffier a Conseiller has become disqualified, or if it appears to the Greffier that a Conseiller did not at the time of his election possess the qualifications required by section 28(3) for eligibility for

election, the Greffier shall so report to the [Speaker] who shall, if satisfied that such is the case, declare the office of that Conseiller to be vacant, and no such declaration shall be challenged otherwise than by an appeal made to the [Court of the Seneschal], within 1 month of the making of the declaration.

[ (2A) A person aggrieved by a decision of the Court of the Seneschal under subsection (2) may further appeal on a point of law to the Royal Court sitting as an Ordinary Court, whose decision shall be final.]

(3) It is hereby declared for the avoidance of doubt that no act of a person as a Conseiller shall be deemed to be, or ever to have been, invalid by reason only of –

- (a) any lack of qualification on his part to be elected in accordance with section 28(3),
- (b) the existence of any circumstances requiring him to vacate his office in accordance with this section.

(4) Notwithstanding any other provision of this Law, a Conseiller may at any time resign his office by a letter addressed to the [Speaker].

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**NOTES**

*In section 31,*

*the word "Speaker" in square brackets, wherever occurring, was substituted by the Reform (Sark) (Amendment) Law, 2016, section 21, with effect from 27th February, 2017;<sup>21</sup>*

*the words in the second pair of square brackets in subsection (2) were substituted and subsection (2A) was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 10, respectively paragraph (b) and paragraph (c), with effect from 27th February, 2013.*

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*Meetings of the Chief Pleas*

**Ordinary and extraordinary meetings.**

32. (1) Every meeting of the Chief Pleas[, except for a meeting convened for the purpose of electing the [Speaker],] shall be convened by the [Speaker] by the publication of an Agenda giving notice of the business to be transacted at that meeting, and a decision shall not be effective as a resolution of the Chief Pleas unless it is a decision taken at a meeting of the Chief Pleas in accordance with this Law.

[ ...]

(2) The Chief Pleas shall meet in each calendar year on the first Wednesday after the 15<sup>th</sup> day of January ("**the Christmas meeting**"), the second Wednesday after Easter ("**the Easter meeting**"), the second Wednesday after the 24<sup>th</sup> day of June ("**the Midsummer meeting**"), [...] the first Wednesday after Michaelmas ("**the Michaelmas meeting**"), [and the seventh Wednesday after the Michaelmas meeting ("**the Budget meeting**"),] which meetings shall be called "**ordinary meetings**"; and shall in addition meet –

- (a) whenever they are so directed by the Lieutenant Governor,
- (b) whenever they are summoned by the [Speaker], with the consent of the Seigneur, and
- (c) with the consent of the [Speaker], whenever requested in writing so to do by at least nine Conseillers,

which meetings shall be called "**extraordinary meetings**".

[ (3) At the Budget meeting, the only business to be transacted is that set out in section 59(2), unless otherwise permitted by the Speaker.]

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**NOTES**

*In section 32,*

*the words in the first pair of square brackets in subsection (1) were inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 11(a), with effect from 27th February, 2013;*

*the word "Speaker" in square brackets, wherever occurring, was substituted by the Reform (Sark) (Amendment) Law, 2016, section 22(b), with effect from 27th February, 2017;<sup>22</sup>*

*subsection (1A) (which was originally inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 11(c), with effect from 27th February, 2013) was repealed by the Reform (Sark) (Amendment) Law, 2016, section 22(a), with effect from 27th February, 2017;*

*first, the word omitted in square brackets in subsection (2) was repealed, second, the words in the second pair of square brackets therein were inserted and, third, subsection (3) was inserted by the Reform (Sark) (Amendment) Law, 2023, respectively section 1(2)(a)(i), section 1(2)(a)(ii) and section 1(2)(b), with effect from 8th November, 2023.*

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**Privilege.**

**33.** (1) For the avoidance of doubt, any statement made by a member of the Chief Pleas in the course of the proceedings of a meeting of the Chief Pleas shall, for the purposes of the laws of defamation, enjoy absolute privilege, and no proceedings in defamation shall be maintainable in respect of any statement so made.

(2) A person who, with the express authority of the Chief Pleas, publishes a fair and accurate account of any proceedings of a meeting of the Chief Pleas, shall, for the purposes of the law of defamation, enjoy qualified privilege; and no proceedings in defamation shall be maintainable in respect of any such publication unless the publication is shown to be made with malice.

**Public attendance at meetings of the Chief Pleas.**

34. (1) Subject to subsection (2), all meetings of the Chief Pleas convened pursuant to section 32 shall be open to the public.

(2) The Chief Pleas, by a majority vote of two-thirds of Conseillers present at a meeting thereof, may resolve that a matter be debated by the Chief Pleas in camera, and the [Speaker] shall thereupon order all members of the public, not being members or officers of the Chief Pleas, to withdraw for the duration of such debate.

(3) For the purposes of subsection (2), "**officers of the Chief Pleas**" shall include the Prévôt, the Greffier, the Treasurer, or the duly appointed deputy of any of those persons, the Constable [present at the meeting], the Vingtenier and any person charged with the duty of recording the minutes of the meeting.

(4) The Constable [present at the meeting] shall ensure that all orders made by the [Speaker] under subsection (2) are complied with.

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**NOTES**

*In section 34,*

*the word "Speaker" in square brackets, wherever occurring, was substituted by the Reform (Sark) (Amendment) Law, 2016, section 23, with effect from 27th February, 2017;<sup>23</sup>*

*the words "present at the meeting" in square brackets, wherever occurring, were inserted by the Reform (Sark) (Amendment) Law, 2022, section 2, with effect from 18th November, 2022.*

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**Chairmanship at meetings of the Chief Pleas and members' votes.**

35. [ (1) If, at any meeting of the Chief Pleas, the [Speaker] is absent, except where the Seneschal is presiding under section 22A(2), the Chief Pleas may

appoint any member of the Chief Pleas to preside over that meeting.]

(2) Each Conseiller present at a meeting of the Chief Pleas shall have one vote and, in the event of an equality of votes, the proposition shall be declared lost.

(3) The Seigneur shall have the right to speak at any meeting of the Chief Pleas but shall not have the right to vote.

(4) The [Speaker] shall not have the right to speak [in debate] or to vote at any meeting of the Chief Pleas but any Conseiller who is presiding at a meeting of the Chief Pleas pursuant to subsection (1) shall retain his right to speak [in debate] and to vote at that meeting.

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## NOTES

*In section 35,*

*subsection (1) was substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 12(a), with effect from 27th February, 2013;*

*the word "Speaker" in square brackets, wherever occurring, was substituted by the Reform (Sark) (Amendment) Law, 2016, section 23, with effect from 27th February, 2017;<sup>24</sup>*

*the words in the second and third pairs of square brackets in subsection (4) were substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 23, with effect from 18th April, 2012.*

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### **Other rules of procedure.**

**36.** (1) Subject to the provisions of this Law, the Chief Pleas may from time to time by resolution prescribe rules of procedure applicable to meetings of the Chief Pleas, and rules made under this section may, in the like manner, be varied, revoked or suspended.

(2) The quorum at a meeting of the Chief Pleas is nine Conseillers in addition to the person presiding at that meeting.

*Ordinances of the Chief Pleas*

**Matters for which Ordinances may provide.**

37. The Chief Pleas may, from time to time, and subject to the provisions of [section 39], make Ordinances for the maintenance of public order in, and for the regulation of the local affairs of, Sark and the territorial waters adjacent thereto.

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**NOTES**

*In section 37, the word and figures in square brackets was substituted by the Reform (Sark) (Amendment) Law, 2016, section 24, with effect from 6th October, 2016.*

*The following Ordinances have been made under section 37:*

*Cutting of Hedges (Sark) Ordinance, 2009;*  
*Avian Influenza and Control of Birds (Sark) (Amendment) Ordinance, 2010;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010;*  
*Harbours (Sark) Ordinance, 2011;*  
*Smoking in Regulated Premises (Sark) Ordinance, 2011;*  
*Road Traffic (Horse-drawn Vehicles) (Amendment) (Sark) Ordinance, 2012;*  
*Road Traffic (Tractors and Invalid Carriages) (Amendment) (Sark) Ordinance, 2012;*  
*Harbours (Sark) (Amendment) Ordinance, 2012;*  
*Traps (Sark) Ordinance, 2013;*  
*Sale and Supply of Tobacco Products (Sark) Ordinance, 2015;*  
*Liquor Licensing (Sark) (Amendment) Ordinance, 2016;*  
*Liquor Licensing (Sark) (Amendment) Ordinance, 2017;*  
*European Communities (Food and Feed Controls) (Sark) Ordinance, 2019.*

*The following Ordinances have effect as if made under section 37:*

*Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance, 1968;*  
*Control of Dogs (Sark) Ordinance, 1970;*  
*Brucellosis (Sark) Ordinance, 1971;*  
*Foot and Mouth Disease (Amendment) (Sark) Ordinance, 1971;*

*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1972;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1976;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1977;*  
*Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978;*  
*Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1978;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1978;*  
*Swine Diseases (Sark) Ordinance, 1978;*  
*Liquor Licensing (General Provisions) (Sark) Ordinance, 1979;*  
*Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1980;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1980;*  
*Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1983;*  
*Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1983;*  
*Refuse and Litter (Sark) Ordinance, 1983;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1983;*  
*Swine Diseases (Amendment) (Sark) Ordinance, 1983;*  
*Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1984;*  
*Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1989;*  
*Liquor Licensing (Amendment) (Sark) Ordinance, 1994;*  
*Liquor Licensing (Amendment) (Sark) Ordinance, 2006;*  
*Avian Influenza and Control of Birds (Sark) Ordinance, 2006;*  
*Protection of Animals (Sark) Ordinance, 2008;*  
*Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2008;*  
*Safety in Sark Waters Ordinance, 2008.*

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**Seigneur's veto.**

**38.** ...

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**NOTE**

*Section 38 was repealed by the Reform (Sark) (Amendment) Law, 2016, section 25, with effect from 6th October, 2016.<sup>25</sup>*

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**Annulment of Ordinance by Royal Court.**

39. (1) An Ordinance which has not been vetoed shall, after registration by the Greffier, be transmitted to the Royal Court which may, without prejudice to anything done thereunder, annul the Ordinance on the ground that it is *ultra vires* the Chief Pleas.

(2) The Chief Pleas may appeal to Her Majesty in Council against the annulment of an Ordinance pursuant to subsection (1).

**Further provisions as to Ordinances.**

40. (1) An Ordinance made under section 37 shall be read as subject to any Order in Council having the force of law in Sark and shall be void to the extent that it is repugnant to any such Order in Council.

(2) An Ordinance made under section 37 may empower a committee to make regulations for the purposes of any such Ordinance and to issue licences, permissions or directions in such manner and in such circumstances as any such Ordinance may provide.

(3) An Ordinance made under section 37 –

- (a) may make different provision for different cases,
- (b) may provide for any incidental, consequential, supplementary and transitional matters for which the Chief Pleas consider it expedient to provide for the purposes of the Ordinance,
- (c) may be varied or revoked by a subsequent Ordinance so made, and

(d) may include provision as to the creation and punishment of offences.

(4) An Ordinance made under section 37 shall not specify as the penalty or maximum penalty for any offence created by such an Ordinance a penalty greater than that which the Court of the Seneschal has power to impose by virtue of section 11(2).

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**NOTE**

*The following Ordinances have been made under section 40:*

*Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008;*

*Reform (Elections of Conseillers) (General Provisions) (Amendment) (Sark) Ordinance, 2012;*

*Sale and Supply of Tobacco Products (Sark) Ordinance, 2015;*

*Liquor Licensing (Sark) (Amendment) Ordinance, 2016;*

*Liquor Licensing (Sark) (Amendment) Ordinance, 2017.*

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**Provisionally effective Ordinances.**

41. (1) This section applies in the case of any Ordinance which the Chief Pleas are empowered to make pursuant to this Law or any other enactment for the time being in force, and in respect of which Her Majesty's Procureur has certified that its immediate or early enactment is in his opinion necessary or expedient in the public interest.

(2) Where a draft of any Ordinance to which this section applies is presented to the [Policy and Finance Committee] ("**the Committee**") at the instance of Her Majesty's Procureur, the Chief Pleas or the States of Guernsey, or at the instance of any Department, Authority, Board, Committee or Council of the Chief Pleas or the States of Guernsey, the Committee may, if in its opinion the immediate or early enactment thereof is necessary or expedient in the public interest, order that the same shall be operative either immediately or from such future date as the

Committee shall prescribe.

(3) An Ordinance ordered by the Committee to be operative immediately or from a prescribed future date in accordance with subsection (2) of this section shall have effect accordingly in all respects, but subject to subsections (4) and (5) of this section, as if it had been made by the Chief Pleas on the date of the Committee's order.

(4) Every Ordinance which comes into effect by virtue of this section shall be laid before a meeting of the Chief Pleas as soon as possible, and in any event within 4 months of the date of the order made by the Committee under subsection (2), in such manner as the Chief Pleas may from time to time resolve; and, if the Ordinance is not so laid, or if at that meeting the Chief Pleas resolve that the Ordinance be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making by the Committee of an order under subsection (2) in respect of a new Ordinance.

(5) Where a copy of an Ordinance having effect by virtue of subsection (3) is transmitted to the Royal Court pursuant to section 39(1), as applied by subsection (3) of this section, that Court may annul the Ordinance on the ground (instead of or in addition to those specified in the said section 39(1)) that the order under subsection (2) of this section is *ultra vires* the Committee.

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## NOTES

*In section 41, the words in square brackets in subsection (2) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018.<sup>26</sup>*

*The functions, rights and liabilities of the Sark Policy and Performance Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.*<sup>27</sup>

*The following Ordinances have been made under section 41:*

*Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013;*  
*North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance*  
*2013;*  
*North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance,*  
*2014;*  
*Sanctions Ordinances (Amendment) (Sark) Ordinance, 2016;*  
*Côte d'Ivoire (Restrictive Measures) (Sark) (Repeal) Ordinance,*  
*2017;*  
*European Communities (Coronavirus Vaccine) (Immunity from Civil*  
*Liability) (Sark) Ordinance, 2020;*  
*Public Holidays (Funeral of Her Majesty Queen Elizabeth II) (Sark)*  
*Ordinance, 2022.*

*The following Ordinances have effect as if made under section 41:*

*Avian Influenza and Control of Birds (Sark) Ordinance, 2006.*

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#### **Validity of existing Ordinances etc.**

42. (1) An Ordinance made by the Chief Pleas before the date of commencement of section 37 which could, after the commencement of that section, be made by the Chief Pleas under the powers conferred thereby shall not be deemed to be, or ever to have been, invalid by reason only of a limitation on the powers of the Chief Pleas as those powers existed before the commencement of that section.

(2) Any regulations made by a committee and any other thing done by any body or person in the purported exercise or discharge of a power or duty conferred or imposed by such an Ordinance as is mentioned in subsection (1), being a power or duty which could, after the commencement of sections 37 and 40(2), be conferred by an Ordinance made under section 37, shall not be deemed to be, or ever to have been, invalid by reason only of a limitation of the powers of the Chief Pleas as those powers existed before the commencement of sections 37 and 40(2).

#### PART IV

## COMMITTEES AND OFFICERS

### *Committees of the Chief Pleas*

#### **Douzaine.**

**43.** [ (1) The Chief Pleas shall, at an extraordinary meeting of the Chief Pleas to be held as soon as reasonably practicable after the entry into office of the Conseillers following a general election –

- (a) determine by resolution the number of Conseillers (such number to be at least 3 but no more than 12) who shall constitute the Douzaine for the period ending with the next succeeding extraordinary meeting to be held under this section, and
- (b) elect such number of Conseillers, as determined under paragraph (a),

to be members of the Douzaine, subject to subsection (3), for the duration of their respective terms of office.]

(2) The Chief Pleas shall from time to time, in the event of a vacancy arising in the Douzaine, elect a Conseiller to the Douzaine to fill such vacancy, such Conseiller to hold office for the period for which the Conseiller in whose place he has been elected would have held office.

(3) The Chief Pleas may at any time, by resolution, remove a person from the Douzaine.

(4) The Douzaine shall exercise the functions from time to time delegated to the Douzaine by resolution of the Chief Pleas.

(5) The quorum at a meeting of the Douzaine shall be such number of members as the Douzaine may, from time to time, resolve.

(6) The provisions of sections 45, 46 and 47 shall apply to the Douzaine as they apply to any other committee of the Chief Pleas.

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**NOTE**

*In section 43, subsection (1) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 26, with effect from 6th October, 2016.*

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**Other committees of the Chief Pleas.**

44. (1) The Chief Pleas may from time to time appoint one or more other committees of the Chief Pleas, and may elect some or all of the Conseillers, and, subject to subsection (4) and section 45(3), persons who are not Conseillers, to be members of such a committee.

(2) A committee appointed under subsection (1) shall exercise the functions from time to time delegated to that committee by resolution of the Chief Pleas during such period not longer than the terms of office of the Conseillers as the Chief Pleas by resolution may determine.

(3) The Chief Pleas may at any time, subject to subsection (4) and section 45(3), elect a person to a committee appointed under subsection (1) or, by resolution, remove a person from such a committee.

(4) The number of members of a committee appointed under subsection (1) who are not Conseillers shall not at any time exceed the number of members of that committee, excluding the chairman elected under section 46(1), who are Conseillers.

(5) The quorum at a meeting of a committee shall be three members or such larger number of members as the Chief Pleas may, in respect of a particular committee, resolve.

**General provisions.**

45. (1) A person may at any time resign his membership of a committee by letter addressed to the [Speaker].

(2) Where a Conseiller who has been elected to a committee by virtue of his office ceases to be a Conseiller he shall thereupon cease to be a member of that committee.

(3) No person who is the Seigneur, [the [Speaker],] the Seneschal, the Greffier, the Prévôt, the Treasurer, [the Sark Tax Assessor,] or the duly appointed deputy of any of those persons, may be elected as a member of a committee.

[ (4) In subsection (3), "**Sark Tax Assessor**" means the holder of the office established by Schedule 2 of the Direct Taxes (Sark) Law, 2002.

(5) The Chief Pleas may from time to time by resolution prescribe rules of procedure applicable to Committees of the Chief Pleas, and rules made under this section may, in the like manner, be varied, revoked or suspended.]

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**NOTES**

*In section 45,*

*the word in square brackets in subsection (1) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 27, with effect from 27th February, 2017;<sup>28</sup>*

*the word in square brackets in subsection (3) was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from*

27th February, 2013;

*the word in square brackets within the first pair of square brackets in subsection (3) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 27, with effect from 27th February, 2017.<sup>29</sup>*

*first, subsection (4) and subsection (5) and, second, the words in the second pair of square brackets in subsection (3) were inserted by the Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018, section 2, respectively paragraph (b) and paragraph (a), with effect from 4th January, 2019.*

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### **Chairmanship etc. of committees.**

46. [ (1) The chairman of the Policy & Finance Committee shall be such person, being a Conseiller, who may from time to time be elected as such by the Chief Pleas; and the deputy chairman of that Committee shall be elected in like manner.

(2) Subject to subsection (1), the chairman and deputy chairman of a committee of the Chief Pleas shall be such members of that committee, being Conseillers, who are from time to time appointed as such chairman or deputy chairman, as the case may be, by the members of that committee.]

(3) At a meeting of a committee the chairman, or if the chairman is absent the deputy chairman if any, or if both the chairman and any deputy chairman are absent such person as the committee appoints in respect of a particular meeting, shall preside.

(4) A person presiding at a meeting of a committee shall have an original but not a casting vote.

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### **NOTE**

*In section 46, subsection (1) and subsection (2) were substituted by the Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018, section 3, with effect from 4th January, 2019.*

**Functions of committees.**

47. (1) The Chief Pleas may, subject to subsection (3), delegate to a committee –

- (a) all functions other than legislative functions exercisable by the Chief Pleas,
- (b) to the extent permitted by section 40(2) or any Order in Council, and subject to subsection (5), legislative functions exercisable by the Chief Pleas.

(2) A delegation of functions under subsection (1) may be on such conditions as the Chief Pleas think fit including, without prejudice to the generality of the foregoing, conditions restricting the power of the committee to act without prior approval of the Chief Pleas and conditions requiring that the committee's actions be reported to the Chief Pleas at specified times and in a specified manner.

(3) A committee shall not sub-delegate any legislative functions.

(4) Except to the extent that the Chief Pleas may authorise a committee so to do, a committee shall not sub-delegate any of its other functions to a sub-committee without requiring that the prior approval of the committee be obtained to any action proposed to be taken by that sub-committee.

(5) Regulations made in exercise of a power delegated under subsection (1) shall be laid before a meeting of the Chief Pleas as soon as possible after they are made and in any event within 4 months thereafter; and if, at that meeting or the next subsequent meeting, the Chief Pleas resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to

anything done under them or to the making of new regulations.

**Amendments by Ordinance.**

48. The Chief Pleas may, by Ordinance, amend the provisions of sections 43 to 47.

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**NOTE**

*The following Ordinance has been made under section 48:*

*Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018.*

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*Officers of the Island*

**Prévôt and Greffier.**

49. (1) The Seigneur may, subject to the approval of the Lieutenant Governor, appoint a person, who is ordinarily resident in Sark, to act as the Prévôt and to perform all the duties and exercise all the powers assigned to the Prévôt under customary law and by or under this Law and any other enactment and, as respects his functions as an officer of the Chief Pleas, any resolution of the Chief Pleas.

(2) The Seigneur may, subject to the approval of the Lieutenant Governor, appoint a person, who is ordinarily resident in Sark, to act as the Greffier and to perform all the duties and exercise all the powers assigned to the Greffier under customary law or by or under this Law and any other enactment and, as respects his functions with regard to the Chief Pleas, any resolution of the Chief Pleas.

(3) The Seigneur may, after consultation with the Prévôt, appoint a person, who is ordinarily resident in Sark, to act as Deputy Prévôt and may, after consultation with the Greffier, appoint a person, who is ordinarily resident in Sark, to act as Deputy Greffier, respectively –

- (a) to perform all the duties and exercise all the powers under this Law, and
- (b) to perform all such other duties and exercise all such other powers as are otherwise required by the law for the time being in force to be performed or exercised,

by the Prévôt or the Greffier, as the case may be, in the absence or incapacity of the principal office-holder, or should the principal office-holder, for any reason, be unable [or unwilling] to act[...].

[ (3A) The Seigneur may, after consultation with the Prévôt, appoint a person, who is ordinarily resident in Sark, to act as Assistant Deputy Prévôt and may, after consultation with the Greffier, appoint a person, who is ordinarily resident in Sark, to act as Assistant Deputy Greffier, respectively –

- (a) to perform all the duties and exercise all the powers under this Law, and
- (b) to perform all such other duties and exercise all such other powers as are otherwise required by the law for the time being in force to be performed or exercised,

by the Prévôt or the Greffier, as the case may be, in the absence or incapacity of the principal office-holder and of any person appointed under subsection (3), or should the principal office-holder and any person appointed under subsection (3), for any reason, be unable or unwilling to act; provided that neither the Assistant Deputy Prévôt nor the Assistant Deputy Greffier shall perform any of the duties nor exercise any of the powers vested in the relevant principal office-holder in his capacity as one of the Trustees within the meaning of section 56(1).]

(4) A person appointed to hold the office of Prévôt, Deputy Prévôt, [Assistant Deputy Prévôt, Greffier, Deputy Greffier or Assistant Deputy Greffier] shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance.

(5) A person appointed to hold the office of Prévôt, Deputy Prévôt, [Assistant Deputy Prévôt, Greffier, Deputy Greffier or Assistant Deputy Greffier] shall be paid such remuneration out of public funds as may from time to time be [determined by the Chief Pleas upon the recommendation of the [Sark Policy and Finance Committee] in consultation with the [Sark Policy and Finance Committee]].

(6) A person appointed to hold the office of Prévôt, Deputy Prévôt, [Assistant Deputy Prévôt, Greffier, Deputy Greffier or Assistant Deputy Greffier] shall not hold any other public office or appointment, including the office of special constable.

(7) A person appointed to hold the office of Prévôt or Greffier shall not be removable during his term of office except at his own request in writing addressed to the Seigneur or, for good cause, by direction of the Lieutenant Governor.

(8) A person appointed to hold the office of Deputy Prévôt[, Assistant Deputy Prévôt, Deputy Greffier or Assistant Deputy Greffier] shall not be removable during his term of office except at his own request in writing addressed to the Seigneur or, for good cause, by direction of the Seigneur.

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**NOTES**

*In section 49,*

*first, the words in the first pair of square brackets in subsection (3)*

were inserted, second, subsection (3A) was inserted, third, the words "Assistant Deputy Prévôt, Greffier, Deputy Greffier or Assistant Deputy Greffier" wherever occurring in subsection (4), subsection (5) and subsection (6) were substituted and, fourth, the words in square brackets in subsection (8) were substituted by the Reform (Sark) (Amendment) Law, 2016, section 28, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 6th October, 2016;

the words omitted in the second pair of square brackets in subsection (3) were repealed by the Reform (Sark) (Amendment) Law, 2025, section 2(4), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law;

the words in the second pair of square brackets in subsection (5) were substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 24, with effect from 18th April, 2012;

the words in the first and second pairs of square brackets within the second pair of square brackets in subsection (5) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018.<sup>30</sup>

The functions, rights and liabilities of the Sark Policy and Performance Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance; and the functions, rights and liabilities of the Sark Finance and Resources Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.<sup>31</sup>

The following Ordinances have been made under section 49:

Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008;

Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.

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## **Treasurer.**

**50.** (1) The Chief Pleas may, from time to time, appoint a person to act as the Treasurer of the Chief Pleas and to perform all the duties and exercise all the

powers assigned to the Treasurer by or under this Law and any other enactment and by any resolution of the Chief Pleas.

(2) A person who is the Seigneur, [the [Speaker],] the Seneschal, the Prévôt, the Greffier, or the duly appointed deputy of any of those persons, [a Constable], the Vingtenier or an Assistant Constable, shall not be appointed to act as Treasurer of the Chief Pleas.

(3) The Treasurer shall be ordinarily resident in Sark and shall devote such of his time to the duties of the Treasurer as the Chief Pleas shall reasonably require.

(4) A person appointed to hold the office of Treasurer shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance and shall not be removable during his term of office except at his own request in writing addressed to the [Speaker] or by resolution of the Chief Pleas.

(5) A person appointed to hold the office of Treasurer shall be paid such remuneration out of public funds as the Chief Pleas may from time to time resolve.

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## NOTES

*In section 50,*

*the word in the first pair of square brackets in subsection (2) was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from 27th February, 2013;*

*the word in square brackets within the first pair of square brackets in subsection (2) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 29, with effect from 27th February, 2017;<sup>32</sup>*

*the words in the second pair of square brackets in subsection (2)*

were substituted by the Reform (Sark) (Amendment) Law, 2022, section 5(1), with effect from 18th November, 2022;

the word in square brackets in subsection (4) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 29, with effect from 27th February, 2017.<sup>33</sup>

The following Ordinance has been made under section 50:

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

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### **Deputy Treasurer.**

51. (1) The Chief Pleas may, from time to time, appoint a person, who is ordinarily resident in Sark, to act as Deputy Treasurer.

(2) A person who is the Seigneur, [the [Speaker],] the Seneschal, the Prévôt, the Greffier, or the duly appointed deputy of any of those persons, [a Constable], the Vingtenier or an Assistant Constable, shall not be appointed to act as Deputy Treasurer of the Chief Pleas.

(3) The Deputy Treasurer shall –

- (a) perform all the duties and exercise all the powers of the Treasurer under this Law, and
- (b) perform all such other duties and exercise all such other powers as are required by law for the time being in force to be performed or exercised by the Treasurer,

in the absence or incapacity of the Treasurer and during a vacancy in the office of Treasurer.

(4) A person appointed to hold the office of Deputy Treasurer shall not exercise his functions until he has, subject to section 3(2), taken the oath of office

before the Court of the Seneschal in such form as may be prescribed by Ordinance and shall not be removable during his term of office except at his own request in writing addressed to the [Speaker] or by resolution of the Chief Pleas.

(5) A person appointed to hold the office of Deputy Treasurer shall be paid such remuneration out of public funds as the Chief Pleas may from time to time resolve.

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**NOTES**

*In section 51,*

*the word in the first pair of square brackets in subsection (2) was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from 27th February, 2013;*

*the word in square brackets within the first pair of square brackets in subsection (2) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 29, with effect from 27th February, 2017;<sup>34</sup>*

*the words in the second pair of square brackets in subsection (2) were substituted by the Reform (Sark) (Amendment) Law, 2022, section 5(1), with effect from 18th November, 2022;*

*the word in square brackets in subsection (4) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 29, with effect from 27th February, 2017.<sup>35</sup>*

*The following Ordinance has been made under section 51:*

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

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**[Constables and Vingtenier.]**

**52.** (1) The Chief Pleas may, from time to time, [appoint one or more persons, who is or are ordinarily resident] in Sark, to act as Constable and to perform all the duties and exercise all the powers assigned to the Constable under the customary law of Sark and by or under this Law and any other enactment.

[ (1A) Where, in pursuance of subsection (1), two or more persons

("the Constables") hold the office of Constable –

- (a) any duties and powers assigned to the Constable by this Law or by any other enactment or rule of law may be performed or exercised by any one of the Constables, and
- (b) where, in this Law or any other enactment or rule of law, a person holding the office of Constable is declared (for that reason) to be ineligible to hold any other specified office or appointment, each of the Constables shall be so ineligible,

and any reference to the Constable in this Law or any other enactment or rule of law shall be construed accordingly.]

(2) The Chief Pleas may, from time to time, appoint a person, who is ordinarily resident in Sark, to act as Vingtenier and to perform all the duties and exercise all the powers assigned to the Vingtenier under the customary law of Sark and by or under this Law and any other enactment.

(3) A person appointed to hold the office of Constable or Vingtenier shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance.

(4) A person appointed to hold the office of Constable or Vingtenier may be removed from such office during the term of his appointment by resolution of the Chief Pleas with the consent of the Lieutenant Governor.

## NOTES

*In section 52, first, the heading thereto and, second, the words in square brackets in subsection (1) were substituted and, third, subsection (1A) was inserted by the Reform (Sark) (Amendment) Law, 2022, section 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 18th November, 2022.*

*The following Ordinance has been made under section 52:*

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

---

### **Assistant Constables.**

53. (1) The Chief Pleas may, from time to time, appoint one or more persons, who is or are ordinarily resident in Sark, to act as Assistant Constable and to perform all the duties and exercise all the powers as may be assigned to him, and for such period and subject to such terms and conditions, as the Chief Pleas may by resolution determine.

(2) Subject to subsection (1), an Assistant Constable may, upon being authorised by [a Constable] so to do, perform all the duties and exercise all the powers appertaining to the office of Constable.

(3) In the event of an Assistant Constable performing any duties or exercising any powers appertaining to the office of Constable which he is authorised to perform or exercise pursuant to subsections (1) and (2), the provisions contained in or made under any other enactment relating to the performance of such duties or the exercise of such powers shall have effect as if the reference therein to the Constable included a reference to an Assistant Constable.

[ (4) It shall be the duty of the Constables, or in the absence or incapacity of the Constables, the Vingtenier, to ensure that the Assistant Constables carry out the respective duties of their office faithfully and well.]

(5) Nothing in this section shall derogate from the functions and

powers of the Vingtenier.

(6) A person appointed to hold the office of Assistant Constable shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance.

(7) An Assistant Constable shall not be removable during his term of office except at his own request in writing addressed to the [Speaker] or by resolution of the Chief Pleas with the consent of the Lieutenant Governor.

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**NOTES**

*In section 53,*

*first, the words in square brackets in subsection (2) and, second, subsection (4) were both substituted by the Reform (Sark) (Amendment) Law, 2022, respectively section 5(1) and section 4, with effect from 18th November, 2022;*

*the word in square brackets in subsection (7) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 29, with effect from 27th February, 2017.<sup>36</sup>*

*The following Ordinance has been made under section 53:*

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

---

**Special Constables.**

54. (1) [ A Constable] may by writing appoint any person as a special constable –

(a) for such period,

(b) upon such terms and conditions as to service, and

- (c) subject to such limitations upon his functions as a special constable,

as he thinks fit.

(2) A special constable may be appointed with functions which are limited, whether by reference to their nature, the area in which they are to be performed, or their duration, or otherwise.

(3) A special constable appointed pursuant to subsection (1) shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance, such oath to be limited to the extent of the functions for which he was appointed.

(4) A special constable shall not be removable during his term of office except at his own request in writing addressed to [a Constable], or at the direction of [a Constable], for good cause, with the consent of the Seigneur.

---

**NOTES**

*In section 54, the words in square brackets in, first, subsection (1) and, second, subsection (4) were substituted by the Reform (Sark) (Amendment) Law, 2022, respectively section 5(2) and section 5(1), with effect from 18th November, 2022.*

*The following Ordinance has been made under section 54:*

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

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**Procureur des Pauvres and Deputy Procureur des Pauvres.**

55. (1) The Chief Pleas may, from time to time, on the recommendation of the Douzaine, appoint a person, who is ordinarily resident in Sark and who is not a member of the Douzaine, to act as Procureur des Pauvres and to

perform all the duties and exercise all the powers assigned to the Procureur des Pauvres under the customary law of Sark and under any other enactment.

(2) The Chief Pleas may, from time to time, on the recommendation of the Douzaine and after consultation with the Procureur des Pauvres, appoint a person, who is ordinarily resident in Sark and who is not a member of the Douzaine, to act as Deputy Procureur des Pauvres.

(3) A person appointed to hold the office of Procureur des Pauvres or Deputy Procureur des Pauvres shall not exercise his functions until he has, subject to section 3(2), taken the oath of office before the Court of the Seneschal in such form as may be prescribed by Ordinance.

(4) A person appointed to hold the office of Procureur des Pauvres or Deputy Procureur des Pauvres shall hold office for [such period, of twelve months or 2 years, as the Chief Pleas may by resolution determine,] and shall not be removable during his term of office except at his own request in writing addressed to the [Speaker] or by resolution of the Chief Pleas on the recommendation of the Douzaine.

---

**NOTES**

*In section 55,*

*the words in the first pair of square brackets in subsection (4) were substituted by the Reform (Sark) (Amendment) Law, 2016, section 30(a), with effect from 6th October, 2016;*

*the word in the second pair of square brackets in subsection (4) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 30(b), with effect from 27th February, 2017.<sup>37</sup>*

*The following Ordinance has been made under section 55:*

*Reform (Oaths of Island Officials) (Sark) Ordinance, 2008.*

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[PART IVA  
EMERGENCY PROCEDURES

**Application.**

**55A.** (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the Speaker has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to an emergency, which make it appropriate for this Part to apply.

(3) Before issuing a determination under subsection (2), the Speaker must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of such a determination in relation to the emergency in question.

(4) This Part shall cease to apply if the Speaker makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark, that it is appropriate for it to cease to apply.

(5) This section is subject to sections 55H(3), 55J(3) and 55K(4).]

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**NOTE**

*Part IVA, and section 55A thereof, were inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Public attendance at meetings of the Chief Pleas.**

**55B.** Meetings of the Chief Pleas need not be open to the public.]

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**NOTE**

*Section 55B was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Remote meetings of the Chief Pleas.**

**55C.** (1) The Chief Pleas may meet remotely.

(2) A member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer shall be treated for all purposes of or under this Law as present at a remote meeting of the Chief Pleas (including, but not limited to, the purpose of forming a quorum in accordance with section 55E) if, by means of electronic communications or telecommunications or otherwise –

- (a) the member, the Greffier, the Prévôt or the Treasurer, as the case may be, has declared that they are present, and
- (b) in the case of a member other than the person presiding, and in the case of the Greffier, Prévôt or Treasurer, the person presiding has declared that the member, Greffier, Prévôt or Treasurer, as the case may be, shall be treated as present.

(3) For the purposes of this Part, a meeting of the Chief Pleas is a remote meeting if members of the Chief Pleas, the Greffier, the Prévôt and the Treasurer communicate and (in the case of Conseillers) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications.]

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**NOTE**

*Section 55C was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Proxy voting at meetings of the Chief Pleas.**

**55D.** (1) The Speaker may prescribe certain reasons for absence ("Authorised Absence") from a meeting of the Chief Pleas, which shall entitle a Conseiller ("**first Conseiller**") to arrange for the first Conseiller's vote to be cast by another Conseiller acting as a proxy if the first Conseiller's circumstances require the first Conseiller to take an Authorised Absence from a meeting of the Chief Pleas.

(2) The Speaker shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

(3) Despite section 55C(2), reasons for an Authorised Absence may include where a Conseiller is absent for only part of a meeting of the Chief Pleas because it is necessary or expedient for the purposes of other Chief Pleas business or a Conseiller is unable to vote remotely due to a failure in telecommunications, electronic communications or other means of communication.]

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**NOTE**

*Section 55D was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Quorum at a meeting of the Chief Pleas.**

**55E.** The quorum at a meeting of the Chief Pleas is a minimum of seven Conseillers in addition to the person presiding.]

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**NOTE**

*Section 55E was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Procedure for remote meetings of the Chief Pleas.]**

**55F.** (1) The following procedures shall apply where the Chief Pleas meet remotely.

(2) The Greffier shall make arrangements to enable a member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer to declare, in relation to a meeting of the Chief Pleas, that the member, Greffier, Prévôt or Treasurer, as the case may be –

- (a) is present,
- (b) intends to follow the proceedings and
- (c) in the case of a Conseiller, is able to vote by means of electronic communications, telecommunications or otherwise on that day.

(3) The Greffier shall inform the person presiding of the names of every person who has made the declaration under subsection (2) and the person presiding must state that those persons are present and instruct the Greffier to record that fact in the Minutes.

(4) Arrangements made by the Greffier must include arrangements for declarations under subsection (2) to be made after proceedings of the Chief Pleas have started; and the person presiding may admit a person making such a declaration to the remote meeting at any time.]

**NOTE**

*Section 55F was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**Modifications to the Rules of Procedure for remote meetings of the Chief Pleas.**

**55G.** (1) The Chief Pleas of Sark Rules of Procedure made on 2<sup>nd</sup> October, 2013 under section 36(1) ("**Rules of Procedure**") apply to remote meetings of the Chief Pleas subject to the provisions of this section.

(2) Rules 4(2), 11(2) and (6), 14(3) and 18(2) shall not apply.

(3) In rule 1 –

(a) in paragraph (3), the words "the same place and" shall not apply,

(b) in paragraph (4), for "placed in the official Island Notice Boxes" substitute "published on the official Sark Government Website and in such other form as the Speaker may determine", and the words "publicly available in paper form and" shall not apply.

(4) In rule 12(2), the words "from the floor" shall not apply.

(5) In rule 14 –

(a) in paragraph (1), for "written declaration, or any updated information, is submitted" substitute "declaration of interests, or updated information, is submitted to the Greffier, which may be submitted via electronic communications or telecommunications, and

which declaration or updated information shall be communicated by the Greffier to the Speaker",

- (b) in paragraph (2), for "declare his interest and withdraw from the Chamber during" substitute "declare his interest to the Speaker via electronic communications or telecommunications and take no part in",
- (c) for paragraph (4), substitute "A Conseiller who has declared his interest in an issue and is taking no part in the consideration of that issue in accordance with paragraph (2) may, if so requested by any other Conseiller, contribute factual or technical information for the purpose of any general debate of the issue in question."

(6) In rule 17, add at the end "For the purposes of, and subject to, this rule, a Member may interrupt another Member by notifying the Greffier via electronic communications or telecommunications stating "Point of Order" or "Point of Correction", as the case may be, and waiting to be invited to speak by the Speaker."

(7) In the first sentence of rule 19, for "a vote shall be conducted" substitute "a vote shall be conducted by appel nominal by means of electronic communication or telecommunications".

(8) In rule 21 –

- (a) for paragraph (1), substitute "A Conseiller may vote only by appel nominal by means of electronic communication or telecommunications (except where

the Conseiller is entitled by virtue of section 55D to vote by proxy)",

- (b) in paragraph (2), the first sentence shall not apply.]

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**NOTE**

*Section 55G was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Powers of Policy & Finance Committee to prescribe rules of procedure in relation to remote meetings of the Chief Pleas.]**

**55H.** (1) The Policy & Finance Committee may make additional rules of procedure applicable to remote meetings of the Chief Pleas, including (but not limited to) provision supplementing this section, and provision modifying the Rules of Procedure.

(2) For the avoidance of doubt, and without prejudice to subsection (1), the Chief Pleas may, whether meeting remotely or otherwise, by resolution –

- (a) make rules of procedure applicable to remote meetings of the Chief Pleas, and
- (b) amend, or revoke, rules of procedure made by the Policy & Finance Committee under subsection (1).

(3) Any rules made under this section at any time when this Part applies shall continue in effect despite this Part ceasing to apply in accordance with section 55A(4) but, for the avoidance of doubt, remote meetings of the Chief Pleas may only be held at any time when this Part applies.]

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**NOTE**

*Section 55H was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Remote meetings of committees.]**

**55I.** (1) A member of a committee who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the person presiding considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a member of the committee who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination.]

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**NOTE**

*Section 55I was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Power of Policy & Finance Committee to amend provisions in relation to Rules**

**of Procedure.**

**55J.** (1) The Policy & Finance Committee may by regulations amend or substitute any provisions in this Part, including in particular those which modify or otherwise refer to the Rules of Procedure, where it considers such amendment or substitution to be necessary or expedient as a result of any variation, revocation or replacement of those Rules of Procedure under section 36 or any other enactment.

(2) Regulations made under subsection (1) shall be laid before a meeting of the Chief Pleas as soon as possible after being made; and if at that meeting or the next meeting the Chief Pleas resolve that the regulations be annulled, they shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

(3) Any amendments or substitutions made under subsection (1) at any time when this Part applies shall continue in effect despite this Part ceasing to apply in accordance with section 55A(4).]

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**NOTE**

*Section 55J was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Time or mode of elections.**

**55K.** (1) The Chief Pleas may by Ordinance modify, adapt or disapply the law as to elections in Sark for the purpose of enabling any election required to be held under this Law or any nominations or other election-related procedure to be –

- (a) subject to subsection (2), held at a time other than that provided for under this Law, or
- (b) held, exclusively or partially, by postal ballot.

(2) An Ordinance made under subsection (1) may not provide for an election or an election-related procedure to be held more than six months after the latest date on which it could have been held under the law as to elections in Sark as in force immediately before the making of that Ordinance.

(3) For the avoidance of doubt, subsection (1) includes, without limitation, a power to modify, adapt or disapply provisions under this Law relating to entry upon and tenure of office of the Speaker and Deputy Speaker and of the Conseillers.

(4) Any modifications made under subsection (1) at any time when this Part applies shall continue in effect for the purposes of the specific election or election-related procedure in question despite this Part ceasing to apply in accordance with section 55A(4).]

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**NOTE**

*Section 55K was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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**[Interpretation of Part IVA.]**

**55L.** In this Part of this Law, unless the context requires otherwise –

**"Civil Contingencies Authority"** means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

**"emergency"** has the meaning given by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

**"person presiding"** means the Speaker or other person presiding at a meeting of the Chief Pleas or of a committee, as the case may be,

**"Rules of Procedure"**: see section 55G(1).]

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**NOTE**

*Section 55L was inserted by the Reform (Sark) (Amendment) Law, 2021, section 2, with effect from 24th June, 2022.*

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PART V

PROPERTY, CONTRACTS AND FINANCIAL PROVISIONS

*Property and contracts*

**Trustees.**

56. ...

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**NOTE**

*Section 56 was repealed by the Reform (Sark) (Amendment) Law, 2025, section 1(5), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law.<sup>38</sup>*

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**Acquisition, management and disposal of property.**

57. (1) The [Douzaine], as agent for the Chief Pleas, [has] all powers necessary –

- (a) to give a receipt for property acquired by or on behalf of the Chief Pleas, which receipt shall be sufficient acknowledgement of its receipt by the Chief Pleas,

- (b) subject to any direction of the Chief Pleas, for the management and control of property vested in the Chief Pleas,
- (c) for the disposal of property vested in the Chief Pleas of which the Chief Pleas have authorised [it] to dispose.

(2) The [Douzaine] shall not delegate [its] powers under this section to purchase, sell, alienate or charge property vested in the Chief Pleas but may, if authorised so to do by resolution of the Chief Pleas, delegate to a committee or other body [its] powers of management, repair and maintenance of such property.

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**NOTE**

*In section 57, the words in first, the first, second, the second and, third, the third pairs of square brackets in subsection (1) were substituted and those in, fourth, the first pair of square brackets in subsection (2) and, fifth, the word "its" in square brackets, wherever occurring in that subsection, were substituted by the Reform (Sark) (Amendment) Law, 2025, respectively section 1(6)(a)(i), section 1(6)(a)(ii), section 1(6)(a)(iii), section 1(6)(b)(i) and section 1(6)(b)(ii), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law.*

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**Contracts.**

**58.** A contract made on behalf of the Chief Pleas shall be expressed to be made by the Chief Pleas but shall be signed by the [the Sark Policy and Finance Committee] or such other person as the Chief Pleas may by Ordinance from time to time determine or by resolution in a particular case direct; and the signature of the [that Committee] or of such other person shall be prima facie evidence that the contract is the contract of the Chief Pleas.

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**NOTE**

*In section 58, the words in first, the first and, second, the second pairs of*

*square brackets in subsection (1) were substituted by the Reform (Sark) (Amendment) Law, 2025, respectively section 1(7)(a) and section 1(7)(b), with effect from 1st January, 2026, subject to the provisions of section 2(8)-(11) of the 2025 Law.*

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*Financial provisions*

**Annual budget.**

**59.** (1) The Treasurer shall submit to the Chief Pleas at their Easter meeting [accounts, audited or reviewed in accordance with section 63,] of the expenditure incurred for public purposes [, and the revenue received,] during the preceding financial year.

[ (2) The [Sark Policy and Finance Committee] shall, at [each Budget meeting], present a Budget setting out –

- (a) the forecast costs during the next ensuing financial year of such public purposes as the Chief Pleas may by resolution have determined should be, or as are required by any enactment to be, provided or undertaken, and
- (b) the forecast income required to be raised during the next ensuing financial year for the purpose of funding the forecast costs referred to in paragraph (a),

and such Budget, if approved by the Chief Pleas, shall be submitted to the Lieutenant Governor for approval.]

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**NOTES**

*In section 59,*

*first, the words in the first pair of square brackets in subsection (1)*

*were substituted and the words in the second pair of square brackets therein were inserted and, second, subsection (2) was substituted by the Reform (Sark) (Amendment) Law, 2016, section 31, respectively paragraph (a) and paragraph (b), with effect from 6th October, 2016;*<sup>39</sup>

*the words in the first pair of square brackets within subsection (2) were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018;*

*the words in the second pair of square brackets within subsection (2) were substituted by the Reform (Sark) (Amendment) Law, 2023, section 1(3), with effect from 8th November, 2023.*

*The functions, rights and liabilities of the Sark Finance and Resources Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by 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, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.*

---

### **Taxation.**

**60.** Subject to the provisions of the Direct Taxes (Sark) Law, 2002 [and the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007], the consent of Her Majesty in Council shall be required as heretofore for any taxation proposed by the Chief Pleas.

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### **NOTE**

*In section 60 (and not, as shown, incorrectly, in section 18(3)(b) of the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007, in section 61 of this Law), the words in square brackets were inserted by the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007, section 18(3)(b), with effect from 2nd June, 2008.*

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### **Consent of Lieutenant Governor.**

**61.** No expenditure shall be incurred otherwise than in accordance with the Budget, as approved pursuant to section 59, except with the consent of the Lieutenant Governor.

**Preparation of accounts.**

62. (1) Accounts shall be prepared in respect of each financial year in such form as the Chief Pleas shall, subject to this section, from time to time resolve.

(2) The accounts referred to in this section are both revenue accounts and a statement of balances and include an account of monies received by and expended by or on behalf of the Chief Pleas.

(3) The Treasurer shall ensure that accounts are prepared and submitted to the [independent accountant] appointed pursuant to section 63, as soon as practicable after the end of each financial year, by every person who has, during that financial year, received or expended money, or had the control or management of property, on behalf of the Chief Pleas.

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**NOTE**

*In section 62, the words in square brackets in subsection (3) were substituted by the Reform (Sark) (Amendment) Law, 2016, section 32, with effect from 6th October, 2016.*

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**[Audit or review etc. of accounts.]**

63. [ (1) The accounts shall be audited or reviewed by an independent accountant ("**the appointed person**") appointed from time to time by the Chief Pleas and approved by the Lieutenant Governor.]

(2) A person shall not be appointed [to audit or review the accounts] if he is a member of the Chief Pleas or if he holds any public office in Sark other than that of special constable.

(3) The remuneration and necessary expenses of the [appointed person] in connection with his functions under this section shall be a debt due to him

from the Chief Pleas as soon as he has completed the performance of those functions and shall be defrayed by the Treasurer out of public funds without the necessity of an order or vote or resolution of the Chief Pleas.

[ (4) The appointed person shall, as directed by resolution of the Chief Pleas, audit or review the accounts prepared pursuant to section 62 and shall, as soon as possible thereafter, submit a report to the Treasurer.]

(5) As soon as practicable after the submission to him of the report referred to in subsection (4) the Treasurer shall submit that report to the Chief Pleas together with the accounts to which it relates and his comments thereon.

[ (6) The Chief Pleas may from time to time determine the accounting standards which shall be adopted for the purpose of an audit or review under this section.]

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**NOTE**

*In section 63, first, the marginal note thereto, second, subsection (1), third, the words in square brackets in subsection (2), fourth, the words in square brackets in subsection (3) and, fifth, subsection (4) were substituted and, sixth, subsection (6) was inserted by the Reform (Sark) (Amendment) Law, 2016, section 33, respectively paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e) and paragraph (f), with effect from 6th October, 2016.*

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PART VI

MISCELLANEOUS AND GENERAL

**[Duty to refer certain matters to the Chief Pleas.]**

**63A.** Where it is proposed that –

- (a) a provision of a draft Act of the Parliament of the

United Kingdom should apply directly to Sark, or

- (b) an Order in Council should be made –
  - (i) extending to Sark a provision of an Act of the Parliament of the United Kingdom,
  - (ii) extending to Sark a Measure, pursuant to the Channel Islands (Church Legislation) Measures 1931<sup>aa</sup> and 1957<sup>ab</sup>, or
  - (iii) that is otherwise expressed to have effect in, or to be applicable to or otherwise binding upon, Sark,

the Sark Policy and Finance Committee shall, unless that Committee considers it unnecessary, submit the proposal to the Chief Pleas in order that the Chief Pleas may signify their views on it.]

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**NOTE**

*Section 63A was inserted by the Reform (Sark) (Amendment) Law, 2020, section 1, with effect from 21st May, 2021.*

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**Guernsey police in Sark.**

**64.** (1) The Chief Officer of Guernsey Police may, upon the application of [a Constable], [...] require one or more Guernsey police officers to attend in Sark to carry out such duties as he may order.

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**aa** 21 and 22 Geo.V. No. 4 and 5.

**ab** 5 and 6 Eliz. 2, No. 1.

(2) The costs incurred by the presence of Guernsey police officers in Sark pursuant to subsection (1) shall be paid out of Sark public funds.

(3) If, at any time, the Lieutenant Governor considers that the presence of Guernsey police officers in Sark is required, and no application pursuant to subsection (1) has been made by [a Constable], such an application may be made by Her Majesty's Procureur.

[ (4) The Constable shall inform the Seigneur whenever an application is made under subsection (1).]

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#### NOTES

*In section 64,*

*the words "a Constable" in square brackets, wherever occurring, were substituted by the Reform (Sark) (Amendment) Law, 2022, section 5(1), with effect from 18th November, 2022;*

*the words omitted in the second pair of square brackets in subsection (1) were repealed and subsection (4) was inserted by the Reform (Sark) (Amendment) Law, 2016, section 34, respectively paragraph (a) and paragraph (b), with effect from 6th October, 2016.*

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#### **Interpretation.**

**65.** (1) In this Law, unless the context otherwise requires –

[ "**Appointments Committee**" means the committee appointed by the Seigneur under section 5A,]

"**Assistant Constable**" means a person appointed by the Chief Pleas to act as an Assistant Constable pursuant to section 53,

**"the Bailiff"** means the Bailiff of Guernsey,

[ **"by-election"** means an election to fill any vacancies amongst the Conseillers held under section 23A or 25(4),]

**"Chief Pleas"** means the Chief Pleas of Sark constituted in accordance with Part III,

**"committee"** means the Douzaine appointed under section 43 or any committee of the Chief Pleas appointed under section 44,

**"Conseiller"** means a person elected as a Conseiller in accordance with this Law,

**"[Constable]"** means a person appointed by the Chief Pleas to act as Constable pursuant to section 52 and shall, unless the context otherwise requires, include the Vingtenier and a Guernsey police officer on duty in Sark,

**"the Court"** means the Court of the Seneschal constituted in accordance with Part II,

**"Deputy Seneschal"** means a person appointed by the [Appointments Committee] to act as Deputy Seneschal pursuant to section 7,

[ **"Deputy Speaker"** means the Deputy Speaker of the Chief Pleas elected in accordance with section 22A as applicable under section 22B(2),]

**"Douzaine"** means the committee of the Chief Pleas appointed pursuant to section 43,

**"election"** means an election held under this Law for the purpose of

electing one or more Conseillers,

**"general election"** means an election for the purpose of electing Conseillers held [under section 23],

**"the Greffier"** means the person appointed to act as Greffier pursuant to section 49,

**"Guernsey police officer"** means a member of the salaried police force of the Island of Guernsey,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

[ **"independent accountant"** means a person who is a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland, the Institute of Chartered Accountants in Ireland or the Chartered Association of Certified Accountants, or who is recognised by the Chief Pleas as having similar qualifications obtained outside the United Kingdom,]

**"the law as to elections in Sark"** means any provision relating to elections in Sark, whether contained in this Law, in an Ordinance made under this Law, or in any other enactment in force in Sark,

**"legal disability"** means being a minor; certification as a person of unsound mind; subjection in the case of a person aged 18 years or over to guardianship; being an in-patient for reasons of mental illness at a hospital or other institution; and the Chief Pleas may by Ordinance prescribe the extent to which a person serving a sentence of imprisonment imposed in consequence of conviction of an offence shall be regarded as being under a legal disability, and different provision may be made for different classes or categories of

prisoner and different lengths of terms of imprisonment,

**"the Lieutenant Governor"** means the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies,

**"meeting of the Chief Pleas"** means any meeting convened in accordance with section 32,

[ ...]

**"the Prévôt"** means the person appointed to act as Prévôt pursuant to section 49,

[ ...]

**"Register of Electors"** means the register required to be prepared under section 29,

**"regulations"** includes orders, rules, schemes and other subordinate instruments of a legislative nature but does not include rules of court,

[ **"Remuneration Panel"** means the panel constituted under section 6(6),]

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

**"Sark"** means the Island of Sark and includes its dependencies,

[ **"Sark Commissioner"** has the meaning given in paragraph 1 of Schedule 3 to this Law,]

[ "**Seneschal**" means a person appointed by the Appointments Committee to act as Seneschal pursuant to section 6,]

**"special constable"** means a person appointed to be a special constable pursuant to section 54,

**"the Treasurer"** means the person appointed to act as Treasurer pursuant to section 50,

**"the Vingtenier"** means the person appointed to act as Vingtenier pursuant to section 52.

(2) Unless the context otherwise requires, a reference in this Law to any other enactment is a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Law.

(3) Unless the context otherwise requires –

(a) a reference in this Law to a numbered or lettered Part, section or Schedule is a reference to the Part or section of, or to the Schedule to, this Law which is so numbered or lettered,

(b) a reference in a provision of this Law to a numbered or lettered subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of that provision which is so numbered or lettered.

(4) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the

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

interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

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**NOTES**

*In section 65,*

*the definition of the expression "Appointments Committee" in subsection (1) was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 15(a), with effect from 3rd September, 2012;*

*first, the definition of the expression "by-election" and, second, the words in square brackets in the definition of the expression "general election" in subsection (1) were substituted by the Reform (Sark) (Amendment) Law, 2017, section 8, respectively paragraph (a) and paragraph (b), with effect from 19th January, 2018, subject to the savings and transitional provisions in section 9 of the 2017 Law;<sup>40</sup>*

*the word "Constable" in square brackets in the definition of that expression in subsection (1) was substituted by the Reform (Sark) (Amendment) Law, 2022, section 6, with effect from 18th November, 2022;*

*the definition of the expression "Seneschal" in subsection (1) was inserted, and the words in square brackets in the definition of the expression "Deputy Seneschal" in subsection (1) were substituted, by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 15, respectively paragraph (d) and paragraph (b), with effect from 27th February, 2013;*

*first, the definition of the expression "Deputy Speaker" was inserted and, second, the words omitted in square brackets immediately after the definition of the expression "meeting of the Chief Pleas" (which words were originally inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 15(c), with effect from 3rd September, 2012) were repealed by the Reform (Sark) (Amendment) Law, 2016, section 35, respectively paragraph (b) and paragraph (a), with effect from 27th February, 2017;*

*first, the words omitted in square brackets immediately after the definition of the expression "the Prévôt" in subsection (1) were repealed and, second, the definitions of the expressions "independent accountant" and "Remuneration Panel" therein were inserted by the Reform (Sark) (Amendment) Law, 2016, section 35, respectively paragraph (a) and paragraph (b), with effect from 6th October, 2016;*

*the definition of the expression "Sark Commissioner" was inserted by the Reform (Sark) (Amendment) Law, 2025, section 1(3), with effect from 1st January, 2026.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.*

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*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.*

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#### **Amendments, repeals and general savings.**

66. (1) The enactments specified in column (1) of Schedule 1 are amended to the extent specified in column (2) of that Schedule.

(2) The enactments specified in column (1) of Schedule 2 are repealed to the extent specified in column (2) of that Schedule.

(3) Without prejudice to the general application of section 19 of the Interpretation (Guernsey) Law, 1948 (effect of repeal and re-enactment) –

(a) a reference in any other enactment to an enactment repealed by this Law shall, unless the contrary intention appears, be construed as including a reference to the corresponding provision of this Law,

(b) any document referring, expressly or by implication, to an enactment repealed by this Law shall, so far as may be necessary for preserving its effect, be construed as

referring, or as including a reference, to the corresponding provision of this Law,

- (c) in so far as any Ordinance, rule or regulation made or other thing done under an enactment repealed by this Law, or having effect as if so made or done, could have been made or done under a corresponding provision of this Law, it shall have effect as if made or done under that corresponding provision.

**Specific savings and transitional provisions.**

67. (1) Without prejudice to the generality of section 66(3), a person who immediately before the commencement of this Law was, under the Reform (Sark) Law, 1951 –

- (a) the Seneschal of Sark,
- (b) the Deputy Seneschal of Sark,
- (c) the Prévôt, Greffier or Treasurer, or the duly appointed deputy of any of those persons, or the holder of any other public office or appointment, including the office of special constable,

shall be deemed to have been elected or appointed, as the case may be (on the date on which he was in fact so elected or appointed), under this Law.

(2) A person who, immediately before the commencement of this Law was, under the Reform (Sark) Law, 1951, a member of the Chief Pleas as a Tenant or as a Deputy of the People, shall continue in office until he ceases to hold office by virtue of the provisions of section 23(2) of this Law.

(3) A person who, immediately before the commencement of this Law was a member of the Douzaine constituted under section 21 of the Reform (Sark) Law, 1951, or a member of any other Committee of the Chief Pleas, shall, whenever his term of office would otherwise expire, continue in office until he ceases to be a member by virtue of the provisions of section 23(2) of this Law, and shall then, without prejudice to his right to stand for re-election if he is eligible so to do, retire.

(4) Any legal proceedings commenced in Sark before the date when Part II of this Law comes into force and continuing on that date may be continued before the Court constituted under Part II as if they had been commenced (on the date when they were in fact commenced) before the Court.

- (5) Nothing in this Law shall be construed as rendering a person –
- (a) liable to prosecution under this Law in respect of an act or omission before the commencement of this Law, or
  - (b) liable to a penalty in respect of such an act or omission which is greater than any penalty which could have been imposed in that respect if this Law had not been passed.

(6) A reference in any enactment passed or document made before the commencement of this Law to the Chief Pleas or to the Court shall, unless the context otherwise requires, be construed after the commencement of this Law as including a reference to the Chief Pleas or the Court, as the case may be, constituted under this Law.

**Citation.**

68. This Law may be cited as the Reform (Sark) Law, 2008.

**Commencement.**

69. This Law shall come into force on a date to be appointed by Ordinance of the Chief Pleas, and different dates may be appointed for different provisions of this Law and for different purposes.

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**NOTE**

*The Law was brought into force on 1st September, 2008 by the Reform (Sark) Law, 2008 (Commencement) Ordinance, 2008, section 1(b), save for section 8, section 9 (insofar as it refers to persons appointed as Lieutenant Seneschals) and section 68, brought into force on 20th May, 2008 by section 1(a) of the 2008 Ordinance.*

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SCHEDULE 1

Section 66(1)

ENACTMENTS AMENDED

(1) ENACTMENT	(2) AMENDMENT
The Road Traffic (Horse-Drawn Vehicles) (Sark) Law, 1969, as amended <sup>e</sup>	After section 2(2) insert the following subsection –  "(3) Any sums received by way of fees for horse-drawn vehicle licences shall accrue to Chief Pleas and shall be applied towards expenditure for public purposes."
The Tractors (Sark) Law, 1974, as amended <sup>f</sup>	In section 10, at the end of subsection (2) insert the following words –  "and the tax so paid shall be paid by the Constable to Chief Pleas and shall be applied towards expenditure for public purposes".
The Real Property (Succession) (Sark) Law, 1999 <sup>g</sup>	In section 8(12), the words ", except that he shall not be entitled to a seat in the Chief Pleas" are repealed, and in section 18(1), in the definition of "tenement",

<sup>e</sup> Ordres en Conseil, Vol. XXII, p. 112; Vol. XXVII, p. 254; Vol. XXVIII, p. 328.

<sup>f</sup> Ordres en Conseil, Vol. XXIV, p. 344; Vol. XXVIII, pp. 324 and 341; Vol. XXXI, p. 13.

<sup>g</sup> Order in Council No. XIII of 1999.

	for the words "having the right to a seat in" substitute "the ownership of which, immediately before the commencement of the Reform (Sark) Law, 2008, conferred the right to a seat in the Chief Pleas".
The Firearms (Sark) Law, 2001 <sup>h</sup>	In section 34(4), for the words "Constables Account", substitute "Chief Pleas and shall be applied towards expenditure for public purposes".

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**NOTE**

*The Tractors (Sark) Law, 1974 has since been repealed by the Motor Vehicles (Sark) Law, 2013, section 45, Schedule, with effect from 6th October, 2014, subject to the savings and transitional arrangements in section 42 of the 2013 Law.*

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<sup>h</sup> Order in Council No. XII of 2002.

## SCHEDULE 2

Section 66(2)

## ENACTMENTS REPEALED

(1) ENACTMENT	(2) EXTENT OF REPEAL
The Reform (Sark) Law, 1951 <sup>i</sup>	The whole Law
The Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971 <sup>j</sup>	The whole Law
The Reform (Amendment) (Sark) Law, 1981 <sup>k</sup>	The whole Law
The Reform (Amendment) (Sark) Law, 1986 <sup>l</sup>	The whole Law
The Real Property (Succession) (Sark) Law, 1999	Sections 16 and 17
The Reform (Enactment of Ordinances) (Sark) Law, 2000 <sup>m</sup>	The whole Law

<sup>i</sup> Ordres en Conseil, Vol. XV, p. 215.

<sup>j</sup> Ordres en Conseil, Vol. XXIII, p. 200.

<sup>k</sup> Ordres en Conseil, Vol. XXVII, p. 385.

<sup>l</sup> Ordres en Conseil, Vol. XXIX, p. 352.

<sup>m</sup> Order in Council No. XI of 2000.



SARK COMMISSIONER FOR STANDARDS

**Office of Sark Commissioner.**

1. (1) There is established an office of Sark Commissioner of Standards.

(2) A person who holds the office of Sark Commissioner of Standards is referred to in this Law as the "**Sark Commissioner**".

(3) For the avoidance of doubt, the Sark Commissioner is not "**the holder of a public office in the Bailiwick**" for the purposes of the First Schedule to the Reform (Guernsey) Law, 1948.

**Appointment of Sark Commissioner.**

2. (1) The Sark Commissioner shall be appointed by the Chief Pleas on the nomination of the Committee.

(2) The Sark Commissioner shall be appointed on such terms and conditions as may from time to time be agreed between the Committee and the Sark Commissioner, provided that none of those terms and conditions is inconsistent with any provision of this Schedule.

(3) Without prejudice to subparagraph (2), and subject to the provisions of this paragraph and paragraph 3 (vacancy in office), the Sark Commissioner shall hold office for such term not exceeding five years as may be agreed between the Committee and the Sark Commissioner at the time of appointment.

(4) On being appointed the Sark Commissioner shall cease to –

- (a) hold any employment as an employee of the Chief Pleas, and
- (b) be the holder of any public office in the Bailiwick.

(5) If the Sark Commissioner ceases to hold office by reason of the expiration of the agreed term, he or she shall be eligible for reappointment.

(6) For the purposes of this paragraph, "**holder of any public office in the Bailiwick**" does not include any person who holds an office with equivalent functions as the Sark Commissioner for the purposes of any other jurisdiction in the Bailiwick.

**Vacancy in office.**

3. (1) The office of Sark Commissioner becomes vacant if –
- (a) the term of appointment of the person holding the office expires,
  - (b) the Chief Pleas resolve to revoke the appointment, or
  - (c) the person holding the office –
    - (i) dies,
    - (ii) gives the Committee written notice of resignation from the appointment,
    - (iii) stands for election to the office of Conseiller or Speaker,

- (iv) becomes an employee of the Chief Pleas, or the holder of a public office in the Bailiwick,
- (v) is compulsorily detained under the Mental Health (Bailiwick of Guernsey) Law, 2010,
- (vi) becomes bankrupt,
- (vii) whether in the Bailiwick or elsewhere, is convicted of an offence involving corruption, or
- (viii) whether in the Bailiwick or elsewhere, is ordered to be imprisoned following conviction for any offence.

(2) Subject to subparagraph (3), the Committee may appoint a person to carry out the duties of the office of the Sark Commissioner while –

- (a) the office is vacant, or
- (b) the holder of the office is unable to perform the functions of the office.

(3) The Committee must report an appointment under subparagraph (2) to the Chief Pleas as soon as reasonably practicable.

**Resources.**

4. The Chief Pleas must ensure that the Sark Commissioner is provided with such administrative and other support as the Sark Commissioner may reasonably require for the purpose of discharging the functions of the Sark Commissioner under

this Law.

## PART 2 - POWERS AND DUTIES

### **Appointment of Deputy Sark Commissioner.**

5. (1) The Sark Commissioner, following consultation with the Committee, may, subject to such terms and conditions as the Sark Commissioner thinks fit following that consultation, appoint any person as Deputy Sark Commissioner with authority to exercise the Sark Commissioner's functions –

- (a) during any period during which the Sark Commissioner is unavailable, and
- (b) in respect of any matter in relation to which the Sark Commissioner considers that he or she is unable to act, because of a conflict of interest or for any other reason.

(2) A function exercised by a Deputy Sark Commissioner pursuant to an appointment under this paragraph is for all purposes exercised by the Sark Commissioner; and every decision taken or other thing done by a Deputy Sark Commissioner pursuant to such an appointment has the same effect as if taken or done by the Sark Commissioner.

(3) An appointment under this paragraph of a Deputy Sark Commissioner –

- (a) may be varied or terminated at any time by the Sark Commissioner following consultation with the Committee, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment,

- (b) does not prevent the exercise of the function by the Sark Commissioner while the appointment subsists.

**Commissioner's functions relating to investigations, complaints and other matters.**

- 6. (1) The functions of the Sark Commissioner are –
  - (a) to investigate a complaint to the Sark Commissioner that a breach of the code of conduct has occurred,
  - (b) to initiate an investigation if the Sark Commissioner believes that a breach of the code of conduct may have occurred,
  - (c) to report to the Committee on the outcome of any investigation referred to in item (a) or (b),
  - (d) on the Sark Commissioner's own initiative or, if requested by the Committee, to give advice on any matter relating to standards of conduct of members of Chief Pleas, including proposals to change the code of conduct, and
  - (e) all such other functions as may be assigned to the office of the Sark Commissioner by Resolution of the Chief Pleas, or under any other enactment.

- (2) The Sark Commissioner shall not investigate a complaint which –

*Consolidated text*

- (a) is made anonymously,
- (b) in the Sark Commissioner's opinion, is frivolous, vexatious or unsubstantiated,
- (c) is from a person who is not a member of the Chief Pleas regarding words spoken by, or actions of, a member during a meeting of the Chief Pleas, or
- (d) relates to an act or omission which took place before the relevant date.

(3) On receipt of a complaint described in subsection (1)(a), the Sark Commissioner must decide whether there are grounds to investigate and shall either –

- (a) notify the complainant that no such grounds exist (including, but not limited to, because the complaint falls into subparagraph (2)), or
- (b) undertake an investigation, save that (for the avoidance of doubt) the Sark Commissioner is not required to notify the complainant under item (a) where the complaint has been made anonymously.

(4) The Sark Commissioner shall determine the procedure and timing of any investigation.

(5) In making a report to the Committee under subsection (1)(c), the Sark Commissioner shall state his or her conclusions and recommend what action, if any, should be taken.

(6) The Sark Commissioner's conclusions and recommendations are not binding on the Committee.

(7) Notwithstanding subparagraph (1), the Sark Commissioner may perform any of the functions set out in that subparagraph in relation to a complaint against a Conseiller regarding an act or omission which is alleged to breach any of paragraphs 1.3 to 1.7 of the "Code of Conduct – Conseillers of Chief Pleas" where -

- (a) that act or omission is alleged to have taken place on or after the relevant date, but before the commencement of this paragraph, and
- (b) the complaint is made to the Sark Commissioner no later than 6 months after the date on which this paragraph is commenced,

and, for the avoidance of doubt, the provisions of this Schedule shall apply in relation to such a complaint as if it were a complaint made under a code of conduct adopted under section 21A of this Law.

(8) For the purposes of this paragraph, "**the relevant date**" means the date determined for that purpose by resolution of the Chief Pleas.

**Independence.**

7. (1) The Sark Commissioner must not be directed by any person on how any function of the office of the Sark Commissioner is to be carried out, including, in particular, whether or not to undertake an investigation referred to in paragraph 6(1)(a) or (b).

(2) The Sark Commissioner may seek legal advice from His Majesty's Procureur on any subject relevant to the functions of the office of the Sark Commissioner.

**Statement of manner in which functions are to be discharged.**

8. (1) The Sark Commissioner may make and publish a statement of the manner in which he or she proposes to discharge his or her functions under this Schedule and any other enactment.

(2) The Sark Commissioner shall keep under review and revise, as needed, any statement made and published under subparagraph (1).

(3) The Sark Commissioner must, at the same time that a statement or revision is made, provide a copy of the statement or revision, as the case may be, to the Committee.

(4) The Committee must, as soon as reasonably practicable, lay any statement made under this paragraph, and any revision of it, before the Chief Pleas.

**Duty to prepare annual report.**

9. (1) The Sark Commissioner shall, each year –

- (a) make a report in respect of the activities of the office of the Sark Commissioner for the previous year, and
- (b) at the same time as the report is made, provide a copy of it to the Committee.

(2) On receiving the report mentioned in subparagraph (1) the Committee shall, as soon as reasonably practicable, lay it before the Chief Pleas.

**Appeals.**

10. (1) Subject to the provisions of this paragraph, and only following consultation with the Committee, the Sark Commissioner shall establish a mechanism for the making of appeals against decisions of the Sark Commissioner by persons aggrieved by those decisions.

(2) The mechanism established under subparagraph (1) shall provide that the grounds of an appeal against a decision of the Sark Commissioner are that –

- (a) there was a material error in the relevant investigation by the Sark Commissioner that affected the decision,
- (b) the decision was unreasonable,
- (c) the process followed by the Sark Commissioner in reaching the decision was flawed,
- (d) credible new evidence has become available which, if accepted, would have a real prospect of affecting the decision,
- (e) in the case of a decision to impose a sanction, the sanction imposed was disproportionate, or
- (f) there is another compelling reason to allow an appeal to be made.

(3) When establishing a mechanism for the making of appeals under subparagraph (1) –

- (a) (for the avoidance of doubt) the Sark Commissioner may make provision in respect of any related procedural matters in such manner as the Sark Commissioner thinks fit, including (but not limited to) –
  - (i) prescribing forms, and
  - (ii) specifying time limits within which appeals have to be made, and
- (b) the Sark Commissioner shall take into account the importance of ensuring that the mechanism provides for appeals to be determined in a way that is fair and timely.

(4) The Sark Commissioner shall arrange for a description of the appeal mechanism established under subparagraph (1) to be included in the statement to be made and published under paragraph 8, and for any prescribed forms or other materials relating to appeals to be appended thereto.

### PART 3 – ENFORCEMENT AND OFFENCES

#### **Power to require people to appear, answer questions and provide documents.**

11. (1) Subject to subparagraph (2), the Sark Commissioner may, in the exercise of his or her functions, do all or any of the following –

- (a) require a person to appear before the Sark Commissioner to give evidence or to produce a specified document, or to do both,

- (b) require a person to answer questions,
- (c) require a person who has access to a document to provide the information contained in it to the Sark Commissioner in a legible and comprehensible form.

(2) For the avoidance of doubt, a person may at any time refuse to answer a question from, or produce a document to, the Sark Commissioner on the ground of a privilege conferred by section 33.

(3) The power under subparagraph (1)(a) to require a document to be produced includes a power –

- (a) if the document is produced, to retain the document or to take copies of it or extracts from the information it contains, and
- (b) if the document is not produced, to require the person to whom the requirement was directed to state, to the best of his or her knowledge and belief, where it is.

(4) If documents are retained, a list of the documents must be supplied to the person from whom they were obtained.

(5) A document retained under subparagraph (3)(a) –

- (a) may be retained for one year, but
- (b) if within that year proceedings to which the document is relevant are commenced against any person, may be retained until the conclusion of those proceedings.

- (6) If –
- (a) the Sark Commissioner has retained a document under subparagraph (3)(a), and
  - (b) a person reasonably requires the document for his or her business,

the Sark Commissioner must provide the person with a copy of it as soon as reasonably practicable.

(7) In this Part, "**document**" has the meaning given in Part II of the Schedule to the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016.

*Offences*

**Disobedience to requirement of Sark Commissioner.**

12. (1) A person who, without reasonable excuse –
- (a) disobeys a requirement to produce documents to the Sark Commissioner, to answer questions or to appear before the Sark Commissioner to give evidence, or
  - (b) having so appeared, refuses to comply with a requirement to answer a question put by the Sark Commissioner,

is guilty of an offence.

(2) A person guilty of an offence under subparagraph (1) shall be liable to a fine not exceeding level 5 on the Sark uniform scale.

**Interference with witnesses.**

13. (1) A person is guilty of an offence if he or she, by fraud, intimidation, force or threat, by the offer or promise of any inducement or benefit, or by other improper means –

- (a) induces or attempts to induce another person who has been required to answer questions from, appear before or produce documents to the Sark Commissioner, to refrain from doing as requested or formally required, or
- (b) influences or attempts to influence another person in respect of any information given or documents produced in response to such a request.

(2) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

**False or misleading information.**

14. (1) If a person to whom subparagraph (2) applies –

- (a) makes a statement which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,

- (c) produces or furnishes, or causes or permits to be produced or furnished, any information or document which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
  - (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular, he or she is guilty of an offence.
- (2) This subparagraph applies to a person ("**P**") who –
- (a) makes any statement or provides any information or document to the Sark Commissioner, or to any officer, servant or agent of the Sark Commissioner, when the Sark Commissioner or that person is acting in the exercise of his or her functions, or
  - (b) otherwise than as mentioned in paragraph (a) makes any statement or provides any information or document to the Sark Commissioner in circumstances in which P knows or could reasonably be expected to know that the statement, information or document would or might be used by the Sark Commissioner for the purpose of exercising his or her functions.
- (3) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

**Obstruction.**

15. (1) A person shall be guilty of an offence if he or she hinders or obstructs a person in the exercise by that person of a function under this Schedule.

(2) A person guilty of an offence under subparagraph (1) shall be liable to a fine of level 5 on the Sark uniform scale, to a period of imprisonment not exceeding three months, or to both.

**Destruction of documents.**

16. (1) A person shall be guilty of an offence if, when required to produce a document under this Schedule or knowing that a document may be required to be produced under this Schedule, the person, with intent to deceive, destroys the document or in any other way renders it unintelligible or useless, or difficult or impossible to retrieve.

(2) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

PART 4 - FINAL

**Immunity of persons appearing, answering questions and providing documents.**

17. (1) Subject to subparagraphs (2) and (3) –

(a) no civil proceedings or criminal proceedings may be instituted against any person in respect of any words spoken or written by that person –

(i) in a complaint to the Sark Commissioner that a breach of the code of conduct has occurred, or

(ii) in the course of answering questions from, or

appearing and giving evidence before, the Sark Commissioner, and

- (b) an answer given by a person to a question put to that person, or an oral or written statement made by a person in the course of the person's appearance before the Sark Commissioner, shall not be admissible in evidence against the person in any other civil proceedings or criminal proceedings.

(2) Subparagraph (1) does not preclude the institution of criminal proceedings under paragraph 14 (false or misleading information).

(3) Subparagraph (1)(a) does not apply to a complaint that the Sark Commissioner does not investigate in accordance with paragraph 6(2).

(4) Where a person ("A") provides, in compliance with a request made under this Schedule, a document in respect of another person ("B"), the provision of that document shall not be regarded as a breach of any duty owed by A to B.

**Exclusion of liability.**

**18.** (1) No person undertaking a function under this Schedule (including, but not limited to, the Sark Commissioner) is to be liable in damages or personally liable in any civil proceedings in respect of anything done, or omitted to be done, after the coming into force of this Schedule in respect of that function, unless the thing was done or omitted to be done in bad faith.

(2) Subparagraph (1) does not prevent an award of damages in respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000.

**Interpretation.**

19. In this Schedule, unless the context requires otherwise –

**"bankrupt"**, in relation to any person ("**P**"), means –

- (a) that P has been declared by the Royal Court to be insolvent or that a Commissioner or Committee of Creditors has been appointed by the Royal Court to supervise or secure P's estate,
- (b) that P's affairs have been declared in a state of désastre at a meeting held before a Commissioner of the Court of the Seneschal,
- (c) that a saisie administration order has been made against P in respect of any of his or her real property in the Bailiwick, or
- (d) that a composition or arrangement with creditors has been entered into in respect of P whereby P's creditors will receive less than 100p in the pound or that possession or control has been taken of any of P's property or affairs by or on behalf of creditors,

**"the code of conduct"** means a code of conduct within the meaning of section 21A that is in force at the relevant time, and for these purposes **"the relevant time"** means –

- (a) for the purposes of paragraph 6(1)(a), the time of the alleged breach relating to the complaint,

- (b) for the purposes of paragraph 6(1)(b), the time of the suspected breach, and
- (c) for the purposes of paragraph 6(1)(d), the time the proposals for change are made,

the "**Commissioner**": see paragraph 1(2),

the "**Committee**" means the Sark Policy and Finance Committee,

"**member**": see section 21A of this Law, and

"**Speaker**" include the Deputy Speaker.

**Amendment.**

**18.** The Chief Pleas may, by Ordinance, amend –

- (a) this Schedule as they see fit,
- (b) any other provision of this Law for the purposes of giving effect to –
  - (i) this Schedule, as from time to time amended, and
  - (ii) any code of conduct.]

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**NOTE**

*Schedule 3 was inserted by the Reform (Sark) (Amendment) Law, 2025,*

*section 1(4), with effect from 1st January, 2026, subject to the provisions of section 1(5) and (6) of the 2025 Law.*

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**1** The Law was previously modified by the Emergency Powers (Chief Pleas Procedures) (Sark) Regulations, 2020, regulation 1(2), with effect from 25th March, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 38, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 39, with effect from 15th May, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, regulation 36, with effect from 13th June, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, regulation 21A, with effect from 23rd January, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, regulation 28, with effect from 5th February, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021, regulation 28, with effect from 5th March, 2021.

**2** The entry corresponding to section 5A in the Arrangement of Sections was inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 2(a), with effect from 13th February, 2013.

**3** Prior to their repeal, the words omitted in the third pair of square brackets in subsection (4) were amended by 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.

**4** These words were previously substituted by 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.

**5** The functions, rights and liabilities of the Sark Policy and Performance Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark General Purposes and Advisory 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.

**6** The functions, rights and liabilities of the Sark Finance and Resources Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark Finance and Commerce Committee and its Chairman by the Sark General Purposes and Advisory and Finance and Commerce

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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.

**7** Prior to its substitution, subsection (1) was amended by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 21, with effect from 18th April, 2012.

**8** These words were previously substituted by 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.

**9** The functions, rights and liabilities of the Sark Policy and Performance Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark General Purposes and Advisory 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; and the functions, rights and liabilities of the Sark Finance and Resources Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark Finance and Commerce 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.

**10** These words were previously substituted, in part, by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 7, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**11** This word was previously substituted by the Reform (Sark) Law, 2008 (Amendment) Ordinance, 2017, section 1, with effect from 4th October, 2017.

**12** The word in square brackets in paragraph (c) of subsection (1) was previously substituted by the Reform (Sark) Law, 2008 (Amendment) Ordinance, 2017, section 1, with effect from 4th October, 2017.

**13** The entries corresponding to section 22A and the heading thereto in the Arrangement of Sections were inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 2(b), with effect from 13th February, 2013.

**14** The entries in the Arrangement of Sections corresponding to, first, the centre heading "Speaker of the Chief Pleas" under "PART III, THE CHIEF PLEAS OF SARK" and, second, the marginal note to section 22A in the aforementioned Arrangement of Sections were substituted by the Reform (Sark) (Amendment) Law, 2016, section 2, respectively paragraph (a) and paragraph (b), with effect from 6th October, 2016; and, prior to its substitution, subsection (5) was brought into force on 3rd September, 2012 by the Reform (Sark) (Amendment) (No. 2) Law, 2010 (Commencement No. 2) Ordinance, 2012, section 1(b).

**15** The entry corresponding to section 22B in the Arrangement of Sections was inserted by the Reform (Sark) (Amendment) Law, 2016, section 2(c), with effect from 27th February, 2017.

**16** Prior to its substitution, section 23 was amended by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 16, respectively paragraph (a) and paragraph (b), with effect from 18th April, 2012; the Reform (Sark) (Amendment) Law, 2016, section 16, with effect from

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27th February, 2017; the Reform (Sark) (Amendment) Law, 2014, section 3, with effect from 28th November, 2014.

**17** The word "Speaker" where first occurring in subsection (1) was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 9(a), with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**18** The word in the first pair of square brackets was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 9(a), with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**19** Subsection (2) was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 17(a), with effect from 18th April, 2012.

**20** Subsection (4)(c) was previously amended by the: Reform (Sark) (Amendment) Law, 2010, section 1(b), with effect from 20th August, 2010; Reform (Sark) (Amendment) (No. 2) Law, 2010, section 19(c), with effect from 18th April, 2012, subject to the transitional provision in section 26(3) of the 2010 Law.

**21** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 10(a), with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**22** This word (save where first occurring) was substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 11(b), with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**23** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**24** This word, where appearing in the first pair of square brackets in subsection (4), was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 12(b), with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**25** The entry corresponding to section 38 in the Arrangement of Sections was repealed by the Reform (Sark) (Amendment) Law, 2016, section 2(d), with effect from 6th October, 2016.

**26** These words were previously substituted by the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015, section 3, with effect from 9th July, 2015. See also the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009; the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015.

**27** The functions, rights and liabilities of the Sark Policy and Performance Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark General Purposes and Advisory 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. Previous transfers of functions were made by the Sark General Purposes and

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Finance Committee (Transfer of Functions) Ordinance, 2009; and the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015.

**28** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**29** This word was previously inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from 27th February, 2013.

**30** These words were previously substituted by 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.

**31** The functions, rights and liabilities of the Sark Policy and Performance Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark General Purposes and Advisory 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; and the functions, rights and liabilities of the Sark Finance and Resources Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Sark Finance and Commerce 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.

**32** This word was previously inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from 27th February, 2013.

**33** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**34** This word was previously inserted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 14, with effect from 27th February, 2013.

**35** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**36** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**37** This word was previously substituted by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law.

**38** Prior to its repeal, section 56 was amended by the: Reform (Sark) (Amendment) (No. 2) Law, 2010, section 13, with effect from 27th February, 2013, subject to the transitional provisions in section 26(1) and (2) of the 2010 Law; Reform (Sark) (Amendment) Law, 2017, section 7, with effect from 19th January, 2018.

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**39** Subsection (2) was previously amended by the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007, section 18(3)(a), with effect from 2nd June, 2008; the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015, section 3, with effect from 9th July, 2015. See also the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009; and the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015.

**40** The definitions of the expressions "by-election" and "general election" in subsection (1) were previously amended by the Reform (Sark) (Amendment) (No. 2) Law, 2010, section 18, respectively paragraph (a) and paragraph (b), with effect from 18th April, 2012, subject to the transitional provision in section 26(3) of the 2010 Law.