

## ADDENDUM

### **Late Item for the Midsummer Meeting of Chief Pleas – 8 July 2015**

An urgent issue identified by the Law Officers of the Crown needs to be dealt with and the Policy and Performance Committee have requested that a Report and Ordinance be put to Chief Pleas as a matter of urgency. Under the Provisions of Rule 11(11) of the Rules of Procedure of the Chief Pleas of Sark the President of Chief Pleas has waived the notice required under Rule 1(4) and allowed, by request of the aforementioned Committee, the Item to be added to the Agenda as follows:

Item 14. To CONSIDER a Report from the POLICY and PERFORMANCE COMMITTEE entitled “**Transfer of Functions**” and to APPROVE the Ordinance entitled “**The Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015**” (copies enclosed).

19 June 2015

Lt. Col. RJ Guille MBE  
President of Chief Pleas

**POLICY AND PERFORMANCE COMMITTEE**  
**Report with proposition to Midsummer Chief Pleas, 8<sup>th</sup> July 2015**

**TRANSFER OF FUNCTIONS**

In 2009, the functions of the General Purposes and Finance Committee were transferred to the General Purposes and Advisory Committee and the Finance and Commerce Committee. Earlier this year, in a further reorganisation of Sark's government, the functions of the General Purposes and Advisory Committee were transferred to the Policy and Performance Committee. These transfers of functions were reflected in legislative terms in the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009 ("the 2009 Ordinance") and the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015 ("the 2015 Ordinance").

The Committee has now been advised by the Law Officers that there could be argued to be some doubt as to whether the 2009 Ordinance amended references to the General Purposes and Finance Committee and effectively transferred its functions in all Sark legislation. The purpose of the attached Ordinance is to remove any such doubt and to prevent such an argument being made. It does not reflect a change of policy and does no more than ensure that the transfer of functions between Committees agreed earlier this year has been given full legal effect.

Similar legislation has been prepared for enactment in Guernsey to achieve the same result in respect of relevant Bailiwick-wide legislation.

**Proposition –**

**That Chief Pleas approves the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015.**

**Conseiller Charles Maitland**  
**Chairman, Policy and Performance Committee**

## **The Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015**

**THE CHIEF PLEAS**, in pursuance of their Resolutions of 22<sup>nd</sup> February, 2007, 21<sup>st</sup> January, 2009, 30<sup>th</sup> September, 2009, 20<sup>th</sup> January, 2010, 1<sup>st</sup> October, 2014, 21<sup>st</sup> January, 2015 and 8<sup>th</sup> July, 2015, and in exercise of the powers conferred upon them by section 1 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>a</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Transfer of functions.**

1. (1) Notwithstanding the provisions of the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009<sup>b</sup> and the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015<sup>c</sup>, any functions, rights and liabilities of the Sark General Purposes and Finance Committee and of its Chairman arising under or by virtue of an enactment specified in subsection (2) are transferred to and vested in, respectively, the Sark Policy and Performance Committee and its Chairman.

(2) The enactments referred to in subsection (1) are -

- (a) the Direct Taxes (Sark) Law, 2002<sup>d</sup>,
- (b) the Gambling (Sark) Law, 2002<sup>e</sup>,
- (c) the European Communities (Implementation of Council Directive on Privacy and Electronic

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<sup>a</sup> Ordres en Conseil Vol. XXXIII, p. 478.

<sup>b</sup> Folio No. 179.

<sup>c</sup> Ordinance No. II of 2015.

<sup>d</sup> Order in Council No. VII of 2003.

<sup>e</sup> Order in Council No. VIII of 2003.

Communications) (Sark) Ordinance, 2004<sup>f</sup>,

(d) the Avian Influenza and Control of Birds (Sark) Ordinance, 2006<sup>g</sup>, and

(e) the Reform (Sark) Law, 2008<sup>h</sup>.

**Savings and transitional provisions.**

2. Anything done before the date of the commencement of this Ordinance or in the process of being done on that date by or in relation to the Sark General Purposes and Finance Committee or its Chairman under or by virtue of an enactment specified in section 1(2) shall have effect as if done or (as the case may be) may be continued by or in relation to the Sark Policy and Performance Committee or (as the case may be) its Chairman.

**Amendment of statutory references.**

3. For any reference in an enactment specified in section 1(2) to the Sark General Purposes and Finance Committee or to its Chairman, however expressed, there is substituted a reference to the Sark Policy and Performance Committee or (as the case may be) its Chairman.

**Interpretation.**

4. (1) The Interpretation (Guernsey) Law, 1948<sup>i</sup> applies to the interpretation of this Ordinance.

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

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<sup>f</sup> Folio No. 136.  
<sup>g</sup> Folio No. 137.  
<sup>h</sup> Order in Council No. V of 2008.  
<sup>i</sup> Ordres en Conseil Vol. XIII, p. 355.

**Citation.**

5. This Ordinance may be cited as the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015.

**Commencement.**

6. This Ordinance shall come into force on the 9<sup>th</sup> July, 2015.