

ORDINANCE LAID BEFORE THE STATES

**THE SARK MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS) (GUERNSEY)
ORDINANCE, 2017**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017", made by the Policy & Resources Committee on the 17th January, 2017, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance is made under sections 1 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991. Amongst other provisions, that Law empowers the States by Ordinance to vary any Law which confers a function on a named Committee of the States of Deliberation, of the States of Alderney or of the Chief Pleas of Sark, so as to transfer that function to another Committee.

Section 1 of the Ordinance transfers the functions of the committees and chairmen named in column 2 of the Schedule to the committees and chairmen named in column 3 of the Schedule.

Section 2 amends references in Bailiwick of Guernsey enactments to committees named in column 2 of the Schedule with references to the committees a named in column 3 of the Schedule.

Section 3 makes necessary saving and transitional provision, section 4 applies the substantive provisions to subordinate legislation, and the remaining sections are concerned with the interpretation, citation and commencement of the Ordinance.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948, and came into force on the 18th January, 2017. Under the proviso to Article 66A(1) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017

THE STATES POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred upon the States by sections 1 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^a and all other powers enabling the States in that behalf, and in exercise of the powers conferred on the Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948^b, as amended, hereby orders:-

Transfer of functions under relevant enactments.

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

Amendment of statutory references.

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

Savings and transitional provisions.

3. Anything done before the date of the commencement of this

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

^b Ordres en Conseil Vol. XIII, p. 288; Order in Council No. XVII of 2015; there are further amendments not material to this Ordinance.

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

Subordinate legislation.

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

Interpretation.

5. (1) In this Ordinance the expression "**relevant enactment**" means-
- (a) any Law, and any Act of Parliament extended to the Bailiwick, other than one applicable only in Sark or Alderney,
 - (b) any Ordinance of the States of Deliberation of Guernsey, and
 - (c) any subordinate legislation made by any department, council or committee (however called) of the States of Guernsey,

and "**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument (including any provision or portion

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

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

Citation.

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

Commencement.

7. This Ordinance shall come into force on 18th January, 2017.

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

SCHEDULE

Section 1.

TRANSFER OF FUNCTIONS UNDER RELEVANT ENACTMENTS

	COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED	COMMITTEE TO WHICH FUNCTIONS ARE TRANSFERRED
1.	Sark Agriculture & Environment Committee	Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee
2.	Sark Sea Fisheries Committee	Sark Agriculture, Environment, Sea Fisheries & Pilotage Committee
3.	Sark Medical Committee	Sark Medical & Emergency Services Committee
4.	Sark Emergency Services Committee	Sark Medical & Emergency Services Committee
5.	Sark Shipping Committee	Sark Harbours & Shipping Committee
6.	Sark Firearms Committee	Sark Douzaine
7.	Sark Public Health Committee	Sark Medical & Emergency Services Committee
8.	Sark Harbours & Pilotage Committee	Sark Harbours & Shipping Committee