

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Tourist (Alderney) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 19th day of May, 1956.)



1956.

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1956

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of May, 1956, before Henry James Casey, Esquire, M.B.E., M.C., Lieutenant-Bailiff; present :—Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Stephen James Falla, Esquires, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez and Bertram Guy Blampied, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of April, 1956, ratifying a *Projet de Loi* of the States of Alderney entitled "The Tourist (Alderney) Law, 1956",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 24th day of April, 1956.

PRESENT,

The Queen's Most Excellent Majesty.

MARQUESS OF READING
MR. SECRETARY LLOYD-GEORGE
MR. SECRETARY HEAD
MR. MAUDLING

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th day of April, 1956, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee a humble Petition of Francis Levitt Impey, Esquire, Acting President of the States of the Island of Alderney, setting forth:

‘That at a Meeting of the States of Alderney held on the twenty-first day of February, 1956, the States adopted a Resolution that a *Projet de Loi* entitled “The Tourist (Alderney) Law, 1956” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule annexed hereto. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The

Tourist (Alderney) Law, 1956" and to order that the same shall have the force of Law within the Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Tourist (Alderney) Law, 1956.

THE STATES, in pursuance of their Resolution dated the fourteenth day of December, 1954, have approved the following provisions which, subject to the sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

1. This Law shall be administered by such Committee of the States (hereinafter referred to as "the Committee") as shall, from time to time, be appointed in that behalf by Resolution of the States.

2. A person shall not after the expiration of one calendar month from the date of the registration of this Law upon the Records of this Island provide sleeping accommodation for reward for more than three persons at any one time save under and in accordance with a permit (hereinafter referred to as an "accommodation permit") granted by the Committee in respect of the premises in which such accommodation is provided:

PROVIDED THAT for the purpose of this section no account shall be taken of:—

(a) persons engaged in full-time domestic duties directly connected with the premises in which they sleep;

(b) persons accommodated as pupils, teachers or organisers in bona-fide educational establishments; or persons engaged in full-time domestic duties and sleeping in such establishments;

(c) persons accommodated in respect of an occupation directly concerned with the care of the sick, infirm, aged, or mentally affected persons or of persons under their care as patients of such persons;

(d) children under the age of three years;

(e) persons accommodated in such circumstances that the Committee shall deem it unreasonable to apply the provisions of this Law.

3.—(1) An accommodation permit shall expire on the thirty-first day of December of the year in which it was granted.

(2) The Committee may grant any accommodation permit unconditionally or subject to such conditions either as to duration or otherwise as they may deem advisable.

(3) Accommodation permits shall be in writing and shall be deemed to be unconditional save in so far as any conditions thereof are stated therein.

(4) The Committee may from time to time revoke, suspend or vary the conditions of any accommodation permit.

4. In considering whether any accommodation permit shall be granted, refused, suspended or revoked, or what conditions (if any) should be attached thereto or whether and in what respects a condition attached to any accommodation permit should be varied the Committee shall take into consideration—

- (i) the nature of the accommodation provided or to be provided and, in the case of flats or furnished houses, the nature and condition of the premises, household furniture and equipment;
- (ii) the charges made or to be made for accommodation, and for meals, service and any matter ancillary thereto provided or to be provided for persons so accommodated in relation to what is or is to be provided for those charges;
- (iii) the breach (if any) by the person applying for or to whom an accommodation permit has been granted of any duty laid upon him by this Law or by an Ordinance made thereunder;
- (iv) the conviction of a person, to whom an accommodation permit has been granted, of a contravention of the provisions of subsection (3) of section ten of this Law;

and shall not refuse an application for or revoke an accommodation permit or revoke, suspend or vary (otherwise than by way of revocation) the conditions of such permit without first giving the applicant for or holder of the permit, as the case may be, not less than fourteen days' notice in which to make any relevant representations before the Committee either personally or by a representative.

5. The Committee shall—

- (i) on refusing any application for an accommodation permit;
- (ii) on granting any accommodation permit otherwise than unconditionally;
- (iii) on revoking an accommodation permit;

- (iv) on suspending an accommodation permit;
- (v) on variation, other than by way of revocation of the conditions of any accommodation permit;

notify in writing within fourteen days thereafter the person applying for or to whom has been granted such accommodation permit of the reasons for such refusal, conditions, revocation, suspension or variation of conditions.

6.—(1) An appeal shall lie to the Court from any refusal, revocation or suspension of an accommodation permit by the Committee or against the attachment by the Committee of any condition to such permit, or on any question of law or mixed law and fact, or on either of the following grounds—

- (i) that the Committee has in such refusal, revocation, suspension or variation of condition, acted in a manner contrary to natural justice; or
- (ii) that in considering whether or not so to refuse, revoke, or suspend, or whether and in what respect so to attach any condition, the Committee has considered matters other than those set out in section four hereof or has failed to consider any of such matters.

(2) Notice of appeal under the provisions of the last preceding sub-section shall be given by the appellant to the Clerk of the Court before the expiration of twenty-one days after the date on which the Committee have made known in writing to the appellant the decision appealed from.

(3) Any decision of the Court on an appeal under the provisions of this section shall be final.

(4) A decision of the Committee to revoke, vary or suspend an accommodation permit or to attach any condition to such permit shall not have effect until the expiration of twenty-one days after the date on which the Committee have made known their decision to the person concerned, or until an appeal under the provisions of this section against that decision has been determined by the Court, as the case may be.

7. A copy of his current accommodation permit shall be exhibited at all times by the person to whom such permit is granted in the main entrance of each of the premises to which it is applicable in such manner as to bring it clearly to the notice of any person entering such premises by such entrance.

8. The Committee may, for the purpose of carrying out their duties under this Law, appoint in writing such Inspectors either generally or for a special purpose as they may deem necessary.

9. Any Inspector appointed pursuant to the provisions of section eight of this Law is empowered, subject to the production to anyone reasonably demanding it of a certificate of his appointment, at all reasonable times to enter upon and inspect any premises in respect of which an accommodation permit has been applied for or has been granted.

10.—(1) The Committee are empowered, from time to time, in respect of any premises for which an accommodation permit has been granted, to grade these premises and shall notify the person to whom that accommodation permit has been granted in writing of that classification or that grading or both.

(2) In so grading any premises the Committee shall take into account the nature of the sleeping accommodation and other amenities provided.

(3) A person to whom an accommodation permit has been granted in respect of any premises shall not directly or indirectly advertise or describe those premises with intent, or in a manner likely, to deceive.

11.—(1) Any person acting in contravention of section two of this Law shall be guilty of a separate offence in respect of each person for whom sleeping accommodation is provided.

(2) Any person who with intent—

- (i) to obtain the grant of an accommodation permit, or
- (ii) to avoid the variation of any condition to an accommodation permit, or
- (iii) to avoid the revocation or suspension of an accommodation permit,

wilfully makes any statement which is false in a material particular to the Committee or to an Inspector appointed under this Law or who wilfully withholds from the Committee or from any such person material information shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding twenty-five pounds or to a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.

(3) Any person who publicly exhibits any notice or document which falsely purports to show that he has been granted an accommodation permit or which falsely purports to show that he has been granted an accommodation permit unconditionally or upon conditions more favourable to him than those which are attached to such permit shall be guilty of an offence.

(4) Any person wilfully obstructing an Inspector duly appointed under this Law in the exercise of the powers conferred upon him by this Law shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten pounds or a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.

(5) Any person who contravenes any of the provisions of this Law for which a penalty is not specifically provided shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten pounds.

12. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

JAMES E. LE PAGE,

Her Majesty's Greffier.