
(Registered on the Records on the 30th August, 1947.)

AT THE COURT AT BUCKINGHAM PALACE,

The 8th day of August, 1947.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

MR. ALEXANDER.

MR. GREENWOOD.

MR. TOM WILLIAMS.

MR. HENDERSON.

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 5th day of August, 1947, in
the words following, viz :—

Acquisi-
tion of
Improved
Properties
Law (Alder-
ney) 1947.

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"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frederick George French, Judge and President of the States of the Island of Alderney setting forth :—

'That at a Meeting of the States of Alderney holden before Your Petitioner on the 23rd day of March, 1946, the States were of opinion to approve the resolution with reference to the acquisition by the States in the interest of the Public of Properties in the Island which had been improved by the enemy during the period of the occupation of the Island by the enemy, and to authorise the preparation of a *Projet de Loi* giving effect thereto. That at a Meeting of the States of Alderney holden before your Petitioner on the 18th day of July, 1947, the States took into consideration the *Projet de Loi* intituled "*Projet de Loi* entitled Acquisition of Improved Properties Law (Alderney) 1947", and were of opinion to approve the same and to authorise Your Petitioner to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying Your Majesty to grant Your Royal Sanction to the said *Projet de Loi* (a copy whereof is hereunto annexed) and to order the same to have force of Law in Your Majesty's said 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*."

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HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His 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 HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

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

"ACQUISITION OF IMPROVED PROPERTIES
LAW (ALDERNEY), 1947."

WHEREAS works were carried out and buildings were constructed, extended or altered at various places in the Island of Alderney by the enemy during the period of the enemy occupation of that Island and by the British Liberation Force during the period of rehabilitation following thereupon and it is expedient in the public interest that certain of those

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works and buildings and the sites thereof together with such premises adjacent thereto as may be necessary for the use or exploitation of such works or buildings should be vested in the States of Alderney either for retention by the States or otherwise :—

ARTICLE 1.

Premises
to which
Law applies.

The provisions of this Law shall apply to such of the premises aforesaid (not being premises vesting in the Crown or in a Government Department) as may be determined by Resolution of the States of Alderney sanctioned by His Excellency the Lieutenant-Governor.

ARTICLE 2.

Vesting of
premises in
States.

Upon completion of the following formalities, that is to say : (a) upon notice of acquisition in the form specified in the First Schedule to this Law being posted on or near the site of any such premises and (b) upon such notice being published in " La Gazette Officielle " of the Island of Guernsey, all right, title and interest to or in the premises, other than any feudal right, hypothecary right or other encumbrance attaching to or affecting the same, shall vest in and belong to the States of Alderney with right of immediate possession. H.M. Greffier shall record the date on which the said formalities are completed in the case of any premises and the certificate of H.M. Greffier as to such date shall, in the absence of proof to the contrary, be conclusive proof of the date of the vesting in the States of those premises.

ARTICLE 3.

Claims, etc.

As from such vesting as aforesaid, the premises so vested shall cease to be subject to any claim, hypothecary right or encumbrance previously attaching to or affecting the same and the indemnity

determined or to be determined in accordance with the provisions of the Second Schedule to this Law as payable in respect of the acquisition of the premises shall thenceforth be solely liable in substitution for the premises, as regards any such claim, hypothecary right or encumbrance.

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ARTICLE 4.

No action "en retrait lignager" shall lie in respect of any premises acquired under the provisions of this Law. Retrait lignager.

ARTICLE 5.

The provisions of the Second Schedule to this Law shall govern the determination of the amount of the indemnity payable in respect of the acquisition of any premises under the provisions of this Law and the settlement of such indemnity. Indemnity.

ARTICLE 6.

This Law shall come into force on the date of the registration on the records of the Island of Alderney of the Order of His Majesty in Council ratifying the same. Commencement.

FIRST SCHEDULE

FORM OF NOTICE OF ACQUISITION

THE STATES OF THE ISLAND OF ALDERNEY.

TAKE NOTICE that, by virtue of a Resolution of the States of Alderney, dated the day of
194 , sanctioned by His Excellency the
Lieutenant-Governor, in pursuance of the Acquisition of Improved Properties Law (Alderney), 1947,

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the States have acquired the premises known (or commonly referred to) as
situate at
in the Island of Alderney vesting (or believed to vest) in
with right of vacant possession as on and from the
day of , 194 .

AND TAKE NOTICE that the premises will be valued in due course in accordance with the provisions of the said Law and that thereafter notice of the amount of such valuation will be posted in the office of H.M. Greffier, Alderney, and may be inspected there. An appeal against such valuation may be lodged with H.M. Greffier during the sixty days next following the posting of such notice of valuation.

Judge of Alderney.

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SECOND SCHEDULE

CONSTITUTION AND PROCEEDINGS OF BOARD OF VALUERS

1. The Board of Valuers (hereinafter referred to as " the Board ") shall consist of three competent and impartial persons, one appointed by the States of Alderney, one, not being a member of the States of Alderney, appointed by the Alderney Douzaine and one appointed by the Judge of Alderney. In the event of disagreement between the members of the Board, the decision of the majority shall be deemed to be the decision of the Board. The member appointed by the Judge of Alderney shall preside.

2. Upon a copy of the Notice of Acquisition in respect of any premises being delivered to the President of the Board, the President of the Board

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shall publish at the ordinary "lieux d'affiche" in the Island of Alderney the date, time and place at which the Board will proceed with the valuation accordingly, giving an opportunity to persons having an interest in the premises and presenting themselves at such date, time and place to make such representations concerning the valuation thereof to the Board as such persons may deem proper.

3. The basis of valuation of any premises shall be the value, as at the time of the valuation, of those premises in the condition in which those premises were on the 15th day of June, 1940, together with an additional amount estimated at the rate of five per cent. of such value as compensation in respect of the compulsory nature of the acquisition. The Board shall take such evidence as they may deem necessary to inform themselves sufficiently of the condition of the premises as at the aforesaid date.

4. The report of the Board in respect of the valuation of any premises shall be recorded in writing and shall express the amount of such valuation (a) in sterling and (b) in terms of "rente" at the rate of One quarter of "rente" to each £20 sterling of the amount of such valuation.

5. The President of the Board shall deliver two copies of the Board's report, signed by the President of the Board, to H.M. Greffier who shall forthwith post one copy in a prominent position in his office and shall file the other copy for purposes of record. H.M. Greffier shall also forthwith post on the ordinary "lieux d'affiche" a notice to the effect that the report of the Board in respect of any premises (which premises shall be stated in the notice) has been delivered to him and can be inspected in his office.

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APPEALS FROM VALUATIONS

6. The States, through their Treasurer, and any person entitled in whole or in part to an indemnity under the provisions of this Law shall be entitled to appeal against the amount of that indemnity within the sixty days next following the date of the posting in the office of H.M. Greffier of the relevant report of the Board.

7. Such appeal, to be effective :—

- (a) shall be in writing signed by the appellant and shall be delivered to H.M. Greffier within the period aforesaid ;
- (b) shall be accompanied by an instrument in writing signed by the appellant nominating some person as an ordinary member of the Arbitration Tribunal hereinafter referred to and countersigned by such person so as to denote that that person is willing to serve in that capacity.

In the case of the nomination of an ordinary member of the Arbitration Tribunal by one of several joint owners it shall be presumed until the contrary is shown that that nomination is acceptable to the other joint owners. In the event of the nomination of more than one person as an ordinary member of the Arbitration Tribunal by joint owners, it shall be the duty of the joint owners within seven days of being required, either personally or by notice posted at the ordinary "lieux d'affiche", so to do by H.M. Greffier to decide and notify H.M. Greffier which one of the persons nominated is acceptable to all the joint owners as an ordinary member of the Arbitration Tribunal. In default of such decision and notification the selection of such ordinary member shall be determined by lot by H.M. Greffier from among

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the persons nominated. In the event of the person so selected refusing to serve, H.M. Greffier shall select some other competent and impartial person willing to serve and that person shall be a member of the Arbitration Tribunal accordingly.

8. The Arbitration Tribunal shall consist of a Chairman, nominated by His Excellency the Lieutenant-Governor, having a casting vote only, and two Ordinary Members, one appointed on behalf of the States and the other appointed by or selected as aforesaid by or on behalf of the other party to the dispute.

9. The decision of the Arbitration Tribunal shall be recorded in writing and two copies thereof signed by the Chairman, shall be delivered by the Chairman to H.M. Greffier who shall post one in his office and file the other for purposes of record. Such decision shall, if the original valuation of the Board of Valuers be varied thereby, be expressed in sterling and in terms of "rente" on the same relative basis as in the case of the original valuation.

COSTS OF VALUATION AND ARBITRATION.

10.—(a) The costs of the valuation by the Board of Valuers shall be borne by the States.

(b) On an appeal from the valuation of the Board of Valuers, in the event of the valuation appealed from being upheld, the costs of the arbitration shall be borne by the appellant; in the event of the valuation being varied, the award of the costs of the arbitration shall be in the discretion of the Arbitration Tribunal.

INDEMNITY

11. The Report of the Board of Valuers if no appeal therefrom is pursued and the Decision of the Arbitration Tribunal on an appeal, shall be

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final and conclusive and the indemnity expressed therein in terms of "rente" shall be the indemnity owing by the States in respect of the acquisition of the premises concerned and a copy of that Report, or of that Decision, as the case may be, duly certified as correct by H.M. Greffier shall constitute a valid and sufficient title to the "rente" representing that indemnity.

12. Any "rente" owing by the States by way of indemnity determined as aforesaid shall:—

- (a) be payable by the States on the 10th day of October of each year at the rate of Twelve shillings per quarter of "rente" commencing to accrue as on and from the date of the acquisition of the premises to which the "rente" relates; and
 - (b) shall be redeemable by the States at any time at the rate of Twenty pounds sterling per quarter and upon payment of the proportion accrued in respect of the year then current at the time of the said redemption; and
 - (c) shall be redeemed by the States upon the terms aforesaid upon the States being required by the "credirentiers" to redeem the same and upon clearance to the reasonable satisfaction of the States of all hypothecary rights and other encumbrances secured by virtue of this Law or otherwise against the same.
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