

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Clearance of Ruins (Guernsey) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 6th day of April, 1957.)



1957.

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1957

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 6th day of April, 1957, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :—Sir John Leale, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 15th day of March, 1957, ratifying a *Projet de Loi* entitled "The Clearance of Ruins (Guernsey) Law, 1957",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace.

The 15th day of March, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. HEATHCOAT AMORY

DR. HILL

MR. WALKER-SMITH

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 11th day of March, 1957, 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 the humble Petition of the States of the Island of Guernsey, setting forth:

‘1. That, in pursuance of their Resolution of the 25th day of February, 1953, the States of Deliberation at a meeting held on the 23rd day of January, 1957, approved a Bill or “Projet de Loi” entitled “The Clearance of Ruins (Guernsey) Law, 1957” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill

or "Projet de Loi" of the States of Guernsey entitled "The Clearance of Ruins (Guernsey) Law, 1957" and to order that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Guernsey.

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, in the said Island, 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 Clearance of Ruins (Guernsey) Law,
1957.**

THE STATES, in pursuance of their Resolution of the twenty-fifth day of February, nineteen hundred and fifty-three, 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 Guernsey.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Authority” means the States Housing Authority;

“building” does not include a building which is a monument within the meaning of and subject to the provisions of the Law entitled “Loi relative à la Protection des Monuments de l’Ile” registered on the twenty-sixth day of March, nineteen hundred and thirty-eight;

“owner” in relation to any land means—

- (i) the beneficial owner, if that land is not held in trust, or
- (ii) the trustees, if that land is held in trust otherwise than under an interim vesting order in saisie proceedings.

(2) Unless the context otherwise requires, any reference in this Law to any other enactment shall

be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

2. (1) Where, as respects any land, the Authority is of opinion that any building on that land is in a ruinous condition, the Authority may, by order signed by the President of the Authority, require the owner of that land to demolish that building and to clear the site thereof within such time and subject to such conditions as may be specified in the order.

(2) The power conferred by subsection (1) of this section to make any order shall be construed as including a power exercisable in the like manner to vary or revoke the order.

(3) The President of the Authority shall, as soon as may be after the making of any order under the foregoing provisions of this section, cause a copy thereof to be published on at least two occasions in "La Gazette Officielle".

3. (1) As soon as may be after the making of an order under section two of this Law the President of the Authority shall serve the order, with a plan thereunto annexed signed by him showing the area of land to which the order relates, on the owner of that land unless it is not practicable after reasonable enquiry to ascertain his address.

(2) An order required by subsection (1) of this section to be served on the owner of any land may be served—

- (a) on any person by delivering it to him, by leaving it or by sending it in a prepaid registered letter addressed to him at his usual or last known place of abode;
- (b) on any body corporate by leaving it at or by sending it in a prepaid registered letter

to its registered office if situated in the Island or if its registered office is not so situated its principal or last known principal place of business in the Island.

(3) Where the ownership of any land which is the subject of an order under section two of this Law is vested in two or more persons, service of that order on one of the persons in accordance with the foregoing provisions of this section shall, for the purposes of this Law, be deemed to be service on all of those persons.

(4) Where the owner of any land which is the subject of an order under section two of this Law is an infant or a person under guardianship, the order shall be served on the guardian of that infant or person, as the case may be, and in any case in which there is no guardian, the Authority may apply to the Royal Court, sitting as an Ordinary Court, for the appointment of a guardian to act as such under and for the purposes of this Law.

4. (1) An owner of, a usufructuary of, or any person having a rente or other registered charge on, any land in respect of which an order under section two of this Law has been made shall have a right of appeal to the Royal Court against the making of such order, or the area of land to which that order relates, or the time or any condition specified therein, or against both such order and any time or condition specified therein.

(2) If an appeal under the last preceding subsection is not made during the three months next following the date of the making of the order or if such an appeal, having been made, is dismissed by the Royal Court and the owner of the land to which the order relates does not comply with the provisions of the order, the Authority may enter on the land and,

subject to the provisions of the next succeeding section of this Law, demolish the building on that land, clear the site thereof and sell the materials thereof.

5. Where service of an order made under section two of this Law cannot be effected under the provisions of section three of this Law, the Authority shall, before taking any action under the provisions of the last preceding section to demolish a building on the land to which that order relates, clear the site and sell the materials thereof, obtain the permission in that behalf of the Royal Court and the Court shall grant permission if satisfied that such demolition is not unreasonable.

6. Where in relation to any order made under section two of this Law monies have been disbursed by the Authority for the purpose of meeting the cost of, and incidental to, demolishing a building and clearing the site thereof under the provisions of section four and section five of this Law, the Authority may at any time thereafter recover from the owner of the land to which the order relates as a simple contract debt the amount so disbursed after deduction of the sum, if any, realised by the sale of materials, or the amount representing the value of the land with the site cleared as aforesaid, whichever is the less, and, subject to the provisions of this Law, a first charge in respect thereof shall be created on that land.

7. (1) The provisions of this section shall have effect in relation to any order made under section two of this Law being an order to which section six of this Law applies.

(2) As soon as may be after the building on the land to which any such order relates has been demolished and the site thereof cleared, the value of

the land with the site cleared as aforesaid shall, in the absence of agreement thereon between the Authority and the owner, be determined in accordance with the succeeding provisions of this section.

(3) The valuation shall be made by two valuers, one of whom shall be nominated and appointed by the Authority and the other by the owner of the said land.

(4) Where for any reason whatsoever a valuer is not appointed by an owner the Royal Court, sitting as an Ordinary Court (hereafter in this section referred to as "the Court") shall, on the application of the Law Officers of the Crown, make such appointment.

(5) Where before valuation has been made a valuer appointed by either party dies, or becomes incapable of acting, or refuses or neglects to act, the party or the Court, as the case may be, by whom the valuer was appointed shall nominate and appoint some other person to act in his place.

(6) The valuers shall, before proceeding to value, nominate and appoint in writing under their hands an umpire and if the said valuers fail to agree on the valuation that valuation shall be made by the umpire.

(7) Where an umpire dies, or becomes incapable of acting, or refuses or neglects to act, the Court shall, on the application of the Law Officers of the Crown, appoint some other person to act in his place.

(8) Where the valuers neglect or refuse to appoint an umpire, the Court shall, on the application of the Law Officers of the Crown, make the appointment.

(9) A valuation under the foregoing provisions of this section shall be in writing under the hands or hand of the valuers or umpire, as the case may

be, and shall be deposited with the Treasurer of the States.

(10) The reasonable costs of any valuation under this section shall be paid by the Authority out of monies provided by the States.

(11) A valuation under this section shall be conclusive for all the purposes of this Law.

8. (1) Where in relation to any order made under section two of this Law monies have been disbursed by the Authority for the purpose of meeting the cost of, and incidental to, demolishing a building and clearing the site thereof under the provisions of section four and section five of this Law and the amount recoverable by the Authority under section six of this Law has not been recovered, the Treasurer of the States shall cause a certificate to be prepared in the form set out in the Schedule to this Law and shall send such certificate together with the valuation and plan referred to therein to Her Majesty's Greffier.

(2) A certificate under the last preceding subsection shall, in the absence of proof to the contrary, be evidence of the matters contained therein.

(3) Her Majesty's Greffier, upon receiving any such certificate as aforesaid, shall enter the same in the public register styled "Livre des Obligations".

9. (1) Any person duly authorised in writing by the Authority may at any reasonable time enter on any land for the purpose of survey and examination where it appears to the Authority that the survey or examination is necessary in order to determine whether any powers under this Law should be exercised in respect of that land.

(2) Any person authorised under this section to enter on any land shall, if so required, produce

evidence of his authority before so entering and shall not demand admittance as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

10. Any person who wilfully obstructs any person authorised to enter on land in pursuance of this Law in the performance of anything which such person is by this Law authorised to do shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding, in the case of a first offence, five pounds and, in the case of a second or subsequent offence, ten pounds.

11. This Law may be cited as the Clearance of Ruins (Guernsey) Law, 1957.

SCHEDULE

THE CLEARANCE OF RUINS (GUERNSEY) LAW, 1957

*Certificate pursuant to section eight of the Clearance
of Ruins (Guernsey) Law, 1957*

H.M. Greffier,
The Greffe,
Guernsey.

I certify that—

(1) the net amount of pounds
..... shillings and pence
has been disbursed by the States Housing Authority
in respect of and incidental to the cost of demolishing
[a] building[s] and clearing the site thereof on the

land forming [part of] the property known as

.....
situate at

in the parish of

and owned by; and

(2) the value of the said land, after demolition of
the said building[s] and clearing the site thereof—

(a) in accordance with the valuation hereunto
annexed of; or

(b) as agreed between the said Authority and the
said owner;

Delete
whichever
does not
apply.

is pounds

..... shillings and pence.

In accordance with the provisions of section six of
the Clearance of Ruins (Guernsey) Law, 1957, a first
charge in favour of the States of Guernsey for the
sum of pounds

..... shillings and pence

is created on the said land, the area of which is shown
on the plan hereunto annexed and signed by the
President of the States Housing Authority.

Guernsey, this day of
....., nineteen hundred and

.....
Treasurer of the States.

JAMES E. LE PAGE,

Her Majesty's Greffier.