

ORDER IN COUNCIL

VIII
2007

ratifying a Projet de Loi

ENTITLED

The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006

(Registered on the Records of the Island of Guernsey
on the 12th June, 2007.)



2007

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

12th day of June, 2007 before Geoffrey Robert Rowland, Esquire, Bailiff; present:- David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan Mowbray, Barbara Jean Bartie, and David Osmond Le Conte, Esquire Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 2nd May 2007 approving and ratifying a Projet de Loi entitled the Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006, 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.



At the Court at Buckingham Palace

THE 2nd DAY OF MAY 2007

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 30th March 2005, the States of Deliberation at a meeting on 25th October 2006 approved a *Projet de Loi* entitled the Housing (Control of Occupation) (Guernsey) (Amendment) Law 2006 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Housing (Control of Occupation) (Guernsey) (Amendment) Law 2006, and to order that it shall have force of law in the Island of Guernsey.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Christine Cook

PROJET DE LOI

ENTITLED

The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006

THE STATES, in pursuance of their Resolution of 30th March, 2005^a, 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.

Amendment of Law of 1994.

1. (1) In the Arrangement of Sections immediately following the reference to section 6 ("Procedure for consideration of applications."), insert -

"6A. Circumstances in which applications need not be considered."

(2) In section 6(1) of the Law of 1994 immediately after "shall" insert ", subject to section 6A,"

(3) Immediately after section 6 of the Law of 1994 insert -

"Circumstances in which applications need not be considered.

6A. The Authority shall have no obligation to proceed to consider an application in accordance with section 6, where -

^a Article III of Billet d'État No. III of 2005.

- (a) the application is a further application (that is to say, an application which relates to a person in respect of whom a previous application has been received by the Authority),
- (b) in the opinion of the Authority, that further application discloses no significant change in any material circumstances concerning that person, and
- (c) either -
 - (i) an appeal under section 56, relating to a previous application concerning that person, has been commenced but not yet determined, or
 - (ii) within the period of 12 months immediately preceding receipt of the further application -
 - (aa) a previous application has been determined by the Authority, or
 - (bb) an appeal under section 56, relating to a previous application, has been determined."

(4) In section 56(1), and in section 56(4) of the Law of 1994 where first occurring, for "Royal Court" substitute "Ordinary Court".

Interpretation.

2. In this Law -

"**Arrangement of Sections**" means the arrangement of sections to the Law of 1994, and

"**the Law of 1994**" means the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended^b.

Citation.

3. This Law may be cited as the Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006.

^b Order in Council No. IV of 1994; amended by No. VI of 1998 and No. III of 2002; also amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).