

# ORDER IN COUNCIL

VIII  
1982

ratifying a Projet de Loi

ENTITLED

## **The Housing (Control of Occupation) (Guernsey) Law, 1982**

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(Registered on the Records of the Island of Guernsey  
on the 3rd August, 1982.)

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1982

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of August, 1982 before Charles Keith Frossard, Esquire, Deputy Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon and James de Sausmarez Carey, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of June, 1982, ratifying a *Projet de Loi* entitled "The Housing (Control of Occupation) (Guernsey) Law, 1982", 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.

# **At the Court at Buckingham Palace**

The 23rd day of June 1982

PRESENT,

## **The Queen's Most Excellent Majesty in Council**

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 15th day of June 1982 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) an humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolutions of the 12th day of March 1980 and the 22nd day of July 1981 the States of Deliberation at a meeting held on the 22nd day of July 1981 approved a Bill or “Projet de Loi” entitled “The Housing (Control of Occupation) (Guernsey) Law, 1982” 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 Housing (Control of Occupation) (Guernsey) Law, 1982”, and to order that the same shall have force of law in the Island of Guernsey.; and

(b) the humble Petitions of Mr. S. Gelsthorpe, and of Mr. and Mrs. G. M. Scott, relating to the said Projet de Loi:

“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 of the States of the Island of Guernsey 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.

*N. E. Leigh*



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

## PROJET DE LOI

ENTITLED

### **The Housing (Control of Occupation) (Guernsey) Law, 1982**

#### ARRANGEMENT OF SECTIONS

*Section*

#### PART I

##### *Control of occupation of dwellings*

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2. Application for a licence to occupy.
3. Grant or refusal of licence.
4. Notice of refusal to grant a housing licence.
5. Factors to be taken into account by the  
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6. Supply of further information.
7. Licences to be personal.
8. Interpretation of Part I.

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##### *Persons who do not require a housing licence*

9. Qualified residents not to require housing  
licence.
10. Application for status declaration.
11. Issue of status declaration.
12. Appeal against decision on status declaration.
13. Suspension of certain provisions.
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*Section*

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22. Establishment, compilation and maintenance of Register.
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24. Dwellings by way of replacement.
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*Section*

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40. Appeals.
41. Offences.
42. False statements.
43. Certain penalties to be prescribed by Ordinance.
44. Offences by bodies corporate.
45. Breach of provisions of section one of this Law, etc.
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*General, interpretation, repeals, citation, commencement, duration*

47. Entry on premises.
48. Exceptions.
49. Service of notices.
50. Savings for Ordinances.
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*Section*

- 52. Interpretation.
- 53. Repeals.
- 54. Citation.
- 55. Commencement.
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FIRST SCHEDULE: DWELLINGS.

SECOND SCHEDULE: HOTELS AND GUEST  
HOUSES.

THIRD SCHEDULE: REPEALS.

# PROJET DE LOI

## ENTITLED

### **The Housing (Control of Occupation) (Guernsey) Law, 1982**

THE STATES, in pursuance of their Resolutions of the twelfth day of March, nineteen hundred and eighty, and the twenty-second day of July, nineteen hundred and eighty-one, 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.

## PART I

### *Control of occupation of dwellings*

1. Subject to the succeeding provisions of this Law, a person shall not occupy, or cause or permit any other person to occupy, a dwelling in this Island otherwise than under and in accordance with a licence granted by the Authority under the provisions of section three of this Law.

Prohibition  
on occupa-  
tion without  
a licence.

2. (1) Subject to the provisions of subsection (2) of this section, any person desirous of obtaining the grant of a licence under the provisions of section three of this Law shall make application in that behalf to the Authority and such application shall be in such form and accompanied by such information as the Authority may, from time to time, require.

Applica-  
tion for a  
licence to  
occupy.

(2) An application under the provisions of the last preceding subsection may be made:—

(a) by the owner of the dwelling to which the application relates, or

- (b) by a person who is not the owner of the dwelling to which the application relates but who is desirous of occupying that dwelling.

Grant or  
refusal of  
licence.

3. (1) The Authority may, upon receipt of an application under the provisions of the last preceding section, grant a licence (hereinafter referred to as a "housing licence") in respect of a dwelling:—

- (a) to the owner thereof, for the occupation of that dwelling—

- (i) by persons generally, or

- (ii) by a person or persons named in the licence,

who would, by virtue of the provisions of this Law, be otherwise precluded from occupying that dwelling;

- (b) to a person who is not the owner thereof for the occupation of that dwelling by that person who would, by virtue of the provisions of this Law, be otherwise precluded from occupying that dwelling.

(2) The Authority shall attach to the grant of a housing licence a condition specifying the maximum continuous period during which the dwelling in respect of which the housing licence is granted may be occupied by any person and the Authority may attach to the grant of a housing licence such other conditions as it may deem necessary or expedient to impose by reason of any shortage of housing accommodation in this Island at the time of the grant of the housing licence.

(3) The Authority may, upon receipt of an application under the provisions of the last preceding section, refuse to grant a housing licence in respect of the dwelling to which the application relates.

4. If the Authority decides to refuse to grant a housing licence under the provisions of the last preceding section or to grant such a housing licence subject to conditions a notice in writing, signed by the President or any other member of the Authority authorised in that behalf by the Authority, shall, as soon as may be after the Authority so decides, be served by the Authority on the applicant for the housing licence concerned and such notice shall be in such form as the Authority may, from time to time, determine and shall contain—

Notice of refusal to grant a housing licence.

- (a) a statement of the fact of such refusal or the terms of such conditions, as the case may be, and the date of the meeting of the Authority at which the decision to refuse the housing licence concerned or to grant it subject to such conditions was taken, and
- (b) a statement of the reasons why the Authority refused to grant the housing licence concerned.

5. (1) In deciding whether or not, in the exercise of its powers under the provisions of section three of this Law, to grant a housing licence or to grant a housing licence subject to conditions the Authority shall take into account the following factors:—

Factors to be taken into account by the Authority.

- (a) whether the employment of the person by whom or on whose behalf the application for the housing licence is made is by reason of his qualifications, skill or experience essential to the community;
- (b) whether the number of dwellings, similar by reason of size or rateable value as inscribed in the Cadastre to the dwelling in respect of which the application is made, which are available for occupation at the

time of the application is, in the opinion of the Authority, sufficient to meet the housing requirements of qualified residents and other persons who by reason of their qualifications, skill or experience are essential to the community;

- (c) where the applicant for the housing licence is or is to be employed by the States, the views of the Committee of the States to which the said applicant is or is to be responsible for the performance of his duties or of the States Civil Service Board or both on the application;
- (d) where the application is for a housing licence for a person to occupy, otherwise than as a tourist, premises, not being a self-catering unit, in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948(a), the views of the States Tourist Committee on the application.

(2) Nothing in the last preceding subsection contained shall be taken to preclude the Authority in deciding whether or not, in the exercise of its powers under the provisions of section three of this Law, to grant a housing licence or to grant a housing licence subject to conditions from taking into account such other factors as the Authority may, from time to time, deem necessary or expedient.

Supply of  
further  
informa-  
tion.

6. Upon receipt of an application under the provisions of section two of this Law, or at any time thereafter, the Authority may require the applicant

concerned to supply the Authority with such information, in addition to any information supplied in accordance with the provisions of the said section two, as the Authority may require.

7. A housing licence shall be personal to the holder thereof and shall not be assignable. Licences to be personal.

8. In this Part of this Law the expression "owner" in relation to a dwelling includes a lessee for the time being of that dwelling. Interpretation of Part I.

## PART II

### *Persons who do not require a housing licence*

9. (1) Subject to the succeeding provisions of this Law, a person to whom this section applies (hereinafter referred to as "a qualified resident") shall not require a housing licence to occupy a dwelling in this Island. Qualified residents not to require housing licence.

(2) This section shall apply to the following persons, that is to say:—

(a) a person—

(i) who, at any time during the period commencing on the first day of January, nineteen hundred and thirty-eight, and ending on the thirtieth day of June, nineteen hundred and fifty-seven, was ordinarily resident in this Island, and

(ii) who, on the thirty-first day of July, nineteen hundred and sixty-eight, was occupying a dwelling in this Island;

(b) a person who, on the thirty-first day of July, nineteen hundred and sixty-eight, was the spouse or child of such a person as is

described in the last preceding paragraph and who, prior to the twenty-sixth day of March, nineteen hundred and seventy-five, had been ordinarily resident in this Island during any period of, or periods amounting in the aggregate to, at least five years;

(c) a person who was born in this Island and who thereafter has been continuously ordinarily resident in this Island;

(d) a person—

(i) who was born in this Island,

(ii) who has been ordinarily resident in this Island during any period of at least ten consecutive years, and

(iii) who is the child of parents at least one of whom was ordinarily resident in this Island at the time of the birth of that person;

(e) a person who has been ordinarily resident in this Island—

(i) during any period of at least ten consecutive years, or

(ii) during any periods amounting in the aggregate to a period of at least ten years if the last of such periods terminates prior to the expiration of the period of twenty years next following the commencement of the first of such periods,

as the child of such a person as is described in paragraph (d) of this subsection;

(f) a person—

(i) who has been ordinarily resident in this Island during any period of at least ten consecutive years and who

has, throughout the said period, cohabited with such a person as is described in paragraph (d) or paragraph (e) of this subsection as his spouse, or

- (ii) who is the surviving spouse of such a person as is described in paragraph (d) or paragraph (e) of this subsection who cohabited with the said person as his spouse for a period of at least five consecutive years immediately prior to his death and who has been ordinarily resident in this Island during a period of at least ten consecutive years subsequent to the date of her marriage to the said person;
- (g) a person who has been ordinarily resident in this Island during any period of at least fifteen consecutive years and who has been throughout the said period in occupation of a dwelling or dwellings—
  - (i) under or by virtue of a licence granted under the Law of 1948, the Law of 1967, the Law of 1969 or the Law of 1975, or
  - (ii) under or by virtue of a housing licence granted under the provisions of section three of this Law, or
  - (iii) under or by virtue of successive licences granted under two or more of the said Laws,
 because the employment of that person was by reason of his qualifications, skill or experience essential to the community; or
  - (iv) otherwise than under or by virtue of such a licence or licences as is or are mentioned in sub-paragraphs (i), (ii) or



- (iii) of this paragraph but in circumstances that are, in the opinion of the Authority which opinion shall be served by notice in writing on that person, such that his period of such occupation should be treated as being occupation under or by virtue of such a licence or licences as is or are mentioned aforesaid;
- (h) a person who has been ordinarily resident in this Island during any period of at least fifteen consecutive years and who has, throughout the said period, cohabited with such a person as is described in paragraph (g) of this subsection as his spouse;
- (i) a person—
  - (i) who is the child of such a person as is described in paragraph (g) of this subsection,
  - (ii) who occupied a dwelling in this Island for the first time as a member of the household of a person referred to in the last preceding sub-paragraph,
  - (iii) who, when he occupied a dwelling in this Island for the first time as aforesaid, was a minor, and
  - (iv) who has been ordinarily resident in this Island during any period of at least fifteen consecutive years or any periods amounting in the aggregate to a period of at least fifteen years if the last of such periods terminates prior to the expiration of the period of twenty-five years next following the commencement of the first of such periods;

- (j) a person who has been ordinarily resident in this Island during any period of at least twenty consecutive years and who has been throughout the said period in occupation of a dwelling or dwellings—
  - (i) under or by virtue of a licence granted under the Law of 1948, the Law of 1967, the Law of 1969, the Law of 1975 or under or by virtue of a housing licence granted under section three of this Law or under or by virtue of successive licences granted under two or more of the said Laws,
  - (ii) as the spouse of such a person as is described in the last preceding subparagraph and who has, throughout the said period, cohabited with the said person as his spouse,
  - (iii) as the spouse of such a person as is described in either paragraph (a) or paragraph (b) of this subsection and who, throughout the said period, did not require a licence to occupy a dwelling in this Island as the spouse of the said person by virtue of any of the provisions of the Law of 1969, the Law of 1975 or the provisions of paragraph (b) of this subsection;
- (k) a person who has been ordinarily resident in this Island during any period of at least twenty consecutive years and who, when he occupied a dwelling in this Island for the first time, was a minor and occupied that dwelling at that time as a member of the household of his father or his mother;

- (l) the surviving spouse of such a person as is described in paragraph (d) or paragraph (e) of this subsection who died while serving in the Naval, Military or Air Forces of the Crown if the said surviving spouse was cohabiting with the said person as his spouse immediately prior to his death and if the said surviving spouse becomes ordinarily resident in this Island prior to the expiration of the period of six months next following the death of the said person.

(3) The provisions of paragraph (j) and paragraph (k) of the last preceding subsection shall not apply to a person who, at any time during the period of twenty consecutive years referred to in the said paragraphs was—

- (a) the owner or the owner jointly with another person of a dwelling for the time being inscribed in the Housing Register unless he became the owner or the owner jointly with another person of that dwelling under the terms of a will or by operation of law otherwise than as a result of saisie proceedings; or
- (b) the occupier of a dwelling for the time being inscribed in the Housing Register and owned by a body corporate unless that person satisfies the Authority that he did not at any time during which he occupied the said dwelling hold any shares in, or possess any voting power in, or in relation to, the said body corporate and that in the event of the said body corporate being wound up he would not have been, either

in his own right or as a beneficiary under a trust, entitled to participate in the net assets of the body corporate in such winding up whether by way of distribution of capital, repayment of loan account or otherwise.

10. (1) A person who is desirous of knowing whether he is a qualified resident may make application in that behalf to the Authority and such application shall be in such form and shall be accompanied by such information as the Authority may, from time to time, require. Application for status declaration.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Authority may require the applicant concerned to supply the Authority with such information, in addition to any information supplied in accordance with the provisions of the said subsection, as the Authority may require.

11. (1) The Authority shall, upon receipt of an application under the provisions of the last preceding section, issue to the applicant therefor a declaration (hereinafter referred to as "a status declaration") in writing, signed by the President or any other member of the Authority authorised in that behalf by the Authority, stating its decision whether such applicant is or is not a qualified resident. Issue of status declaration.

(2) When the Authority decides under the provisions of the last preceding subsection that the applicant for a status declaration is not a qualified resident such status declaration shall, as soon as may be after the Authority so decides, be served by the Authority on the applicant therefor and the status declaration shall contain a statement of the reasons why the Authority came to the decision that the applicant was not a qualified resident as aforesaid.

Appeal  
against  
decision  
on status  
declaration.

12. (1) Any person aggrieved by any decision of the Authority under the provisions of the last preceding section may appeal therefrom to the Ordinary Court on the following issue, namely, that the decision of the Authority was wrong.

(2) An appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served upon the President of the Authority to show cause why the decision appealed from should not be set aside or varied.

(3) An appeal on any question of law shall lie to the Court of Appeal from any decision in first instance of the Ordinary Court under this section within such period and in such manner as may be prescribed by Order of the Royal Court.

Suspension  
of certain  
provisions.

13. The States may, from time to time, by Ordinance suspend all or any of the provisions of paragraphs (d), (e), (f), (g), (h), (i), (j), (k) or (l) of subsection (2) of section nine of this Law during the period of operation of such Ordinance or during such period as may be specified therein.

Burden of  
proof of  
status.

14. (1) If in any proceedings for a contravention of the provisions of section one of this Law, a person claims that:—

(a) he is; or

(b) another person whom he caused or permitted to occupy the dwelling to which the proceedings relate is;

a qualified resident and does not require a housing licence to occupy the dwelling to which the proceedings relate, the burden of proving that fact to the satisfaction of the Court shall be discharged by the person who so claims.

(2) Subject to the provisions of the next succeeding subsection, in any proceedings for a contravention of section one of this Law, a status declaration that the person to whom it was issued is a qualified resident shall be conclusive evidence of that fact.

(3) Where a person is convicted of an offence under the provisions of paragraph (a) of section forty-two of this Law in connection with any application for a status declaration any status declaration issued in consequence of that application shall thereupon cease to be valid and shall not be evidence of any fact stated therein.

### PART III

#### *Circumstances in which a housing licence is not required*

15. (1) Subject to the provisions of Part V of this Law and of the provisions of the next succeeding subsection, a person shall not require a housing licence to occupy a dwelling in this Island which he was occupying on the day immediately preceding the date on which this Law came into force and which, on that day, he did not require a licence to occupy under the Law of 1975. Existing occupiers.

(2) A person who, on the day immediately preceding the date on which this Law came into force, was occupying a dwelling in this Island as a member of the household of a person in accordance with the provisions of section twenty-one of the Law of 1975 shall, if after the date on which this Law comes into force he continues to so occupy that dwelling in the same circumstances, be deemed to be a member of the household of the last mentioned person within the meaning of this Law.

Occupiers of dwellings in Register.

16. A person shall not require a housing licence to occupy a dwelling in this Island which is for the time being inscribed in the Housing Register established, compiled and maintained under the provisions of Part IV of this Law.

Occupiers of hotels, etc.

17. A person shall not require a housing licence to occupy accommodation as a tourist in any premises, not being a self-catering unit, in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948.

Occupiers of self-catering units.

18. A person who is a tourist shall not require a housing licence to occupy a self-catering unit in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948, if the period of occupation of such self-catering unit by that person in any period of twelve consecutive months does not exceed such period or periods in the aggregate as the States may, from time to time, by Ordinance prescribe.

Occupiers of nursing homes.

19. Notwithstanding the provisions of Part V of this Law, a qualified resident to whom any of the provisions of that Part apply shall not require a housing licence to occupy accommodation as a patient in a nursing home in respect of which the person carrying on that nursing home is for the time being registered under the provisions of the Nursing Homes and Residential Homes (Guernsey) Law, 1976(b).

Occupiers as spouse, etc.

20. (1) Subject to the provisions of Part V of this Law, a person shall not require a housing licence to occupy a dwelling in this Island as the

spouse or as a member of the household of a person who is:—

- (a) a qualified resident;
- (b) for the time being the holder of a housing licence to occupy that dwelling; or
- (c) a person who under the provisions of subsection (1) of section fifteen of this Law does not require a housing licence to occupy that dwelling.

(2) A person shall not require a housing licence to occupy a dwelling in this Island as a guest of a person who is:—

- (a) a qualified resident;
- (b) for the time being the holder of a housing licence to occupy that dwelling; or
- (c) a person who under the provisions of subsection (1) of section fifteen of this Law does not require a housing licence to occupy that dwelling;

if the period during which that guest is present in this Island in any period of twelve consecutive months does not exceed a period or periods in the aggregate of ninety days.

21. If in any proceedings for a contravention of the provisions of section one of this Law, a person claims that:—

Burden of proof.

- (a) he is; or
- (b) another person whom he caused or permitted to occupy the dwelling to which the proceedings relate is;

a person to whom section fifteen, section sixteen, section seventeen, section eighteen, section nineteen or section twenty of this Law applies and does not



require a housing licence to occupy the dwelling to which the proceedings relate, the burden of proving that fact to the satisfaction of the Court shall be discharged by the person who so claims.

#### PART IV

##### *The Housing Register*

Establish-  
ment,  
compilation  
and main-  
tenance of  
Register.

22. (1) The Authority shall establish, compile and thereafter maintain in accordance with the succeeding provisions of this Law and of any Ordinance made thereunder a register of dwellings (hereinafter referred to as "the Housing Register") for the purposes of this Law.

(2) The Housing Register shall be divided into two Parts of which the first shall be designated Part A and of which the second shall be designated Part B.

(3) The Authority shall, on the date on which this Law comes into force, inscribe:—

- (a) in Part A of the Housing Register every dwelling which, immediately prior to the date on which this Law comes into force, was inscribed in the Register of 1975 and in respect of which there is not for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948;
- (b) in Part B of the Housing Register every dwelling other than a self-catering unit which, immediately prior to the date on which this Law comes into force, was inscribed in the Register of 1975 and in respect of which there was in force, at any time during the period of twelve months immediately preceding the date on which this Law comes into force, a boarding

permit granted under the provisions of the Tourist Law, 1948, unless, prior to the date on which this Law comes into force, the owner of the dwelling notifies the Authority in writing that the dwelling has ceased to be used for the business of providing sleeping accommodation for reward to tourists in accordance with the provisions of the said boarding permit.

(4) Subject to the succeeding provisions of this Law, the Authority shall, subject to the provisions of any Ordinance made thereunder, upon application being made to it in accordance with the provisions of any such Ordinance by the owner of a dwelling:—

- (a) identified and named in the First Schedule to this Law, inscribe that dwelling in Part A of the Housing Register;
- (b) identified and named in the Second Schedule to this Law, inscribe that dwelling in Part B of the Housing Register;

if the said application is made to the Authority—

- (c) prior to the expiration of the period of twelve months commencing on the date on which this Law comes into force, or
- (d) in the case of a dwelling of which the identification and name is added to the said First Schedule or the said Second Schedule, as the case may be, by Ordinance made under the provisions of section thirty-five of this Law, prior to the expiration of the period of three months commencing on the date on which the said Ordinance comes into force,

and if, in the case of a dwelling identified and named in the Second Schedule to this Law, there is in force, on the date on which the said application is made

to the Authority, in respect of the dwelling which is the subject of the said application, a boarding permit granted under the provisions of the Tourist Law, 1948.

(5) Notwithstanding the preceding provisions of this section, the Authority shall not, on the date on which this Law comes into force (hereafter in this section referred to as "the commencement date"), inscribe in Part A of the Housing Register—

- (a) any dwelling which, immediately prior to the commencement date, was inscribed in the Register of 1975 but which on the commencement date is used or usable as two or more dwellings;
- (b) any dwelling which on the commencement date is identified and named in the First Schedule to this Law but which on the commencement date is used or usable as two or more dwellings.

**Closure of  
Register.**

23. Subject to the provisions of subsection (4) of the last preceding section, the next succeeding section and paragraph (b) of section thirty-five of this Law, the Authority shall not inscribe a dwelling in the Housing Register after the date on which this Law comes into force.

**Dwellings  
by way of  
replace-  
ment.**

24. Subject to the succeeding provisions of this Law, the Authority shall, subject to the provisions of any Ordinance made thereunder, upon application being made to it in accordance with the provisions of any such Ordinance by the owner of a dwelling (hereinafter referred to as "the new dwelling") constructed to replace a dwelling (hereinafter referred to as "the old dwelling") which was destroyed or damaged and which at the time of such destruction

or damage was inscribed in, or was eligible to be inscribed in, the Housing Register, inscribe the new dwelling in the Housing Register if the owner of the new dwelling satisfies the Authority that—

- (a) the new dwelling is constructed on the same site as the old dwelling; and
- (b) the destruction or damage to the old dwelling was of such extent as to render it incapable of being wholly used for the purposes of human habitation; and
- (c) the destruction of or damage to the old dwelling was caused by circumstances beyond the control of the owner thereof; and
- (d) the construction of the new dwelling was commenced before the expiration of the period of twelve months commencing on the date on which the destruction or damage of the old dwelling took place or was commenced before the expiration of such period and was completed before the expiration of such further period thereafter as the Authority may in any particular case require.

25. (1) Where:—

- (a) a dwelling, by virtue of the provisions of section three of the Law of 1967, was deemed to be a dwelling to which that Law applied;
- (b) a dwelling, by virtue of the provisions of section ten of the Law of 1969, was not or ceased to be a dwelling to which Part II of that Law applied;
- (c) a dwelling, by virtue of the provisions of section twelve of the Law of 1975, was not or ceased to be a dwelling to which Part II of that Law applied;

Dwellings  
not eligible  
for Register.

and was not inscribed in the Register of 1975 on the twenty-fifth day of January, nineteen hundred and eighty, that dwelling shall not be eligible to be inscribed in the Housing Register under the provisions of this Part of this Law unless it is for the time being identified and named, in whole or in part, in the First or Second Schedule to this Law save that if part only of that dwelling is identified and named as aforesaid that part only shall be eligible to be inscribed in the Housing Register under the provisions of this Part of this Law.

(2) A dwelling:—

- (a) which on the twenty-third day of December, nineteen hundred and sixty-eight, was occupied by a qualified resident;
- (b) which on the said twenty-third day of December was owned by a qualified resident or by a body corporate in which the controlling interest was held by a qualified resident;
- (c) which on the twenty-fifth day of January, nineteen hundred and eighty, was eligible to be inscribed in the Register of 1975 but was not so inscribed on that day; and
- (d) which, but for the provisions of this subsection, would be eligible to be inscribed in the Housing Register;

shall, if the owner thereof vacated, sold or otherwise disposed of that dwelling inter vivos during the period commencing on the twenty-fifth day of January, nineteen hundred and eighty, and ending on the day immediately preceding the date on which this Law comes into force, cease to be eligible to be inscribed in the Housing Register and, if the said

dwelling is inscribed in the Register of 1975 on the date on which this Law comes into force, the Authority shall not, on that date, inscribe the dwelling in the Housing Register notwithstanding the provisions of subsection (3) of section twenty-two of this Law.

26. Where, on or after the date on which this Law comes into force, a dwelling which is for the time being inscribed in the Housing Register is used wholly for purposes other than human habitation, the Authority shall delete the inscription relating to that dwelling from the Housing Register. Deletions from Register by the Authority.

27. (1) The Authority shall, subject to the succeeding provisions of this Law and of any Ordinance made thereunder, upon application being made to it in accordance with the provisions of any such Ordinance by the owner of a dwelling which is for the time being inscribed in the Housing Register, delete the inscription relating to that dwelling from the Housing Register in accordance with the provisions of any such Ordinance. Deletion from Register at request of owner.

(2) If the inscription in the Housing Register relating to a dwelling is deleted therefrom by the Authority under the provisions of the last preceding subsection the said dwelling shall not, notwithstanding any other provision of this Law, thereafter be eligible to be inscribed, in whole or in part, in Part A of the Housing Register.

28. (1) Where two or more dwellings, any one of which is not a dwelling to which this Part of this Law applies, are, on or after the date on which this Law comes into force, combined, whether by alteration or otherwise, so as to be used or usable as a single dwelling then that single dwelling whether or Dwellings which are altered, etc.

not inscribed as such in the Cadastre shall not be eligible to be inscribed in the Housing Register under the provisions of this Part of this Law.

(2) Subject to the provisions of the next succeeding subsection, where a single dwelling, whether inscribed in the Housing Register or not, which is a dwelling to which this Part of this Law applies is, on or after the date on which this Law comes into force, whether by alteration or otherwise, used or made usable as two or more dwellings, then the first mentioned single dwelling whether or not inscribed as such in the Cadastre shall cease to be eligible to be inscribed in the Housing Register under the provisions of this Part of this Law and if inscribed in the Housing Register the Authority shall delete the inscription relating to that dwelling from the Housing Register.

(3) Where a single dwelling whether inscribed in the Housing Register or not, which is a dwelling to which this Part of this Law applies, ceases to be such a single dwelling by virtue of the provisions of the last preceding subsection, the Authority upon application being made to it in that behalf may, in its discretion, inscribe in the Housing Register any dwelling created by the alteration or otherwise of the first mentioned single dwelling.

Dwellings  
to which  
section 28  
does not  
apply.

29. Notwithstanding the provisions of subsection (2) of the last preceding section where a single dwelling:—

- (a) which is for the time being inscribed in Part B of the Housing Register;
- (b) in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948; and

- (c) which is used, to the satisfaction of the Authority, for the business of providing sleeping accommodation for reward to tourists in accordance with the provisions of the said boarding permit;

is, on or after the date on which this Law comes into force, whether by alteration or otherwise, used or made usable as two or more dwellings then:—

- (d) such of the two or more dwellings as are used for the accommodation of persons employed at the said single dwelling for the purposes of the operation of the said boarding permit shall continue to be included in the inscription of the said single dwelling in Part B of the Housing Register;
- (e) such of the two or more dwellings as are used as self-catering units for the business of providing accommodation for reward to tourists shall cease to be included in the inscription of the said single dwelling in Part B of the Housing Register.

30. (1) Where any dwelling:—

- (a) which is for the time being inscribed in Part A of the Housing Register; and
- (b) in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948;

Transfers  
from Part A  
to Part B of  
Register.

is used, to the satisfaction of the Authority, for the business of providing sleeping accommodation for reward to tourists in accordance with the provisions of the said boarding permit, the Authority shall delete the inscription relating to that dwelling from Part A of the Housing Register.



(2) Where the inscription relating to a dwelling is deleted from Part A of the Housing Register under the provisions of the last preceding subsection the Authority shall inscribe that dwelling in Part B of the Housing Register.

**Transfers  
from Part B  
to Part A of  
Register.**

31. (1) Where any dwelling which is for the time being inscribed in Part B of the Housing Register ceases to be so used to the satisfaction of the Authority for the business of providing sleeping accommodation for reward to tourists in accordance with the provisions of the boarding permit for the time being in force in relation to that dwelling, the Authority shall delete the inscription relating to that dwelling from Part B of the Housing Register.

(2) Where the inscription relating to a dwelling is deleted from Part B of the Housing Register in pursuance of the provision of the last preceding subsection and that dwelling:—

- (a) was, immediately prior to the date on which this Law came into force, inscribed in the Register of 1975, or
- (b) being a dwelling identified and named in the First Schedule to this Law, was inscribed in Part A of the Housing Register prior to the expiration of—
  - (i) the period of twelve months commencing on the date on which this Law comes into force, or
  - (ii) the period of three months commencing on the date on which an Ordinance made under the provisions of section thirty-five of this Law adding the identification and name of that dwelling to the said First Schedule came into force;

the Authority shall inscribe that dwelling in Part A of the Housing Register unless:—

- (c) that dwelling, whether by alteration or otherwise, is used or has been made usable as two or more dwellings; or
- (d) that dwelling, whether by alteration or otherwise, is or has been combined with another dwelling which is not a dwelling to which this Part of this Law applies, so as to be used or usable as a single dwelling; or
- (e) the ownership of that dwelling has changed since that dwelling ceased to be used to the satisfaction of the Authority for the business of providing sleeping accommodation for reward to tourists.

(3) Where the inscription relating to a dwelling is deleted from Part B of the Housing Register in pursuance of the provisions of subsection (1) of this section and where that dwelling may not thereafter be inscribed in Part A of the Housing Register by reason of the provisions of paragraphs (c), (d) or (e) of the last preceding subsection, the Authority upon application being made to it in that behalf may, in its discretion, inscribe that dwelling in the Housing Register as if the application were an application under the provisions of subsection (3) of section twenty-eight of this Law.

32. The States may by Ordinance made under the provisions of section thirty-five of this Law provide that any premises not being a self-catering unit built, converted or otherwise created within the clos, curtilage or precincts of a dwelling—

Additional premises to dwellings.

- (a) in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948, and

- (b) which is for the time being inscribed in Part B of the Housing Register,

for the accommodation of tourists or persons fully employed at the said dwelling for the purposes of the operation of the said boarding permit, shall be identified and named in the Second Schedule to this Law as part of the inscription therein relating to the said dwelling so long as the said premises are used for the accommodation of tourists or for persons employed as aforesaid.

Certain dwellings may be retained on Register.

33. Where a person (hereinafter referred to as "the purchaser") on or after the date on which this Law comes into force purchases a dwelling which is inscribed in the Housing Register on the day on which the conveyance relating to that purchase is registered but which is not on that day a dwelling to which this Part of this Law applies by reason of being used or made usable as two or more dwellings the Authority may retain the inscription relating to that dwelling in the Housing Register if:—

- (a) the purchaser satisfies the Authority that, on the day on which he gave his consent to the said conveyance, he was unaware that the said dwelling was not on that day a dwelling to which this Part of this Law applies; and
- (b) the purchaser, prior to the expiration of the thirty days next following the date of such conveyance or prior to the expiration of such longer period as the Authority may allow, causes the said two or more dwellings to be combined to the satisfaction of the Authority, whether by alteration or otherwise, so as to be used or usable as a single dwelling.

34. Subject to the succeeding provisions of this Law, the States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for the establishment, compilation and maintenance by the Authority of the Housing Register and, without prejudice to the generality of the foregoing, they may, from time to time, by Ordinance, in particular, make provision for all or any of the following matters:—

Provision for  
Register by  
Ordinance.

- (a) the form of the Housing Register and the matters to be inscribed therein;
- (b) the manner in which the owner of a dwelling to which this Part of this Law applies who is desirous of having that dwelling inscribed in the Housing Register shall make application in that behalf to the Authority;
- (c) the information which shall accompany any application referred to in the last foregoing paragraph, whether to be supplied by the owner or the occupier of the dwelling concerned or by both such owner and such occupier;
- (d) the giving of prior notice to the Authority by the owner of a dwelling which is inscribed in the Housing Register if the said owner intends to effect any alteration to the said dwelling whether structural or by way of change of use;
- (e) the furnishing of information at any time by the owner or occupier of a dwelling which is inscribed in the Housing Register or by both such owner and such occupier;
- (f) the times during which, and the places at which, the Housing Register shall be available for inspection by members of the public;

- (g) the entry into, and inspection of, any premises for any purpose connected with the exercise of any power conferred by the provisions of any such Ordinance;
- (h) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

Alterations  
to Schedules  
by Ordinance.

35. The States may, from time to time, by Ordinance vary the list of dwellings identified and named in the First Schedule to this Law or identified and named in the Second Schedule to this Law:—

- (a) by deleting from the said First Schedule or from the said Second Schedule the identification and name of any dwelling of which the inscription relating to that dwelling in the Housing Register is deleted by the Authority;
- (b) by adding to the said First Schedule or the said Second Schedule the identification and name of any dwelling which, in the opinion of the Authority, should be identified and named in the said First Schedule or the said Second Schedule, as the case may be.

Interpretation  
of  
Part IV.

36. In this Part of this Law, unless the context otherwise requires, the expression “a dwelling to which this Part of this Law applies” means a dwelling:—

- (a) which is for the time being identified and named in the First or Second Schedule to this Law; or
- (b) which was, immediately prior to the date on which this Law came into force, inscribed in the Register of 1975.

## PART V

*Restrictions on occupation of dwellings by certain persons*

37. A person other than a qualified resident who at any time prior to the date on which this Law came into force has occupied or thereafter occupies a dwelling to which Part IV of this Law applies as the sole owner or the owner jointly with another person of that dwelling shall not, other than under and in accordance with a housing licence, occupy as a member of the household of a person or otherwise any other dwelling in this Island other than a dwelling for the time being inscribed in the Housing Register.

Prohibition on occupation of dwellings other than Part IV dwellings by non-qualified residents.

38. (1) A qualified resident—

Restrictions on occupation by certain qualified residents.

- (a) who was the sole owner or the owner jointly with another person of a dwelling on the twenty-third day of December, nineteen hundred and sixty-eight, which he caused to be inscribed in the Register of 1969 or the Register of 1975 and which he was occupying on the said twenty-third day of December or, if not, another qualified resident was occupying that dwelling on that date; or
- (b) who was the sole owner or the owner jointly with another person of a dwelling which he caused to be inscribed in the Register of 1969 or the Register of 1975 and which he was occupying on the date on which it was inscribed as aforesaid;

shall not, or, after the death of that person, the spouse of that person if living with him on the date on which it was inscribed as aforesaid shall not,

occupy any other dwelling in this Island other than a dwelling for the time being inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the provisions of the Law of 1975 on the day immediately preceding the date on which this Law came into force.

(2) Where a dwelling which is identified and named in the First Schedule to this Law is for the time being inscribed in the Housing Register, a person—

- (a) who is a qualified resident, and
- (b) who, on the twenty-third day of December, nineteen hundred and sixty-eight, was occupying that dwelling as the sole owner or the owner jointly with another person of that dwelling,

shall not, or, after the death of that person, the spouse of that person if living with him at the date of death shall not, occupy any other dwelling in this Island other than a dwelling for the time being inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the provisions of the Law of 1975 on the day immediately preceding the date on which this Law came into force.

(3) Where a dwelling which is identified and named in the Second Schedule to this Law is for the time being inscribed in the Housing Register, a person—

- (a) who is a qualified resident, and
- (b) who, on the twenty-third day of December, nineteen hundred and sixty-eight, was occupying that dwelling as the sole owner or the owner jointly with another person of that dwelling, or

- (c) who, on the date on which that dwelling was inscribed in the Housing Register, was occupying that dwelling as the sole owner or the owner jointly with another person,

shall not, or, after the death of that person, the spouse of that person if living with him at the date of death shall not, occupy any other dwelling in this Island other than a dwelling inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the provisions of the Law of 1975 on the day immediately preceding the date on which this Law came into force.

- (4) Where a body corporate—

- (a) at any time prior to the date on which this Law came into force was the sole owner or the owner jointly with another person of a dwelling which that body corporate caused to be inscribed in the Register of 1969 or the Register of 1975, or

- (b) is the sole owner or the owner jointly with another person of a dwelling which is for the time being inscribed in the Housing Register,

a person—

- (c) who is a qualified resident, and
- (d) who was occupying that dwelling on the twenty-third day of December, nineteen hundred and sixty-eight,

shall not, or, after the death of that person, the spouse of that person if living with him at the date of death shall not, occupy any other dwelling in this Island other than a dwelling for the time being inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the provisions of the Law of 1975 on the day immediately preceding the date on which this Law came into



force, unless he satisfies the Authority that he did not at any time during which he occupied the first mentioned dwelling hold any shares in, or possess any voting power in, or in relation to, the said body corporate and that in the event of the said body corporate being wound up he would not have been, either in his own right or as a beneficiary under a trust, entitled to participate in the net assets of the said body corporate in such winding up whether by way of distribution of capital, repayment of loan account or otherwise.

(5) The spouse of any person to whom subsection (1), subsection (2), subsection (3) or subsection (4) of this section applies who—

- (a) is a qualified resident, and
- (b) was occupying a dwelling jointly with such a person as aforesaid on the date when that dwelling was inscribed in the Register of 1969, the Register of 1975, or the Housing Register but on that date was not the owner jointly with that person of that dwelling,

shall not at any time while living with that person occupy jointly with that person any other dwelling in this Island other than a dwelling inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the provisions of the Law of 1975 on the day immediately preceding the date on which this Law came into force.

(6) Notwithstanding the preceding provisions of this section, a person being the sole owner or the owner jointly with another person of a dwelling inscribed in Part A of the Housing Register who—

- (a) is a qualified resident, and
- (b) is occupying that dwelling,

or, after the death of that person, the spouse of that person if living with him at the time of his death, may—

- (c) if whether by alteration or otherwise, that dwelling is used or made usable as two or more dwellings at least one of which is not a dwelling to which Part IV of this Law applies, or
- (d) the inscription relating to that dwelling is deleted from the Housing Register under the provisions of section twenty-eight of this Law,

occupy any other dwelling in this Island.

(7) Notwithstanding the provisions of subsections (1) to (5), both inclusive, of this section, the Authority may, in its absolute discretion, grant permission in writing, subject to such conditions as the Authority may consider necessary or expedient, to a person who is a qualified resident to occupy any dwelling in this Island which he would otherwise be precluded from occupying by virtue of the said subsections of this section.

39. A person who—

- (a) is a qualified resident, and
- (b) is a person to whom subsection (1), subsection (2), subsection (3), subsection (4) or subsection (5) of the last preceding section applies,

Restrictions on occupation as member of household by certain qualified residents.

shall not, without the permission in writing of the Authority, occupy as a member of the household of a person or otherwise any other dwelling in this Island other than a dwelling inscribed in the Housing Register or the dwelling he was occupying under or by virtue of the Law of 1975 on the day immediately preceding the date on which this Law came into force.

## PART VI

*Appeals, offences and legal proceedings***Appeals.**

40. (1) Subject to the provisions of section twelve of this Law, any person aggrieved by any decision of the Authority under any of the provisions of this Law may appeal therefrom to the Royal Court on the grounds that the decision of the Authority was ultra vires or was an unreasonable exercise of its powers.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served upon the President of the Authority to show cause why the decision appealed from should not be set aside or varied.

(3) On any appeal under this section the burden of satisfying the Royal Court that the decision of the Authority which is the subject of the appeal is intra vires or reasonable shall be discharged by the Authority and the Authority shall be entitled to a final right of reply.

(4) An appeal on any question of law shall lie to the Court of Appeal from any decision in first instance of the Royal Court under this section within such period and in such manner as may be prescribed by Order of the Royal Court.

**Offences.**

41. Any person who occupies or causes or permits any other person to occupy a dwelling in this Island in contravention of any of the provisions of this Law or who contravenes or fails to comply with any condition of a housing licence shall be guilty of an offence and liable:—

- (a) on conviction on indictment, to a fine not exceeding five thousand pounds;
- (b) on summary conviction, to a fine not exceeding one thousand pounds.

42. Any person—

**False  
statements.**

- (a) who, in connection with any application for the grant of a housing licence, in connection with any application for a status declaration or in connection with an application for the inscription of a dwelling in the Housing Register under the provisions of an Ordinance made under this Law, knowingly makes any false statement or recklessly makes any statement which is false in a material particular or produces or furnishes any information which he knows to be false; or
- (b) who knowingly fails to produce or furnish any information which he is required to produce or furnish under the provisions of this Law or any Ordinance made thereunder;

shall be guilty of an offence and liable:—

- (c) on conviction on indictment, to a fine not exceeding five thousand pounds;
- (d) on summary conviction, to a fine not exceeding one thousand pounds.

43. Save as otherwise expressly provided in section forty-one or section forty-two of this Law, the States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made in pursuance of any of the provisions of this Law and

**Certain  
penalties to  
to be pre-  
scribed by  
Ordinance.**

different penalties may be so prescribed for different such offences.

Offences by  
bodies  
corporate.

44. Where an offence under this Law or any Ordinance made thereunder which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Breach of  
provisions of  
section one  
of this Law,  
etc.

45. (1) If any person occupies a dwelling in contravention of the provisions of section one of this Law or contravenes or fails to comply with any condition of a housing licence the Authority may make an application to the Ordinary Court for an order vesting the possession of the dwelling so occupied, or a part thereof, in the Authority, for such period, in consideration of such rent and subject to such other terms and conditions having regard to all the circumstances of the case, as the Ordinary Court may prescribe and upon the making of such an order the possession of that dwelling or of the part thereof to which the order relates shall vest in the Authority accordingly as though the Authority were a tenant thereof with power to make application for the granting of an eviction order against any person in occupation of the dwelling or part thereof to which the order relates and to sub-let the same to, or permit the use thereof by, or with the assent of the owner to assign the interest of the Authority to, any person for the purposes of human habitation.

(2) Notice of the day and time on and at which an application to the Ordinary Court under the

provisions of this section is to be made shall be served by the Authority on the occupier concerned; such notice shall require him to attend at the hearing of the application.

(3) Where an occupier upon whom a notice is served in pursuance of the provisions of the last preceding subsection is not the owner of the dwelling concerned a copy of the notice shall be served by the Authority on the owner who may attend at the hearing of the application and make representations thereon.

(4) Upon an application as aforesaid by the Authority for the granting of an eviction order against any person, the Ordinary Court shall not be bound to take into account any of the matters referred to in section three of the Law giving the Court increased power to stay execution in actions for eviction registered on the thirty-first day of August, nineteen hundred and forty-six(c).

46. Upon the making of an order under the provisions of section forty-five of this Law vesting the possession of a dwelling or any part thereof in the Authority, any person occupying that dwelling or that part thereof, as the case may be, at the time of the making of the order under a lease or tenancy agreement shall be entitled, within the ninety days next following the date of the making of the order, to take legal proceedings against his landlord with a view to the making by the Ordinary Court of an order declaring the lease or tenancy agreement to be avoided, and for the reimbursement of the legal charges and disbursements incidental to such acquisition incurred by him, and thereupon the Ordinary Court, if it is satisfied that at the time of the execu-

**Legal  
proceedings  
against  
landlords.**

tion of the lease or of the making of the tenancy agreement neither the lessee nor the tenant, as the case may be, nor his servant or agent, was aware of the necessity for procuring a housing licence in order that he should be entitled to occupy the dwelling or part thereof so leased or let to him, may make an order accordingly subject to such directions and conditions as shall appear to the Ordinary Court to be just.

## PART VII

*General, interpretation, repeals, citation, commencement, duration*

Entry on  
premises.

47. (1) If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting—

(a) that any person is contravening or has contravened or is failing or has failed to comply with any of the provisions of this Law or of any Ordinance made thereunder; or

(b) that any person is contravening or has contravened or is failing or has failed to comply with any condition attached to any housing licence granted by the Authority under the provisions of this Law; or

(c) that any two or more dwellings are used or usable in the manner described in subsection (1) of section twenty-eight of this Law; or

(d) that any single dwelling is used or usable in the manner described in subsection (2) of section twenty-eight of this Law;

he may grant a warrant authorising any person named therein, at any time or times within one month of the date of the warrant, to enter, if need

be by force, the dwelling named in the warrant for the purposes of ascertaining whether there is or has been any contravention as aforesaid or any failure as aforesaid or whether any two or more dwellings or any single dwelling are or is used or usable as aforesaid.

(2) Any person who intentionally obstructs a person in the exercise of his powers under this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

48. Nothing in this Law contained shall be taken **Exceptions.** to apply to the occupation of any dwelling in the possession or ownership of the States.

49. Any notice which may be served for the purposes of this Law shall be validly served--- **Service of notices.**

- (a) on any person, if delivered to him, left, or sent by registered post or by recorded delivery service to him at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island, or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

50. Any Ordinance made under the provisions of the Law of 1975 and in force immediately before the coming into force of this Law shall continue in **Savings for Ordinances.**



force as though it were made under the provisions of this Law until repealed or varied by an Ordinance made under the provisions of this Law.

Savings for  
licences.

51. Any housing licence granted or having effect under the provisions of the Law of 1948, the Law of 1967, the Law of 1969 or the Law of 1975 and valid immediately before the coming into force of this Law shall be deemed to have effect as though it were a housing licence granted under this Law and any conditions attached thereto were conditions attached under the provisions of this Law.

Interpre-  
tation.

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

“adopted child” means a child:—

- (a) who is adopted under the provisions of the Adoption (Guernsey) Law, 1960(d);
- (b) who is adopted in pursuance of an order made in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey;
- (c) who is adopted by virtue of an overseas adoption within the meaning of subsection (3) of section five of the Adoption (Guernsey) Law, 1970(e);

“the Authority” means the States Housing Authority;

“the Cadastre” means the Cadastre prepared and maintained under the provisions of the Cadastre Law, 1947(f);

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(d) Ordres en Conseil Vol. XVIII, p. 192.

(e) Ordres en Conseil Vol. XXII, p. 380.

(f) Ordres en Conseil Vol. XIII, p. 78.

“child” means the issue of the first degree of a person and includes a step-child, an adopted child and an illegitimate child;

“the controlling interest” means in relation to a body corporate—

- (a) the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the Articles of Association or other document regulating that or any other body corporate, that the affairs of the first mentioned body corporate are conducted in accordance with the wishes of that person;
- (b) the power of a person who is a loan creditor of a body corporate and who is, in the opinion of the Authority, able to exercise that power to secure that the affairs thereof are conducted in accordance with the wishes of that person;

“the Court of Appeal” means the Court of Appeal established under the provisions of the Court of Appeal (Guernsey) Law, 1961(g);

“dwelling” means any premises or any part of any premises used or usable for the purposes of human habitation and includes—

- (a) a flat; and
- (b) any premises in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948;

“the Housing Register” has the meaning assigned to it by subsection (1) of section twenty-two of this Law;

- “the Law of 1948” means the Housing Control (Emergency Provisions) (Guernsey) Law, 1948 (*h*);
- “the Law of 1967” means the Housing Control (Guernsey) Law, 1967(*i*);
- “the Law of 1969” means the Housing Control (Guernsey) Law, 1969(*j*);
- “the Law of 1975” means the Housing (Control of Occupation) (Guernsey) Law, 1975(*k*);
- “a member of the household of a person” means any of the following relatives of that person, that is to say, his father, his mother, his brother and his sister of the full blood, his brother and his sister of the half blood, any child or grandchild of his, his father-in-law, his mother-in-law, his brother-in-law and his sister-in-law but does not include any other person whatsoever;
- “minor” means a person who has not attained the age of eighteen years;
- “the Ordinary Court” means the Royal Court sitting as an Ordinary Court;
- “to occupy” in relation to any dwelling, includes to live in that dwelling and the expressions “occupy”, “occupying” and “occupation” shall be construed accordingly;
- “owner” in relation to any dwelling means—
- (a) where that dwelling is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour such order has been made;

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(*h*) Ordres en Conseil Vol. XII, p. 262.  
 (*i*) Ordres en Conseil Vol. XXI, p. 204.  
 (*j*) Ordres en Conseil Vol. XXII, p. 260.  
 (*k*) Ordres en Conseil Vol. XXV, p. 332.

(b) where that dwelling is not the subject of such saisie proceedings—

(i) the person in whom there is for the time being vested, either solely or jointly with another person, an estate of inheritance in that dwelling, if that dwelling is not held in trust, or

(ii) the trustees and the cestui que trust, if that dwelling is held in trust;

“qualified resident” has the meaning assigned to it by subsection (1) of section nine of this Law;

“the Register of 1969” means the Housing Control Register established and maintained under the provisions of the Law of 1969 before the coming into force of the Law of 1975;

“the Register of 1975” means the Housing Control Register established and maintained under the provisions of the Law of 1975 before the coming into force of this Law;

“self-catering unit” means any premises in respect of which there is for the time being in force a boarding permit granted under the provisions of the Tourist Law, 1948, which are treated by the Authority as a self-catering unit;

“spouse” includes a surviving spouse who has not remarried and a person whose marriage has been terminated by divorce or has been annulled and who has not remarried;

“tourist” means a person who is in this Island for the purposes of a holiday but does not include a person who has been physically present in this Island for a period or periods in the aggregate in excess of ninety days in any period of twelve consecutive months.

(2) A child who was not born in this Island but was adopted before he attained the age of five years by persons ordinarily resident in this Island at the time of such adoption shall be deemed, for the purposes of Part II of this Law, to have been born in this Island.

(3) A person shall, for the purposes of this Law, be treated as ordinarily resident in this Island during any period if—

- (a) his home was in this Island throughout that period;
- (b) he did not have a home elsewhere than in this Island at any time during that period;
- (c) he did not at any time during that period occupy a dwelling in this Island in contravention of any of the provisions of the Law of 1948, the Law of 1967, the Law of 1969, the Law of 1975 or this Law; and
- (d) he did not at any time during that period occupy a dwelling in this Island as a member of the household of a person who was occupying that dwelling in contravention of any of the provisions of the Law of 1948, the Law of 1967, the Law of 1969, the Law of 1975 or this Law.

(4) Notwithstanding the provisions of the last preceding subsection, for the purposes of this Law—

- (a) the spouse of such a person as is described in paragraph (d) or paragraph (e) of subsection (2) of section nine of this Law who is serving in the Naval, Military or Air Forces of the Crown shall be deemed to be ordinarily resident in this Island during any period throughout the whole of which she cohabits with the said person as his spouse

while he is so serving if the said spouse and the said person become ordinarily resident in this Island prior to the expiration of the period of six months next following the date on which the said person resigns or retires from service in the Naval, Military or Air Forces of the Crown;

- (b) the child of such a person as is described in paragraph (d) or paragraph (e) of subsection (2) of section nine of this Law who is serving in the Naval, Military or Air Forces of the Crown shall be deemed to be ordinarily resident in this Island during any period throughout the whole of which he is a member of the household of the said person while he is so serving if the said child becomes ordinarily resident in this Island as a member of the household of the said person prior to the expiration of the period of six months next following the date on which the said person resigns or retires from service in the Naval, Military or Air Forces of the Crown.

(5) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

(6) Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

53. The Laws set out in the Third Schedule to Repeals. this Law are hereby repealed.

**Citation.** 54. This Law may be cited as the Housing (Control of Occupation) (Guernsey) Law, 1982.

**Commencement.** 55. This Law shall come into force on such date as the States may by Ordinance appoint:

Provided that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before the date on which this Law comes into force, subject to the restriction that any such Ordinance shall not come into force until this Law comes into force.

**Duration.** 56. (1) Subject to the provisions of the next succeeding subsection, this Law shall remain in force until the expiration of the period of ten years commencing on the date on which this Law comes into force.

(2) The States may, from time to time, by Ordinance provide that this Law shall remain in force during such period subsequent to the expiration of the period of ten years commencing on the date on which this Law comes into force as may be specified in any such Ordinance so however that any one such period so specified shall not exceed five years.

## FIRST SCHEDULE Section twenty-two

## DWELLINGS

| CADASTRE NO.   | NAME OF DWELLING   |
|----------------|--|
| A 1 218/B/1    | La Vieille Grange, Fosse Andre   |
| A 1 239        | Maison Landry, Amherst   |
| A 1 905—Part   | Flat 3, Le Pampolais   |
| A 1 905—Part   | Flat 5, Le Pampolais   |
| A 2 111—Part   | Flat 2, 2 St James Street  |
| A 2 279—Part   | Ground Floor Flat, Siantar, Brock Road   |
| A 2 618        | Old Farm, Upper St Jacques   |
| A 2 767/1      | 1 Clos de Bas  |
| A 2 767/2      | 2 " " (La Bourdonnais)   |
| A 2 767/3      | 3 " "  |
| A 2 767/4      | 4 " " (Hollandia)  |
| A 2 767/5      | 5 " "  |
| A 2 767/6      | 6 " "  |
| A 2 767/7      | 7 " "  |
| A 2 767/8      | 8 " "  |
| A 2 767/17     | 17 " "   |
| A 2 767/22     | 22 " "   |
| A 2 770/A/1    | 1 Clos Collette Nicolle  |
| A 2 770/A/2    | 2 " "  |
| A 2 770/A/4    | 4 " "  |
| A 2 789/H—Part | Flats 1, 5, 6, 7, 8, 9, 11, 12 Maison Haro                                     |
|                | Flats 16, 19, 20, 22, 24 Maison Grue   |
|                | Flats 25, 28, 31, 32, 36 Maison Faite  |
| A 3 95         | Le Haut, 7 Clifton Steps   |
| A 3 329        | Cordier House, Cordier Hill  |
| A 3 476—Part   | The Flat, 59 Victoria Road   |
| A 3 985—Part   | Flat 1, Woodford   |
| A 3 985—Part   | Flat 2, Woodford } Les Gravees   |
| A 3 985—Part   | Flat 3, Woodford }   |
| A 3 1049/A     | Petit de Beauvoir, Rohais  |
| A 4 86—Part    | Flats 2, 4, 5, 6, 7, 12, 17, 18, 19, 21, 25, 26, 27,<br>28, 29, 30 Tudor House |
| A 4 449        | Bon Accord, Avenue du Manoir   |
| A 4 502        | Manor House, Ville au Roi  |
| A 4 521/2      | Little Jude, 2 Clos du Ruette Brayé  |
| A 4 687        | 27 Hauteville  |
| A 4 715—Part   | Flat 4, 48 Beauregard, Hauteville  |
| A 4 732—Part   | Lower Flat, Anna Capri, Havelet  |
| A 4 733        | Rockhill, Havelet  |
| A 4 1004       | Coppice End, Colborne Road   |
| B 575/A—Part   | La Manchelle, Delancey   |
| B 716/B        | The Barn, Rue Jacques  |
| B 760/A—Part   | Rocques de St Clair, Delancey  |
| B 810—Part     | Redlynch House, Rue de la Ronde Cheminee                                       |
| B 942          | Le Bordage Villa, Baubigny   |
| B 1125         | Lorina Lodge, Les Capelles   |
| B 1910/A       | La Rocque du Nord, La Passee   |
| C 30/B         | Le Mauveret, Rue des Chapelles   |
| C 1137/B       | San Jeronimo, Tertre Lane  |
| C 1352—Part    | Northlands, Les Landes   |



| CADASTRE NO. | NAME OF DWELLING                              |
|--------------|---|
| C 1779       | The Seagulls, Chouet                          |
| C 2189       | Le Charruee de Haut, Rue de la Charruee       |
| C 2605/A     | La Balise, Grand Havre                        |
| D 678/F      | Tucorro, Rue Piette                           |
| D 938/1      | 1 Rue de la Cache (Les Chouettes)             |
| D 938/7      | 7 " "   |
| D 938/9      | 9 " " (Ker Maria)                             |
| D 938/10     | 10 " "  |
| D 938/11     | 11 " " (Green Hollow)                         |
| D 938/12     | 12 " " (Tamarisk)                             |
| D 938/13     | 13 " " (Gants)                                |
| D 1228/A/1   | 1 Clos d'Albecq (Aquarius)                    |
| D 1228/A/4   | 4 " "   |
| D 1228/A/6   | 6 " " (Vue du Hommet)                         |
| D 1295/8     | 8 Les Cherfs Estate (Kingswood)               |
| D 1295/9     | 9 " " (Harmony)                               |
| D 1295/10    | 10 " " (Lerryn)                               |
| D 1295/11    | 11 " " (Whitewalls)                           |
| D 1295/12    | 12 " " (Beggars Roost)                        |
| D 1295/29    | 29 " " (La Roselierre)                        |
| D 1295/30    | 30 " " (Jofre)                                |
| D 1295/31    | 31 " " (Albany)                               |
| D 1295/32    | 32 " "  |
| D 1295/33    | 33 " " (Solbakken)                            |
| D 1688—Part  | Ground Floor Flat, Les Landes, Les Baissieres |
| D 1784/A/2   | Sierra Lodge, Rue des Francais                |
| E 235/B—Part | Alimar, Bingley Stores, Rue de St Pierre      |
| E 469/D/1/A  | 1 Route des Houguets (La Mer et Ciel)         |
| E 469/D/3    | 3 " "   |
| E 535/A      | Two Views, Rue de la Marette                  |
| E 625—Part   | Les Longs Lohiers, Les Lohiers                |
| E 679        | Crowstone, Rue du Dos d'Ane                   |
| E 696/1      | 1 Le Margion (Solmair)                        |
| E 696/2      | 2 " " (Pre de la Mer)                         |
| E 704/1      | 3 " " (Le Four)                               |
| E 704/2      | 4 " " (Swallows)                              |
| E 704/3      | 5 " " (Sundown Way)                           |
| E 704/4      | 6 " "   |
| E 704/5      | 7 " "   |
| E 704/6      | 8 " "   |
| E 704/7      | 9 " "   |
| E 751        | Hill House, Rue de la Terre Norgiot           |
| E 863/A      | La Parterre, Grande Rue                       |
| E 872/B      | Meck Toub, Le Frie Baton                      |
| E 1032/A/1   | 2 Clos du Fillage (Chamundi)                  |
| E 1032/A/2   | 1 " " (Tamaam)                                |
| F 17         | Woodlands, Plaisance Road                     |
| F 150—Part   | Les Adams                                     |
| F 355        | La Madeleine de Haut                          |
| F 384/A      | Maison des Juliennes, Rue des Vinaires        |
| F 615/B      | Le Coudre de Haut                             |
| F 826        | Le Profond Val                                |
| F 1008/A     | Tampico, Rue des Pointes                      |
| F 1165/B     | La Mouette, Rocquaine                         |
| F 1356/A     | Glenside, Le Pont                             |

| CADASTRE NO. | NAME OF DWELLING                      |
|--------------|---------------------------------------|
| G 210/B      | St Catherine, Le Planel               |
| H 289/A      | Greensleeves, Rue de L'Epine          |
| H 556        | Le Paradou, Contree de Torval         |
| J 59A        | Attenborough House, Grande Rue        |
| J 147        | Le Petit Bois, Sausmarez Road         |
| J 149/A      | Brooklane Cottage, Sausmarez Road     |
| J 150/A—Part | La Rochelle, Sausmarez Road           |
| J 241/A      | Highdown, Hubits de Bas               |
| J 252        | La Ferme des Hubits, Hubits de Haut   |
| J 254        | Maris Stella, Les Hubits              |
| J 406/A      | White Lodge, Les Merriennes           |
| J 425/1      | 1 Clos du Moulin (St Clair)           |
| J 425/3      | 3 " " (Quercy)                        |
| J 425/4      | 4 " " (Martinez)                      |
| J 433/E      | Bagi Dua, Rue des Friteaux            |
| J 464/A      | Kinneries, Steam Mill Lane            |
| J 705/B/2    | 19 Clos du Petit Bois (Les Bruyeres)  |
| J 705/B/4    | 18 " " (Bryanston)                    |
| J 705/B/5    | 17 " " "                              |
| J 705/B/8    | 14 " " "                              |
| J 705/B/9    | 13 " " (Anselmi)                      |
| J 705/B/12   | 11 " " "                              |
| J 705/B/13   | 9 " " (Chateau du Alcon)              |
| J 705/B/14   | 8 " " "                               |
| J 705/B/15   | 7 " " "                               |
| J 705/B/16   | 6 " " "                               |
| J 705/B/17   | 4 " " (Ardeevan)                      |
| J 705/B/19   | 2 " " (Quelques Fleurs)               |
| J 705/B/20   | 1 " " (Coin du Soleil)                |
| J 956/A      | Comillas, La Rue des Croutes          |
| J 964/H/2    | 2 Clos des Fontaines (La Miette)      |
| J 964/H/7    | 7 " " (La Charmille)                  |
| J 964/H/9    | 9 " " "                               |
| J 964/H/10   | 10 " " "                              |
| J 1281—Part  | Top Flat, La Fourquie, Camp du Moulin |
| J 1458—Part  | Upper Flat, Criffel, Old Mill         |
| J 1589       | Les Pres de Jerbourg                  |
| J 1722/5     | 5 Vaux du Varclin (La Fauvette)       |
| J 1722/6     | 6 " " "                               |
| K 70         | Rohais Manor, Castel Hill             |
| K 76/A       | Highlands, Rohais de Haut             |
| K 233        | Le Monnaie de Haut                    |
| K 491        | The Meadows, Les Blicqs               |
| K 507        | Courtill de Marion, 8 Les Mauxmarquis |
| K 565—Part   | Ferneigh, Rue de la Brigade           |
| K 628/A      | 1 Les Naftiaux (La Fougere)           |

## SECOND SCHEDULE

Section twenty-two

## HOTELS AND GUEST HOUSES

| CADASTRE NO. | ADDRESS                    |
|--------------|----------------------------|
| A 1 1065     | Sardrette Hotel            |
| A 2 196      | Pres de la Ville Hotel     |
| A 2 960      | Changi Lodge Hotel         |
| A 3 205      | Sunny Croft Hotel          |
| A 3 216      | Mount Pleasant Guest House |
| A 3 229      | Godiva Hotel               |
| A 3 715      | Somerset Hotel             |
| A 3 870      | La Borne Milliaire Hotel   |
| A 4 717      | Pandora Hotel              |
| A 4 1015     | Villa de la Rocque Hotel   |
| B 702/K/1    | Pinetops Hotel             |
| C 518        | Eastbourne Private Hotel   |
| C 993/A      | Charmaine Private Hotel    |
| C 2299       | Hampshire Lodge Hotel      |
| C 2591       | Hotel Houmet du Nord       |
| D 1774       | Le Galaad Hotel            |
| E 293/A      | Ashcroft Hotel             |
| E 1133/A     | Atlantique Hotel           |
| F 27         | Longfrie Hotel             |
| H 235B       | Hotel Villa del Sol        |
| J 180        | Rosewood Guest House       |
| J 435        | Charlbury Hotel            |
| J 1060       | Sunnydene Hotel            |
| J 1623       | Idlerocks Hotel            |
| J 1655B      | Mapleton Hotel             |

THIRD SCHEDULE

Section fifty-three

REPEALS

The Housing (Control of Occupation) (Guernsey)  
Law, 1975.

The Housing (Control of Occupation) (Amendment)  
(Guernsey) Law, 1980<sup>(l)</sup>.

The Housing (Control of Occupation) (Extension)  
(Guernsey) Law, 1980<sup>(m)</sup>.

K. H. TOUGH,

Her Majesty's Greffier.

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<sup>(l)</sup> No. I of 1980.  
<sup>(m)</sup> No. VI of 1980.