
(Registered on the Records on the 15th November, 1947.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1947.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRIVY SEAL.
EARL OF LISTOWEL.
MR. TOMLINSON.
MR. KEY.

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 24th day of October, 1947, in the words following, viz :—

Law giving
to the Court
increased
power to
stay execu-
tion in
Actions for
Eviction
(Alderney).

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

1947

' That the Court of Alderney were of opinion that it might be desirable to adopt a similar Law to that in operation in the Island of Guernsey giving the Court increased power to stay execution in Actions for evictions. That on the 19th day of July, 1947, at a Meeting of the States of Alderney holden before Your Petitioner, the States took into consideration the *Projet de Loi* intituled *Projet de Loi " Law giving the Court increased power to stay execution in Actions for Eviction "* and were of opinion to approve the same and to authorise Your Petitioner to present in the name of the States a most humble Petition to Your Most Excellent Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying Your Majesty to grant thereto Your Royal Sanction and to order that the said *Projet de Loi* (a copy whereof is hereunto annexed) shall have force of Law in Your Majesty's said Island of Alderney.'

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

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

AND His Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof

is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

1947

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

E. C. E. LEADBITTER.

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

LAW GIVING THE COURT INCREASED
POWER TO STAY EXECUTION IN ACTIONS
FOR EVICTION.

1. When the tenant or sub-tenant of a dwelling house or other premises is proceeded against for eviction from any dwelling house or premises, the Court may, having taken into consideration the position of the parties and all the circumstances of the case, make an order that execution of any order for eviction from the said premises be suspended during such time and upon such conditions as the Court may consider reasonable.

Suspension
of execution
of eviction
Order.

2. In considering the position of the parties and the circumstances of the case, with a view to deciding whether the Court should suspend execution of an eviction order, and if so, during what times and upon what terms such execution should be delayed, the Court shall take into account the following matters, inter alia :—

Matters to
be taken
into account.

- (a) Whether any rent lawfully due from the tenant or sub-tenant has not been paid, or any other obligation of the tenancy has been broken or not performed.

1947

- (b) Whether there is suitable alternative accommodation available for the tenant or sub-tenant, or whether such accommodation be available when the judgement or order takes effect.
- (c) Whether the tenant or sub-tenant or any person residing or lodging with him, or being his sub-tenant, has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers.
- (d) Whether the condition of the premises has in the opinion of the Court deteriorated owing to the act, neglect or default of the tenant or sub-tenant or of any such person, and where such person is himself a lodger or sub-tenant of such tenant or sub-tenant, whether the Court is satisfied that such tenant or sub-tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to take for the removal of such person.
- (e) Whether the tenant or sub-tenant has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose.
- (f) Whether the tenant or sub-tenant has given notice to quit, and in consequence the landlord has contracted to sell or let the house, or has taken other steps as a result of which he would, in the opinion of the Court, be seriously prejudiced if he could not obtain possession.
- (g) Whether the premises consist of or include premises licensed for the sale of intoxicating liquor and the tenant or sub-tenant has committed an offence as holder of the licence, or has not conducted the premises to the satisfaction of the Court.

- (h) Whether the dwelling-house is so overcrowded as to be dangerous or injurious to the health of the inmates, and the Court is satisfied that the overcrowding could have been abated by the removal of any lodger or sub-tenant whom it would in all the circumstances of the case, including the question whether alternative accommodation is available for him, have been reasonable to remove, and the tenant or sub-tenant has not taken such steps as he ought reasonably to have taken for his removal.

1947

3. When the Court shall have made an order for delay of execution by virtue of the provisions of section 2 of this law, any person in respect of which the order was made, shall be at liberty to apply to the Court, on showing a change of circumstances arising since the making of such order, to vary such order, and thereupon the Court may vary such order as to the Court may seem reasonable.
-

Variation
of order.