

ORDER IN COUNCIL

III
2002

ratifying a Projet de Loi

ENTITLED

The Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 18th March, 2002.)



2002

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 18th day of March, 2002 before Sir de Vic Carey, Bailiff, present:—
Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin
Le Page, Stephen Edward Francis Le Poidvin, David Michael Jory,
Keith Bichard, O.B.E., Esquires, The Reverend Peter Gerald Lane
and Michael John Tanguy, Esquire, Jurats.*

The Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated the 12th day of February, 2002, approving and ratifying the Projet de Loi of the States of Guernsey entitled "The Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED that the said Order in Council be registered on the records of this Island.

At the Court at Buckingham Palace

The 12th day of February, 2002

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 5th day of February 2002 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

“1. That, in pursuance of their Resolution of the 14th day of March 2001, the States of Deliberation at a meeting held on the 1st day of November 2001 approved a Bill or “Projet de Loi” entitled “The Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001”, 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 as 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) (Amendment) (Guernsey) Law, 2001”, and to order that the same shall have force of law in the Island of Guernsey.

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

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001

THE STATES, in pursuance of their Resolution of 14th March, 2001^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of Law of 1994.

1. The Law of 1994 is amended as set out in the Schedule.

Interpretation.

2. In this Law, unless the context otherwise requires-

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

"**the Schedule**" means the schedule to this Law.

Citation.

3. This Law may be cited as the Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001.

^a Article VIII of Billet d'État No. III of 2001.

^b Orders in Council No. IV of 1994 and No. VI of 1998.

Collective title.

4. This Law and the Housing (Control of Occupation) (Guernsey) Laws, 1994 and 1998 may be cited together as the Housing (Control of Occupation) (Guernsey) Laws, 1994 to 2001.

SCHEDULE

Amendment of Law of 1994

Amendment of section 20.

1. In section 20 -

- (a) in the title, insert the word and letter "**and C**" after the letter "**B**"; and
- (b) in the text, after the word and letter "Part B" insert "or C".

Amendment of section 21.

2. In section 21 -

- (a) in the title, delete the letter and word "**C or**"; and
- (b) in the text, delete the letter and word "C or".

Amendment of section 30.

3. In section 30, after "sections 31," insert "34(2),".

Amendment of section 34.

4. In section 34 -

- (a) after the figures and punctuation mark "**34.**", insert "(1)";

- (b) after subsection (1) (as created by subparagraph (a))
insert -

"(2) Where the owner of a single dwelling created by the combination of no more than two dwellings in the circumstances described in subsection (1) (referred to in this subsection as "**the single dwelling**"), is also the owner of another dwelling which is deleted from Part A of the Housing Register under section 33 or 35, the Authority may, upon application made to it in that behalf no later than 6 months after the date of deletion from Part A of that other dwelling, inscribe the single dwelling in Part A of the Housing Register by way of substitution for the deleted dwelling."

Amendment of section 39.

5. For section 39 substitute the following -

"Transfers from Part B.

39. Where a dwelling inscribed in Part B of the Housing Register ceases to be a hotel, the Authority shall delete the inscription relating to the dwelling from Part B of the Register and, if the dwelling -

- (a) was, on the 31st October 1982, inscribed in the Register of 1975; or
- (b) was, immediately prior to its inscription in Part B of the Housing Register, inscribed in Part A thereof;

shall inscribe the dwelling in Part A of the Housing Register."

Amendment of section 49.

6. In section 49 for "States may by Ordinance provide that those premises shall be included" substitute "Authority may, upon application being made to it by the owner, include the premises".

Amendment of section 52.

7. In section 52(2), after "3 months" insert ", or such other period as may be specified in the Ordinance,".

Amendment of section 54.

8. (1) In section 54(1) -

(a) in paragraph (a) delete "or some other qualified resident"; and

(b) delete "(or, after his death, his spouse if living with him on the date on which it was so inscribed shall not)".

(2) In section 54(2) delete "(or, after his death, his spouse if living with him at the date of his death shall not)".

(3) In section 54(4) delete "(or, after his death, his spouse if living with him at the date of his death shall not)".

(4) In section 54(6) delete "(or, after his death, his spouse if living with him at the date of his death)".

(5) In section 54(6)(a) delete "or his spouse, as the case may be,".

(6) For section 54(6)(b) substitute -

"(b) if he, pursuant to section 33, causes to be deleted from Part A of the Register the inscription relating to a dwelling of which he is the sole or joint owner.".

Amendment of section 71.

9. In section 71(1) -

(a) after the definition of "**contravention**" insert-

" "**controller**" means, in relation to a body corporate, a person, or a person and his or her spouse together, having a controlling interest in that body corporate as defined in paragraph (a) of the definition of the phrase "controlling interest" contained in this section;"

(b) after subparagraph (i) of paragraph (b) of the definition of "**owner**", insert-

" (ii) if the dwelling is inscribed in Part B, C or D of the Housing Register and is owned by a body corporate, that body corporate and any controller of that body corporate;" and

- (c) renumber subparagraph (ii) of paragraph (b) of the definition of "**owner**" as "(iii)".