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*(Registered on the Records on the 13th February, 1979.)*

AT THE COURT AT BUCKINGHAM PALACE

The 20th day of December 1978

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Building  
and Deve-  
lopment  
Control  
(Amend-  
ment)  
(Alderney)  
Law, 1978.

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 28th day of November 1978 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 humble Petition of Jon Kay-Mouat, Esquire, President of the States of Alderney setting forth:

‘That at a meeting of the States of Alderney held on the 11th day of October 1978 the States adopted a Resolution that a *Projet de Loi* entitled “The Building and Development Control (Amendment) (Alderney) Law, 1978” be approved: That at the meeting of the States aforesaid Your humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That

the said Projet de Loi is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled "The Building and Development Control (Amendment) (Alderney) Law, 1978" and to order that the same shall have the force of law within the Island of Alderney.'

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"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."

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 Alderney.

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, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh*

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

## PROJET DE LOI

ENTITLED

(No. XXI  
—1978)

THE BUILDING AND DEVELOPMENT  
CONTROL (AMENDMENT) (ALDERNEY)  
LAW, 1978.

THE STATES, in pursuance of their Resolutions of the ninth day of March, nineteen hundred and seventy-seven, and the eleventh day of October, nineteen hundred and seventy-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

Amendments  
to Law  
of 1975.

1. The Building and Development Control (Alderney) Law, 1975 (hereinafter referred to as "the principal Law") (a) is hereby amended as follows:—

- (a) immediately after subsection (2) of section eight thereof there is inserted the following additional subsection numbered "(3)"—

"(3) Any person aggrieved by a notice served on him under subsection (1) or subsection (2) of this section may, within the twenty-one days next following the date of such notice, apply to the Court to have that notice set aside on the ground that the notice is ultra vires or is an unreasonable exercise of the powers of the Committee.";

- (b) section fourteen thereof is repealed and the following section is substituted therefor:—

"14.—(1) The States may, from time to time, by Resolution prescribe the maximum number of new dwellings for the construc-

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(a) No. 1 of 1975.

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tion of which, whether by building, conversion or alteration, permission may be granted by the Committee under the provisions of section six of this Law during such period as may be specified in any such Resolution.

(2) In calculating, for the purposes of ensuring that a Resolution under the provisions of the last preceding subsection is complied with, the number of new dwellings for the construction of which as aforesaid permission has been granted by the Committee under the provisions of the said section six during the period specified in such Resolution:—

- (a) where permission was granted for the conversion or alteration of an immovable structure not used in whole or in part as a dwelling into one or more dwellings, each such dwelling shall be counted as a new dwelling;
- (b) where permission was granted for the conversion or alteration of an immovable structure comprising one or more dwellings to an immovable structure comprising an additional number of dwellings, the difference between the total number of dwellings comprised therein after such conversion or alteration and the number of dwellings before conversion or alteration shall be counted as new dwellings”;
- (c) subsection (4) of section fifteen thereof is repealed and the following subsection is substituted therefor—

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“(4) Any person aggrieved by a notice served on him under the provisions of subsection (1) of this section may, within the twenty-one days next following the date of such notice, apply to the Court to have that notice set aside on the ground:—

- (a) that the development or other work to which the notice relates is not being, or has not been, carried out in contravention of the provisions of section four of this Law; or
- (b) that the condition to which the notice relates attached to permission granted under the provisions of section six of this Law is being, or has been, complied with; or
- (c) that the steps in the notice required by the Committee to be taken are an unreasonable exercise of the powers of the Committee.”;
- (d) in section twenty-seven thereof immediately after the words “section six of this Law” there are inserted the words “or contravenes the provisions of section twelve of this Law”;
- (e) subsections (2) and (3) of section twenty-eight thereof are repealed and the following subsection substituted therefor—

(2) Any person—

- (a) who contravenes the provisions of paragraph (f) or paragraph (g) of section four of this Law; or
- (b) who fails to comply with a notice served under the provisions of subsection (1) or subsection (2) of section eight of this Law; or
- (c) who contravenes or fails to comply with any steps required by a notice

served under the provisions of sub-section (1) of section fifteen of this Law;

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shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.”;

- (f) section thirty-one thereof is repealed and the following section is substituted therefor—

“ 31. Where an offence under this Law 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.”

2.—(1) This Law may be cited as the Building and Development Control (Amendment) (Alderney) Law, 1978.

Citation and  
collective  
title.

(2) This Law and the principal Law may be cited together as the Building and Development Control (Alderney) Laws, 1975 and 1978.