

ORDER IN COUNCIL

**VIII
1988**

ratifying a Projet de Loi

ENTITLED

The Island Development (Amendment) (Guernsey) Law, 1988

(Registered on the Records of the Island of Guernsey
on the 21st June, 1988.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of June, 1988 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present: Brian Ernest Herbert Joy, Harry Wilson Bisson, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss and Charles Anthony Spensley, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of March, 1988, approving and ratifying a *Projet de Loi* entitled "The Island Development (Amendment) (Guernsey) Law, 1988" 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, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 23rd day of March 1988

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 18th day of February 1988, 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 30th day of April 1987, the States of Deliberation at a meeting held on the 26th day of November 1987 approved a Bill or “Projet de Loi” entitled “The Island Development (Amendment) (Guernsey) Law, 1988”, 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 Island Development (Amendment) (Guernsey) Law, 1988”, 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Island Development (Amendment) (Guernsey) Law, 1988

THE STATES, in pursuance of their Resolution of the 30th day of April, 1987, 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.

1. (1) Notwithstanding any of the provisions of the principal Law, the States may, from time to time, by Ordinance prescribe the classes of use (hereinafter referred to as "use classes") in respect of which a building or land may be used for the purposes of the principal Law and the Plan.

Use classes
to be
prescribed
by Ordinance.

(2) Any Ordinance made under subsection 1 of this section may for the purpose of any use class make provision for specifying different uses within the same use class.

(3) Any class of use specified in the Plan shall, on the coming into force of this Law, cease to have effect and the use class prescribed in any Ordinance made under subsection 1 of this section shall in like manner apply to the Plan as if any such use class had been specified therein.

(4) For the purposes of this section, the States may, from time to time, by Ordinance, vary or repeal any part of the written statement or other descriptive matter of the Plan and any such variation or repeal shall take effect and apply to the Plan as if it had been specified therein.

Change of
use class
involves
development

2. Notwithstanding any of the provisions of the principal Law, any change in the use of a building or land from any use specified in a use class to any use specified in any other use class prescribed in an Ordinance made under section 1 of this Law shall for the purposes of the principal Law be deemed to involve the making of a material change in the use of that building or land; and the expression "development" in the principal Law shall be construed accordingly.

Amend-
ment to
the
principal
Law.

3. Paragraph (ii) of the proviso to the definition of the expression "development" in section 40 of the principal Law is repealed and the following paragraph is substituted therefor—

"(ii) a change of use within any use class prescribed in an Ordinance made under section 1 of the Island Development (Amendment) (Guernsey) Law, 1988;"

Interpreta-
tion.

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

"the Plan" means any Outline Development Plan or any Detailed Development Plan approved by the States under the principal Law;

"the principal Law" means the Island Development (Guernsey) Law, 1966(a);

"use classes" has the meaning assigned to it by section 1 of this Law and the expression "use class" shall be construed accordingly;

(a) Ordres en Conseil Vol. XX, p. 276; Vol. XXII, p. 573; Vol. XXIII, p. 231; No. XII of 1981.

and any other expressions have the same meanings as in the principal Law.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

5. The provisions of this Law shall not apply to any proceedings commenced in any court before the coming into force of this Law and for the purposes of any such proceedings the principal Law shall be deemed to continue in force as if this Law had not been enacted. Savings.

6. This Law shall be construed as one with the principal Law. Construction.

7. This Law may be cited as the Island Development (Amendment) (Guernsey) Law, 1988. Citation.

8. This Law and the Island Development (Guernsey) Laws, 1966 to 1981, may be cited together as the Island Development (Guernsey) Laws, 1966 to 1988. Collective title.

9. (1) This Law shall come into force on such date as the States may by Ordinance appoint. Commencement.

(2) Any power conferred by any provisions of this Law to make any Ordinance may be exercised at any time after the registration of this Law and before the date on which this Law shall come into force:

Provided that such Ordinance shall not come into force until this Law shall come into force.

K. H. TOUGH,

Her Majesty's Greffier.