

ORDER IN COUNCIL

**I
2009**

ratifying a Projet de Loi

ENTITLED

The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008

(Registered on the Records of the Island of Guernsey
on the 5th January, 2009.)



2009

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5th day of January, 2009 before Geoffrey Robert Rowland, Esquire, Bailiff;
present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan
Cecil Bisson, The Rev Peter Gerald Lane, Michael Henry De La Mare, Michael
John Tanguy, Esquires, Susan Mowbray, Barbara Jean Bartie, David Osmond
Le Conte, John Ferguson, Stephen Murray Jones Esquires, and Claire Helen Le
Pelley, Jurats.

The Bailiff having this day placed before the Court an Order of
Her Majesty in Council dated 10th December 2008 approving and ratifying a Projet de Loi
entitled "The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008", 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 10th DAY OF DECEMBER 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 27th September 2007, the States of Deliberation at a meeting on 30th July 2008 approved a *Projet de Loi* entitled The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008, and to order that it shall have force of law in the Island of Guernsey.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008

THE STATES, in pursuance of their Resolution of the 27th day of September 2007^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 Housing (Control of Occupation) (Guernsey) Law, 1994^b, is further amended in accordance with the provisions of this Law.

2. Immediately after section 2 (Applications for housing licences) insert the following section –

"Power to make regulations providing for the payment of fees.

2A. The Authority may make regulations providing that a fee shall be payable on an application made under section 2(1).".

^a Article XII of Billet d'État XX of 2007

^b Order in Council No. IV of 1994; amended by No. VI of 1998; No. III of 2002; and No. VIII of 2007; also amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

3. Immediately after section 14 (Application for declaration of lawful residence) insert the following section –

"Power to make regulations providing for the payment of fees.

14A. The Authority may make regulations providing that a fee shall be payable on an application made under section 11(1) or 14(1).".

4. Immediately after section 46 (Declarations of registration) insert the following section –

"Power to make regulations providing for the payment of charges.

46A. The Authority may make regulations providing that a fee shall be payable on an application made under section 46(1).".

5. Immediately after section 66 (General provisions as to Ordinances) insert the following section –

"General provisions as to regulations.

66A. (1) Regulations under this Law –

(a) may be amended or repealed by subsequent regulations hereunder;

(b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Authority to be necessary or expedient.

(2) Any power conferred upon the Authority by this Law to make regulations may be exercised –

(a) in relation to all cases to which the power

extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes;

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Regulations under this Law shall be laid before a meeting of the States as soon as possible after being made; and, if at that or the next meeting the States resolve that the regulations be annulled, then they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations."

Citation and commencement.

6. This Law may be cited as the Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2008 and shall come into force on the first day of

January, 2009 or, if later, the date on which it is registered on the Records of the Island of Guernsey.

M.A. TOSTEVIN,
Her Majesty's Deputy Greffier.

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