

# ORDER IN COUNCIL

IV  
2015

ratifying a Projet de Loi

ENTITLED

## **The Housing Control of Occupation (Sark) (Amendment) Law, 2014**

(Registered on the Records of the Island of Guernsey  
on the 12th January, 2015.)



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2015

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 12<sup>th</sup> day of January, 2015 before Sir Richard Collas, Bailiff, present:-  
David Osmond Le Conte, John Ferguson, Stephen Murray Jones,  
Esquires, Constance Helyar-Wilkinson, David Percy Langley Hodgetts  
LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren,  
Jonathan Grenfell Hooley, Esquire, Jurats.

The Bailiff, having this day placed before the Court an  
Order of Her Majesty in Council dated 10<sup>th</sup> December, 2014 approving and ratifying a  
Projet de Loi of the Chief Pleas of Sark entitled “The Housing (Control of  
Occupation) (Sark) (Amendment) Law, 2014”, THE COURT, after the reading of the  
said Order in Council and after having heard Her Majesty’s Procureur thereon,  
ORDERED:

1. That the said Order be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order  
be sent by Her Majesty’s Greffier to the Sénéchal of Sark for registration  
on the records of that Island.

J TORODE  
Her Majesty’s Greffier



*At the Court at Buckingham Palace*

THE 10th DAY OF DECEMBER 2014

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 Chief Pleas of the Island of Sark:

“That, in pursuance of their Resolution of 1st October 2014, the Chief Pleas of the Island of Sark at a meeting on 1st October 2014 approved a *Projet de Loi* entitled the Housing (Control of Occupation) (Sark) (Amendment) Law, 2014. 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) (Sark) (Amendment) Law, 2014, and to order that it shall have force of law in the Island of Sark.

“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 Sark 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.

*Richard Tilbrook*

# PROJET DE LOI

ENTITLED

## **The Housing (Control of Occupation) (Sark) (Amendment) Law, 2014**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of the 1<sup>st</sup> October, 2014, 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 Sark.

### **Amendments to 2011 Law.**

1. (1) The Housing (Control of Occupation) (Sark) Law, 2011, as amended<sup>a</sup>, is further amended as follows.

(2) In section 1(5), after "owner and any possessor of that dwelling" insert ", and upon any other person having a relevant interest therein of whom the Douzaine is reasonably aware,".

(3) Immediately after section 1(5), insert the following additional subsection –

" (5A) Any owner or possessor of a dwelling upon whom a notice is served pursuant to subsection (5) must, within 30 days of the service of such notice, notify the Douzaine of any other person

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<sup>a</sup> Order in Council No. IV of 2013; amended by No. II of 2014.

having a relevant interest in that dwelling of whom the owner or possessor is reasonably aware, and failure without reasonable cause so to do shall constitute an offence punishable, upon conviction, by a fine not exceeding level 1 on the Sark uniform scale."

(4) In sections 4(1), 4(2), 4(3), 5(8), 6(1) and 8(1), for the words "possessor of" wherever they appear, substitute the words "person having a relevant interest in".

(5) In sections 4(2) and 4(3), for the word "possessor", in each case in the second place where it appears, substitute the words "person having a relevant interest".

(6) In section 11, immediately after the definition of "'owner" and "**possessor**", insert the following additional definition –

**"person having a relevant interest"**, in relation to any premises, means –

- (a) any person who for the time being is the possessor of the premises, and
- (b) any person who is not immediately entitled to occupy the premises but has, by virtue of a leasehold or other contractual interest therein, a right to control the occupation of the property,".

**Interpretation.**

2. (1) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of this Law.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation.**

3. This Law may be cited as the Housing (Control of Occupation) (Sark) (Amendment) Law, 2014.

**Commencement.**

4. This Law shall come into force on the date of its registration on the records of the Island of Sark.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

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