

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Island Development (Guernsey) Law, 1966

(Registered on the Records of the Island of Guernsey
on the 26th day of July, 1966.)



1966.

XI
1966

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 26th day of July, 1966, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present:—
Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey and William Burton Fox, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of July, 1966, ratifying a *Projet de Loi* entitled “The Island Development (Guernsey) Law, 1966”, 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 5th day of July, 1966.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY HUGHES

MISS HERBISON

MR. BENN

MR. SILKIN

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 27th day of June, 1966, 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 31st day of July, 1963, the States of Deliberation at a meeting held on the 30th day of March, 1966, approved a Bill or “Projet de Loi” entitled “The Island Development (Guernsey) Law, 1966” 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 in the words and figures 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 (Guernsey) Law, 1966", 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, as 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.

W. G. Agnew.

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

PROJET DE LOI

ENTITLED

The Island Development (Guernsey) Law, 1966

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PROJET DE LOI

ENTITLED

The Island Development (Guernsey) Law, 1966

THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and sixty-three, 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.

PART I

Island Development Committee

Island
Develop-
ment Com-
mittee.

1. There shall be a committee which shall be styled the Island Development Committee with authority to exercise the powers and perform the duties conferred and imposed upon it by this Law.

Constitution
of Com-
mittee.

2. (1) Subject to the provisions of the next succeeding section, the Committee shall consist of a President elected by the States from among the members of the States having a seat therein and eight members at least two of whom shall have experience in the agricultural industry.

(2) Two members of the Committee shall retire from office on the thirtieth day of April, nineteen hundred and sixty-seven, and thereafter two members shall retire on the thirtieth day of April of each succeeding year.

3. The President and members of the Preservation of Natural Beauty and Control of Agricultural Land Committee appointed in pursuance of the provisions of the Natural Beauty and Land Control Law, 1959, as amended (a), in office immediately before the appointed day shall, on that day, take office by virtue of this section as the first President and members of the Committee.

First President and members of Committee.

PART II

Development Plans

4. (1) As soon as may be after the appointed day the Committee shall prepare an Outline Development Plan consisting of a written statement and a map indicating in outline the manner in which the Committee proposes that land should be used (whether by development or otherwise) and the stages by which any such development should be carried out and such other matters as the Committee may think necessary or expedient.

Preparation of Outline Development Plan.

(2) As soon as may be after the Outline Development Plan has been prepared the Committee shall lay it before the States for approval.

5. (1) Upon the Outline Development Plan being laid before them the States may approve it without modification or subject to such modifications as they consider necessary or expedient.

Approval by States.

(2) The Outline Development Plan approved by the States in pursuance of the provisions of the last preceding subsection shall, for the purposes of identification, be signed by the President of the States and lodged at the Greffe.

(a) Ordres en Conseil Vol. XVIII, p. 110; Vol. XIX, p. 210.

Preparation
of Detailed
Develop-
ment Plans.

6. (1) As soon as may be after the Outline Development Plan has been approved by the States, the Committee shall prepare Detailed Development Plans indicating the manner in which the Committee proposes that land should be used (whether by development or otherwise) and the stages by which such development should be carried out.

(2) Detailed Development Plans may be in sections and embrace such areas as the Committee may from time to time decide and shall not be invalidated by overlapping an earlier Plan approved by the States under the provisions of section thirteen of this Law.

(3) Detailed Development Plans shall include such maps and descriptive matter as may be necessary to make clear the Committee's proposals with such degree of particularity as may be appropriate to different parts of the Island and, without prejudice to the generality of the foregoing, the Plans may in particular:—

(a) define areas in respect of which the Committee recommends that permission for development in pursuance of the provisions of Part III of this Law—

(i) should not be granted,

(ii) should not be granted unless by reason of special considerations relating to the site it would be unreasonable for such permission not to be granted,

(iii) should, subject to the provisions of Part III of this Law, be granted;

(b) define the sites of proposed roads, public and other buildings and works, parks, pleasure grounds, nature reserves and other

open spaces or allocate areas of land for use for agricultural, horticultural, residential, commercial, industrial or other purposes of any class specified in the Plan;

- (c) contain such other matters as the Committee may think necessary or expedient.

7. Subject to the succeeding provisions of this Part of this Law, Detailed Development Plans shall have effect for the period of five years commencing on the day on which each Plan is approved by the States in pursuance of the provisions of section thirteen of this Law and thereafter shall continue to have effect subject to such alterations or additions, if any, as may from time to time be made in pursuance of the provisions of this Law.

Duration of
Detailed
Develop-
ment Plans.

8. (1) Before the expiration of the five years commencing on the day on which a Detailed Development Plan is approved by the States in pursuance of the provisions of section thirteen of this Law and thereafter at least once in every five years, the Committee shall review the Plan and shall, subject to the succeeding provisions of this Part of this Law, report to the States laying before them any alterations or additions to that or any other Detailed Development Plan which appear to them to be required.

Review of
Detailed
Develop-
ment Plans.

(2) Notwithstanding the provisions of the last preceding subsection and subject to the succeeding provisions of this Part of this Law, the Committee may at any time, and shall if so required by Resolution of the States, lay before the States proposals for such alterations or additions to any Detailed Development Plan or any part thereof as appear to it to be desirable or required by Resolution of the States.

Appoint-
ment of
Inspectors.

9. (1) The Committee shall, before laying before the States a Detailed Development Plan or any proposal for alteration or addition thereto whether arising as a result of a review under the provisions of subsection (1) of the last preceding section or otherwise, request the States Advisory and Finance Committee to appoint a person to be an Inspector to hold a Planning Inquiry to consider the Plan or proposed alteration or addition and to hear any representation or objection made or offered thereto in pursuance of the provisions of the next succeeding subsection.

(2) When an Inspector has been appointed in pursuance of the provisions of the last preceding subsection, the Committee shall cause to be published in "La Gazette Officielle" a notice specifying—

- (a) the fact that it is intended to lay a Detailed Development Plan or a proposal for alteration or addition thereto before the States;
- (b) such particulars of the Plan, alteration or addition as the Committee may think necessary or expedient;
- (c) the place where and the times at which the Plan, alteration or addition may be inspected;

and stating that any person who desires to make any representation or offer any objection to the Plan, alteration or addition may do so at a Planning Inquiry to be held by the Inspector at such place and at such time as shall be specified in the notice.

Planning
Inquiries.

10. (1) Every Planning Inquiry shall be held in public.

(2) Any person who desires to make any representation or offer any objection to a Detailed

Development Plan or any proposed alteration or addition thereto may do so either in person, by an Advocate of the Royal Court or by such other person as may be prescribed by Ordinance.

(3) For the purposes of a Planning Inquiry an Inspector shall have power—

- (a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require any such person to answer any question or furnish any information or produce any book, document or article which the Inspector may consider relevant and to retain any such book, document or article until after he has submitted his report to the Committee;
- (b) to take statements from all such persons as he may think fit;
- (c) to enter and inspect any premises the entry into or inspection of which appears to him to be necessary for the purposes of the Inquiry.

(4) Subject to the preceding provisions of this section, the procedure at a Planning Inquiry shall be in the discretion of the Inspector.

11. After holding a Planning Inquiry the Inspector shall prepare a report in writing containing his recommendations on the Detailed Development Plan or proposal for alteration or addition thereto, as the case may be, and shall submit that report to the Committee. Inspectors' reports.

12. On receiving the report of an Inspector in pursuance of the provisions of the last preceding section, the Committee shall lay the Detailed Development Plan or the proposal for alteration or addition thereto, as the case may be, and the report Detailed Development Plans and reports to be laid before States.

of the Inspector before the States together with any recommendation which the Committee may think desirable.

States' approval of Detailed Development Plans.

13. (1) Upon a Detailed Development Plan or any proposal for alteration or addition thereto being laid before them the States may approve the Plan, alteration or addition without modification or subject to such modifications as they may consider necessary or expedient.

(2) Every Detailed Development Plan and every alteration or addition thereto approved by the States shall, for purposes of identification, be signed and dated by the President of the States and lodged at the Greffe.

PART III

Control of Development

Restrictions on development.

14. (1) A person shall not, without the permission in writing in that behalf of the Committee—

- (a) carry out development of any land;
- (b) place, erect or re-erect on any site, or make any structural alteration to the exterior of any movable or immovable structure whether or not visible from any public or other place to which the public has access;
- (c) place, erect or re-erect on any site any structure which, when so placed, erected or re-erected, will be visible from any part of the territorial waters adjacent to the Island;
- (d) place, erect or re-erect on any site, or make any structural alteration to the exterior

- of, any movable or immovable structure on the cliffs, or on land adjacent to the foreshores, of the Island;
- (e) demolish, in whole or in part, any wall, hedge, bank or fence which is visible from any public or other place to which the public has access;
 - (f) place on any site or attach to the exterior of any movable or immovable structure any sign (which expression shall in this Law include any poster, bill, notice or advertising banner or flag) whether temporary or permanent which can be seen from any public or other place to which the public has access;
 - (g) paint on or otherwise exhibit on the exterior of any movable or immovable structure, any sign, whether temporary or permanent, which can be seen from any public or other place to which the public has access where such sign bears references either directly or indirectly to any commercial or industrial undertaking.

(2) A person shall not require permission in pursuance of the provisions of this Part of this Law to place, erect or re-erect on any site any movable or immovable structure which cannot be seen from any public or other place to which the public has access and of which the cubic capacity does not exceed four hundred cubic feet.

15. (1) Any person desirous of obtaining permission to carry out any development or work or doing anything referred to in the last preceding section shall make application in that behalf to the Committee and such application shall be in such form and accompanied by such information, including

Application for permission to develop or to carry out certain operations and works.

specifications, plans, elevations and site plans, as the Committee may, from time to time, require.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Committee may require an applicant to supply such further information, including further specifications, plans, elevations and site plans, as the Committee may consider desirable.

Grant or
refusal of
permission.

16. (1) Upon receipt of an application under the provisions of the last preceding section, the Committee may either—

(a) grant the permission applied for;

(b) refuse such permission; or

(c) grant such permission subject to—

(i) conditions relating to the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;

(ii) conditions relating to the use of any buildings or other land;

(iii) such other conditions as the Committee may think it necessary or expedient to impose.

(2) The Committee may, from time to time, revoke or vary any condition attached to any permission granted in pursuance of the provisions of the last preceding subsection upon application being made to it in writing in that behalf by the person to whom such permission was granted.

(3) Any permission granted in pursuance of the provisions of this section shall remain valid for one year from the date on which it was granted.

17. In exercising its powers under the provisions of the last preceding section the Committee shall take into account:—

Considerations to be taken into account by Committee.

- (a) the Outline Development Plan when approved by the States and any relevant Detailed Development Plans when so approved;
- (b) the effect of the development or other work on the natural beauty of the area;
- (c) whether the movable or immovable structure or other work in relation to which permission is applied for, would be incongruous with its surroundings because of its siting, design, exterior appearance or of the materials to be used;
- (d) in the case of an application for permission to carry out any development of agricultural land or land designated in any Plan for agricultural use, the degree of suitability of the land as agricultural land;
- (e) the extent to which the development or other work would detract from the character or the amenity of the locality concerned; and
- (f) the effect of the development or other work on roads, traffic, services, public health, parks, playing fields and other open spaces and the effect on adjoining properties.

18. (1) Notwithstanding the provisions of paragraph (a) of the last preceding section the Committee may grant permission to carry out development or work involving a departure from a Detailed Development Plan if, in the opinion of the Committee, it is a departure of a minor nature not

Departures from Detailed Development Plans.

warranting specific reference to the States under the provisions of section eight of this Law.

(2) Where the Committee is disposed to approve of an application for permission to carry out development or work involving a departure from a Detailed Development Plan which may not be granted under the preceding provisions of this section the Committee may request the States Advisory and Finance Committee to appoint an Inspector to hold a Planning Inquiry and the provisions of sections nine, ten, eleven, twelve and thirteen of this Law shall thereupon apply as if the application was a proposal by the Committee for an alteration or addition to the Detailed Development Plan.

Removal of
surface or
subsoil.

19. (1) Subject to the provisions of the next succeeding section and to the provisions of subsection (6) of this section, a person shall not, without the permission in writing of the Committee in that behalf, remove from any land which is visible from any public or other place to which the public has access or from any agricultural land, any material forming part of the surface or subsoil thereof.

(2) Any person desirous of obtaining permission to remove from any land any material forming part of the surface or subsoil thereof shall make application in that behalf to the Committee and such application shall be in such form and accompanied by such information, including site plans, as the Committee may, from time to time, require.

(3) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Committee may require an applicant to supply such further information, including further site plans, as the Committee may consider desirable.

(4) Upon receipt of an application under the provisions of subsection (2) of this section the Committee may either—

- (a) grant permission for the applicant to remove material forming part of the surface or subsoil of the land concerned;
- (b) refuse such permission; or
- (c) grant such permission subject to such conditions as the Committee may think it necessary or expedient to impose including a condition that the land be dealt with in such manner and with such materials as may seem to the Committee to be desirable so as to restore as far as practicable the natural beauty of the area within which the land is situated and, in the case of agricultural land, to render the land capable of being again used as agricultural land.

(5) The Committee may, from time to time, revoke or vary any condition attached to any permission granted in accordance with the provisions of the last preceding subsection upon application being made to it in writing in that behalf by the person to whom such permission was granted.

(6) Nothing in this section contained shall be taken to prohibit the removal of any material forming part of the surface or subsoil of any land within a garden belonging to, or enjoyed with, any dwelling house for use in connection with such garden, otherwise than by way of sale.

20. (1) Permission under the provisions of subsection (4) of section nineteen of this Law shall not be required for the removal of turf, soil or sand from agricultural land for use by the occupier thereof for horticultural purposes save that, if, in the

Restoration
of land.

opinion of the Committee, as the result of such removal otherwise than for the purpose of constructing a road or path the land is thereby rendered incapable of being cultivated as agricultural land the Committee may serve a notice on any person who removed or caused or permitted that turf, soil or sand to be removed requiring that person to effect the restoration of the land before the expiration of twelve months from the date of such notice, in such manner and with such materials as may be necessary to render the land capable of being again cultivated as agricultural land.

(2) If a person upon whom a notice has been served under the provisions of the last preceding subsection fails to comply with that notice within the period specified therein, the Ordinary Court may, on application being made to it by the Committee, make an order authorising the Committee to effect the restoration and any expenses reasonably incurred by the Committee in carrying out such restoration, including any incidental and legal expenses, shall be recoverable by the Committee as a civil debt from the person on whom such notice was served.

(3) The Ordinary Court shall not make an order under the provisions of the last preceding subsection unless—

(a) the Committee has served notice of its intention to apply for the order upon the following person or persons, as the case may be, that is to say—

(i) the person upon whom the notice referred to in subsection (1) of this section was served; and

(ii) in the case where that person was not, on the date of the service of such

notice, the occupier of the land concerned, the occupier of that land on that date; and

- (b) such person or persons has had or have had, as the case may be, a reasonable opportunity of being heard thereon.

21. The Committee may by notice served upon the owner or the occupier of any movable structure, or upon the owner of any immovable structure, order—

Removal of
structures
and signs.

- (a) the removal of any movable structure from any site where, in the opinion of the Committee, its presence detracts from the amenities of the locality;
- (b) the external decoration or redecoration of any movable structure to the satisfaction of the Committee;
- (c) the removal, effacement, renovation or repainting of any sign which, in the opinion of the Committee, has become dilapidated, out of date or unsightly, attached to the exterior of, or painted on or otherwise exhibited on the exterior of any movable or immovable structure;
- (d) that that portion of the movable or immovable structure which is exposed following the removal of any sign as aforesaid be decorated to the satisfaction of the Committee;

within such time as may be specified in the notice.

22. A person who has been granted permission to carry out any development or other work referred to in section fourteen of this Law shall not, without the permission of the Committee in that behalf,

Preservation
of trees.

lop or fell any tree on the land to which the permission to carry out the development or other work relates.

Planting of trees.

23. The Committee may, from time to time, by notice served upon the owner or, if the owner is not the occupier, the occupier of any land on which permission to carry out any development or other work referred to in section fourteen of this Law has been granted require the planting of trees on that land in such manner, in such numbers and in such places as may be specified in the notice.

Register of applications.

24. (1) The Committee shall keep a register of all applications made in pursuance of the provisions of section fifteen of this Law to carry out any development or other work referred to in section fourteen of this Law which shall contain such information as the Committee may think necessary or expedient including the name of the applicant, the date of the application and brief particulars of the development or other work forming the subject of the application.

(2) The register kept in pursuance of the provisions of the last preceding subsection shall be available for public inspection at all reasonable hours and extracts therefrom may at the discretion of the Committee be published in such manner as the Committee may direct.

Exemption.

25. Nothing in this Part of this Law shall apply to any sign which, under the provisions of any Law or enactment for the time being in force, is required to be exhibited on the exterior of any movable or immovable structure.

PART IV

Appeals and Miscellaneous Provisions

26. (1) Any person aggrieved by any decision of the Committee under any of the provisions of this Law may appeal therefrom to the Royal Court sitting as a Full Court on the grounds that the decision of the Committee was ultra vires or was an unreasonable exercise of its powers. Appeals.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served on the President of the Committee to show cause why the decision appealed from should not be set aside or varied.

(3) On any appeal under this section the burden of satisfying the Royal Court that the decision of the Committee which is the subject of the appeal is intra vires or reasonable shall be discharged by the Committee, and the Committee shall be entitled to a final right of reply.

27. (1) A person who desires to carry out any development or work for which permission is required under this Law may, before making an application to the Committee in that behalf, apply to the Committee for a preliminary declaration as to whether, in principle, the Committee, on the submission to it of an application with such detailed plans or information or both as the Committee may require, would be likely to grant permission for such development or work. Preliminary declarations.

(2) A preliminary declaration issued in pursuance of the provisions of this section shall remain valid for one year from the date on which it was issued.

(3) A preliminary declaration granted by the Preservation of Natural Beauty and Control of Agricultural Land Committee in pursuance of the provisions of the Natural Beauty and Land Control Law, 1959, as amended, and valid immediately before the appointed day shall remain valid until the day on which it would have ceased to be valid under the provisions of that Law provided that where the preliminary declaration relates to a type of development which in the opinion of the Committee would conflict with the Outline Development Plan the Committee may revoke or amend such preliminary declaration by notice in writing served on the holder thereof within one month of the appointed day.

No compensation payable by States.

28. In the event of the Committee refusing to grant any application in pursuance of the provisions of this Law or revoking or amending any preliminary declaration in pursuance of the provisions of subsection (3) of the last preceding section, no compensation shall be payable by the States for any loss suffered by the applicant for such permission or by the holder of any such declaration or by any other person by reason of such refusal, revocation or amendment.

Power to visit sites.

29. In the exercise of its powers under this Law the Committee may, for the purposes of arriving at any decision, visit any site, and no application under this Law shall be refused by the Committee unless it has visited the site concerned in connection with either that application or, within the preceding five years, some other application affecting the site save that nothing in this section contained shall be taken to require the Committee to visit any site before refusing an application for permission to carry out any development or other work referred

to in section fourteen of this Law in any area which is defined or designated in the Outline Development Plan or a Detailed Development Plan as an area in which no development or other work shall be carried out.

30. Nothing in this Law contained shall be taken to apply to the States or to any servant or agent of the States when acting for or on behalf of the States within the course of their employment or agency. States not bound by this Law.

PART V

Cliff Paths

31. (1) A person shall not obstruct or cause to be obstructed the passage of pedestrians on any cliff path. Cliff Paths.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

PART VI

General

32. Any notice served for the purposes of this Law shall be validly served— Service of notices.

- (a) on any person, if delivered to him, left, or sent by post addressed to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by post to, its registered office if situate

in the Island or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

Notifica-
tion of
refusals.

33. If the Committee refuses any permission applied for by any person under the provisions of this Law, notice of such refusal shall be served upon the applicant within the eight days next following the date of the meeting of the Committee at which the decision was taken to refuse such permission.

Inspection
of land.

34. (1) Any person authorised in writing by or on behalf of the Committee may, at any reasonable time, enter upon any land for the purposes of ascertaining whether there is or has been any contravention of, or failure to comply with, any provision of this Law, or any condition attached to any permission granted to, or any notice served upon, any person by the Committee in pursuance of the provisions of this Law.

(2) Any person authorised in pursuance of the provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before so entering and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

General
penalty.

35. Except where otherwise specifically provided in this Law, any person who contravenes the provisions of section fourteen or section nineteen of this Law or fails to comply with any condition attached to any permission granted in pursuance of the provisions of section sixteen or section nineteen of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

36. (1) Any person who contravenes the provisions of paragraph (e) of subsection (1) of section fourteen or section twenty-two of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds. Specific penalties.

(2) Any person who fails to comply with a notice served under the provisions of paragraph (a) of section twenty-one or section twenty-three of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

(3) Any person who contravenes the provisions of paragraph (f) or (g) of subsection (1) of section fourteen of this Law, or who fails to comply with a notice served under the provisions of paragraphs (b), (c) or (d) of section twenty-one of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

37. (1) Where any person has been convicted in respect of— Power to require work to be done.

- (a) a contravention of section fourteen or section nineteen of this Law;
- (b) a failure to comply with any condition attached to any permission granted in pursuance of the provisions of section sixteen or section nineteen of this Law; or
- (c) a failure to comply with any notice served in pursuance of the provisions of section twenty-one or section twenty-three of this Law;

the Committee may apply to the Ordinary Court for an order requiring the person convicted—

- (d) to demolish, carry out such structural alterations or modifications to, any immovable structure to which the conviction relates, as the Ordinary Court may require;
- (e) to re-site or to remove from any site any movable structure to which the conviction relates;
- (f) to rebuild, in whole or in part, any wall, hedge, bank or fence to which the conviction relates;
- (g) to remove from any site, or from the exterior of any movable or immovable structure whether attached thereto or painted or otherwise exhibited thereon, any sign to which the conviction relates;
- (h) in the case of a conviction for a contravention of section nineteen of this Law, to deal with the land concerned in such manner and with such materials as it may think necessary or expedient so as to restore as far as practicable the natural beauty of the area within which the land is situated and, in the case of agricultural land, to render it capable of being again used as agricultural land;
- (i) to comply with any condition, to which the conviction relates, attached to any permission granted under the provisions of this Law; or
- (j) to comply with the provisions of any notice, to which the conviction relates, served in pursuance of the provisions of this Law;

as the case may require.

(2) If a person in respect of whom an order has been made in pursuance of the provisions of the last preceding subsection fails to comply with the order within such period as the Ordinary Court may direct or within such longer period as the Ordinary Court may, on his application, allow, the Committee may apply to the Ordinary Court for permission to enter the premises concerned and there do such works as may be necessary to give effect to such order and the Ordinary Court after hearing evidence as to the estimated cost of such works may make such order as it deems just and, upon application in that behalf made by the Committee after the completion of such works, may order that any expenses reasonably incurred by the Committee in carrying out such works shall be recoverable by the Committee as a civil debt.

(3) The Ordinary Court shall not make any order under this section unless the person against whom such order is sought has been served by the Committee with notice of its intention to apply for such order and unless such person has had a reasonable opportunity of being heard thereon.

38. Any person who for the purpose of obtaining any permission in pursuance of the provisions of this Law or in supplying any information which he is required to supply in pursuance of the provisions of this Law to the Committee or at a Planning Inquiry, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or produces or furnishes, or causes or allows to be produced or furnished, any document or information which he knows to be false in a material particular, shall

False statements.

be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

Obstruction.

39. Any person who wilfully obstructs any person exercising any power or performing any duty conferred or imposed on him under this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

Interpretation.

40. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“agricultural land” means any land used or, with the application of good husbandry, capable of being used for the purpose of any trade or business of dairy farming, the producing, rearing or maintenance of livestock, market gardening or the outdoor cultivation of flowers, bulbs or nursery stock and includes land which was, but no longer is, covered by a glasshouse if the land is capable of being used as aforesaid and land which is covered by a glasshouse but does not include land used as a garden other than a market garden;

“appointed day” means the date appointed by the States by Ordinance in pursuance of the provisions of section forty-four of this Law;

“the Committee” means the Committee constituted in pursuance of section one of this Law;

“development” means the carrying out of any building, engineering, mining or other operation in, on, over or under land and includes the making of any material change in the use of any building or land:

Provided that the following operations or use shall not be deemed, for the purposes of this Law, to involve development, that is to say—

- (i) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (ii) a change of use within any class specified in a Plan approved by the States;
- (iii) the carrying out by the Guernsey Gas Light Company Limited of any works for the purpose of laying new mains or of inspecting, repairing or renewing any mains, pipes or other apparatus or the making of connections to any mains including the breaking open of any street or other land for that purpose;
- (iv) the use of any building or land within the curtilage of a dwelling house for a purpose relating to the enjoyment of the dwelling house as such;
- (v) the use of any land for agriculture, horticulture or forestry (including afforestation) and the use of, for any of those purposes, any building occupied together with land so used;

“immovable structure” means any building or structure of whatsoever material or in whatsoever manner constructed and whether permanent or temporary which is, or on erection will become, realty;

“movable structure” means any structure (not being an immovable structure and other than

a marquee or a tent) used or intended for any one or more of the following purposes, namely:—

- (a) human habitation or purposes ancillary thereto;
- (b) housing animals or birds;
- (c) the sale of refreshments;
- (d) as a store, shed, workshop, work place or shelter;

“Ordinary Court” means the Royal Court sitting as an Ordinary Court;

“owner” in relation to any immovable structure, includes—

- (a) where that immovable structure is the subject of a vested right of usufruct, the usufructuary;
- (b) where that immovable structure is held in trust, the trustees thereof.

Repeals.

41. The Natural Beauty and Land Control Law, 1959, and the Natural Beauty and Land Control (Amendment) Law, 1964, are hereby repealed.

Citation.

42. This Law may be cited as the Island Development (Guernsey) Law, 1966.

Commence-
ment.

43. This Law shall come into force on such date as the States may by Ordinance appoint.

In force 1.2.67
Ordinance 1. 1967
1.2.67.

R. H. VIDELO,

Her Majesty's Greffier.