

# ORDER IN COUNCIL

**XXIV**

**1984**

ratifying a Projet de Loi

ENTITLED

## **The Alderney Land and Property, etc. (Amendment) Law, 1984**

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(Registered on the Records of the Island of Guernsey  
on the 29th day of January, 1985.)

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1984

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 21st day of January, 1985 before Sir Charles Frossard, Kt., Bailiff, present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Esquires, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan and Raymond Arthur Heaume, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of November, 1984 ratifying a *Projet de Loi* of the States of Alderney entitled “The Alderney Land and Property, etc. (Amendment) Law, 1984”, the Court having heard Her Majesty’s Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth;—

# At the Court at Buckingham Palace

The 22nd day of November 1984

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 2nd day of November 1984 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 2nd day of May 1984 the States adopted a Resolution that a *Projet de Loi* entitled “The Alderney Land and Property, etc. (Amendment) Law, 1984” 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 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 Alderney Land and Property, etc. (Amendment) Law, 1984” and to order

that the same shall have the force of law within the Island of Alderney.'

"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, and 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.

*G. I. de Deney.*



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

## PROJET DE LOI

ENTITLED

### **The Alderney Land and Property, etc. (Amendment) Law, 1984**

THE STATES, in pursuance of their Resolution of the fifth day of October, nineteen hundred and eighty-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 Alderney.

1. The Alderney Land and Property, etc., Law, 1949(a) (hereinafter referred to as "the principal Law") is hereby amended as follows:— Amend.  
ment to  
Law of  
1949.

(a) paragraph (a) of subsection (5) of section sixteen thereof is repealed and the following paragraph is substituted therefor—

“(a) an amount equal to four per centum or such lower per centum as the States may, from time to time, by Ordinance, determine, of either—

- (i) the consideration for the change of ownership of the real property concerned, or
- (ii) if a consideration is given for that change of ownership which is less than four hundred times the

rateable value of that real property, four hundred times the rateable value of that real property; and ”;

- (b) immediately after subsection (5) of section sixteen thereof there are inserted the following additional subsections numbered “(6)” and “(7)”—

“(6) Any amount paid in accordance with the provisions of paragraph (a) of the last preceding subsection shall be in substitution for the amount of any treizième which, but for the provisions of this subsection, would otherwise be payable to the Crown Receiver in respect of the change of ownership of the real property concerned.

- (7) In this section and in section sixteen A, “rateable value” means the rateable value assessed in accordance with the Alderney Rateable Values Assessment Ordinance, 1949(b).”

- (c) immediately after section sixteen thereof there are inserted the following sections numbered “16A” and “16B”—

“Declara- 16A. A person applying to the Registrar  
tion by applicant for alteration in Register. pursuant to paragraph (b) of subsection (2) of section sixteen of this Law for an alteration to be made in the Register shall make a declaration in which he shall state—

- (a) the consideration given or to be given for the change of ownership of the real property transferred or to be transferred; and
- (b) if the consideration referred to in paragraph (a) is less than four hundred times the rateable value of the real property therein referred to, a sum equal to four hundred times that rateable value.

False statements.

16B. (1) Any person who, in connection with an application for alteration of the Register, knowingly or recklessly makes any statement or representation which is false or misleading in a material particular, shall be guilty of an offence and liable, on conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding two months or to both.

(2) Any person convicted of an offence under subsection (1) shall, in addition to any penalty which may be imposed by the Court under subsection (1) in respect of that offence, be liable to pay to the States a penalty equal to three times the difference specified in subsection (3).

(3) The difference is that between the amount of the fee which would have been payable in accordance with the provisions of paragraph (a) of subsection (5) of section sixteen of this



Law if the false or misleading statement or representation had been true and accurate, and the amount of the fee which was in fact so payable in respect of the application in connection with which that statement or representation was made.

(4) Any penalty to which a person is liable under subsection (2) shall be recoverable by the States as a civil debt due to the States from that person."

Citation. 2. (1) This Law may be cited as the Alderney Land and Property, etc. (Amendment) Law, 1984.

(2) This Law and the principal Law may be cited together as the Alderney Land and Property, etc., Laws, 1949 and 1984.

Commence- 3. This Law shall come into force on such date  
ment. as the States may by Ordinance appoint.

K. H. TOUGH,  
Her Majesty's Greffier.