
(Registered on the Records on the 2nd October, 1978.)

AT THE COURT AT BUCKINGHAM PALACE

The 25th day of July 1978

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 19th day of July 1978 in the words following, viz:—

Building
(Alderney)
Law, 1978.

“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 7th day of June 1978 the States adopted a Resolution that a *Projet de Loi* entitled “The Building (Alderney) Law, 1978” 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 words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal

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Sanction to the Projet de Loi entitled "The Building (Alderney) Law, 1978" 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, as 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.

N. E. Leigh

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

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PROJET DE LOI

ENTITLED

THE BUILDING (ALDERNEY) LAW, 1978. (No. XIV
—1978)

THE STATES, in pursuance of their Resolution of the eighth day of March, 1978, 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. (1) The Committee may, from time to time, by Building regulations make such provision as they may deem necessary or expedient for the prohibition or control of all or any of the following matters:—

- (a) the construction, reconstruction or the repair or maintenance of, or structural alterations, additions or extensions to, dwellings or other buildings and the materials to be used therein;
- (b) the layout, construction, reconstruction, repair or maintenance of service roads;
- (c) the planning and development of sites for dwellings or other buildings;
- (d) alterations, additions or extensions to any dwelling or other building necessary to ensure the structural stability, safety or the adequacy of the sanitation or ventilation thereof occasioned by any material change of the use to which such dwelling or other building is being put;
- (e) such incidental and supplementary matters for which the Committee deem it necessary or expedient for the purposes of any such regulations to provide.

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(2) Any regulations made under the provisions of the last preceding subsection may exempt either in whole or in part any dwelling or other building or any class or description of dwelling or other building or any material to be used therein from the necessity of complying with the requirements of such regulations.

(3) In this section, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“building” includes any well, cistern, cesspit, cellar or other excavation below surface level whether containing structure or not, and also any wall or permanent hoarding;

“dwelling” means any premises, or any part of any premises, wholly or principally used or usable for the purposes of human habitation and includes any part of such a dwelling;

“service road” means any road, path or way not maintained at public expense which is laid out or constructed for the purpose of giving access or improved access to two or more dwellings.

Regulations
to be laid
before the
States.

2. Any regulations made under the provisions of the last preceding section shall be laid before a meeting of the States as soon as possible after the making thereof and, if at that meeting or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of any new regulations.

Work done
or being
done
illegally.

3. (1) The Committee may, if it has the reason to believe that:—

(a) any work is being, or has been, carried out in contravention of the provisions of any

regulations made under the provisions of section one of this Law, or

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- (b) any work is being, or has been, carried out in contravention of any requirement of the Committee imposed under the provisions of any such regulations,

serve a notice on the person who has carried out or is carrying out the said work requiring that further work on the premises concerned as the Committee may deem appropriate shall forthwith cease.

(2) In a notice served under the provisions of the last preceding subsection the Committee may, in addition, require such steps to be taken as are, in its opinion, necessary to ensure that the work concerned does not constitute a danger to persons using the said premises or to persons using any public place or other place to which the public have access and if the person who has carried out or is carrying out the work fails to take the steps required as soon as may be after having been required to do so, the Committee may cause the said requirements to be carried out.

(3) Any expenses incurred under the provisions of the last preceding subsection shall be borne by the person who has carried out or is carrying out the work concerned and shall be recoverable by the Committee as a civil debt due to the States unless a notice served under subsection (1) of this section is set aside by the Court on an application made under the provisions of the next succeeding subsection in which case the said expenses shall be borne by the States.

(4) Any person aggrieved by a notice served on him under the provisions of subsection (1) of this section may, within the twenty-one days next following the date of such notice, apply to the Court to have that notice set aside on the ground:—

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- (a) that the work to which the notice relates is not being, or has not been, carried out in contravention of the provisions of any regulations made under the provisions of section one of this Law or in contravention of any requirement of the Committee imposed under the provisions of any such regulations;
- or

- (b) that the steps in the notice required by the Committee to be taken are an unreasonable exercise of the powers of the Committee.

Powers of
entry.

4. (1) Any person authorised in writing by the Committee may, at any reasonable time, enter upon any land for the purposes of ascertaining whether there has been or is any contravention of, or failure to comply with, any of the provisions of any regulations made under the provisions of section one of this Law or any requirement imposed on any person by the Committee under the provisions of any such regulations or any notice served on any person under the provisions of subsection (1) of section three of this Law.

(2) Any person authorised under 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.

(3) Any person who wilfully obstructs any person exercising any power or performing any duty conferred or imposed on him under this section shall be guilty of an offence and liable, on conviction, in the case of a first offence, to a fine not exceeding fifty pounds and, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds.

5. (1) Any person who contravenes or fails to comply with any of the provisions of any regulations made under section one of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

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Penalties.

(2) Any person who refuses or fails to comply with any requirement imposed by the Committee under the provisions of any regulations made under section one of this Law or who refuses or fails to comply with any notice served under section three of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding two hundred pounds.

(3) Any person who refuses or fails to supply any information which he is required to supply to the Committee under the provisions of any regulations made under section one of this Law or who, in supplying any such information, 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 be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

6. (1) Where any person has been convicted in respect of:—

Power to
require
work to
be done.

(a) a contravention or failure to comply with any of the provisions of any regulations made under section one of this Law;

(b) a refusal or failure to comply with any requirement imposed by the Committee under the provisions of any regulations made under section one of this Law;

(c) a refusal or failure to comply with any notice served under section three of this Law;

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the Committee may apply to the Court to make an order requiring the person to effect such alterations to any work to which the conviction relates as may be necessary to make it comply with any such regulations, requirement or notice, as the case may be.

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

(3) The 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 a notice of its intention to apply for such order and unless such person has had a reasonable opportunity of being heard thereon.

Offences
by bodies
corporate.

7. Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

8. Any notice served for the purposes of this Law shall be validly served:—

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

9. Any power conferred by this Law to make any regulations shall be construed as including a power exercisable in the like manner to vary or repeal the regulations.

Variation
and repeal
of regula-
tions.

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

Inter-
pretation.

“the Committee” means the committee for the time being established and constituted in accordance with the provisions of Part I of the Building and Development Control (Alderney) Law, 1975;

“the Court” means the Court of Alderney.

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

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(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Citation.

11. This Law may be cited as the Building (Alderney) Law, 1978.

Commence-
ment.

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