

*(Enregistré sur les Records le 13 février 1937.)*

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT.

EARL OF GRANARD.

LORD HUTCHISON OF MONTROSE.

SIR SAMUEL HOARE.

SIR PHILIP SASSOON.

WHEREAS there was this day read at the Board Acquisition  
a Report from the Right Honourable the Lords of of Land  
the Committee of Council for the Affairs of Guern- (Villiaze)  
sey and Jersey, dated the 26th day of January, Law, 1937.  
1937, in the words following, viz :—

“ YOUR MAJESTY having been pleased by  
Your General Order of Reference of the 18th

1937 day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That pursuant to resolutions of the States of Deliberation dated respectively the 1st day of February 1935, the 30th day of October 1935, and the 14th day of October 1936, the Royal Court on the 5th day of December 1936, adopted a Bill or *Projet de Loi* intituled “*Loi transférant aux Etats de l’Ile de Guernesey les droits et Intérêts d’Autrui par rapport à certains Territoires situés à la Villiaze en l’Ile de Guernesey, et instituant un contrôle par rapport à certains autres territoires y joignant.*”: 2. That on the 23rd day of December, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 3. That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. 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 intituled “*Loi transférant aux Etats de l’Ile de Guernesey les Droits et Intérêts d’Autrui par rapport à certains Territoires situés à la Villiaze en l’Ile de Guernesey, et instituant un contrôle par rapport à certains autres territoires y joignant*” and to order and direct that the same should have the 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."

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HIS MAJESTY having taken the said report into consideration is pleased, by and with the advice of His 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 HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

M. P. A. HANKEY.

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Projet de Loi referred to in the foregoing Order.

## PROJET DE LOI

## INTITULÉ

LOI TRANSFÉRANT AUX ÉTATS DE L'ILE  
DE GUERNESEY LES DROITS ET INTÉRÊTS  
D'AUTRUI PAR RAPPORT À CERTAINS  
TERRITOIRES SITUÉS À LA VILLIAZE EN  
L'ILE DE GUERNESEY, ET INSTITUANT  
UN CONTRÔLE PAR RAPPORT À  
CERTAINS AUTRES TERRITOIRES Y  
JOIGNANT.

VU les Délibérations des Etats en date du 1<sup>er</sup> février 1935, du 30 octobre 1935 et du 14 octobre 1936 respectivement :

LES ETATS ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

Droits et  
intérêts  
transférés  
aux Etats.

1.—(a) Tout droit et intérêt quelconque, soit immobilier, soit mobilier, soit en fin d'héritage, à vie ou vies ou pour toute autre période,—à l'exception de tout droit féodal, tout droit par rapport à une rente, rente hypothèque ou autre droit hypothécaire,—appartenant à qui que ce soit dans et par rapport aux Territoires situés à la Villiaze en les paroisses de Saint André, de la Forêt et de Saint Sauveur en cette Ile et qui sont dépeints en teint rose entouré par une ligne noire sur un plan marqué " A " dont l'original signé par Monsieur le Baillif en date du 5 décembre 1936 est déposé au Greffe, et à leurs issues et entrées, fossés, reliefs, et murailles en formant partie y inclus toute servitude (autre qu'une servitude relative : (a) à l'écoulement des eaux naturelles et (b) au soutien naturel du sol) dont aucune partie des dits Territoires peut être grevée comme fonds

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servant et tout droit d'usufruit, d'habitation, d'occupation, d'usage et de profit à prendre auquel aucune partie des dits Territoires peut être affectée, comme aussi toute servitude dont aucune partie des dits Territoires peut profiter comme fonds dominant, sera censé être transféré et appartenir aux Etats de l'Ile de Guernesey (et ce en fin et perpétuité d'héritage en ce qui concerne tout droit immobilier) à compter du 15 février 1937 inclusivement, avec droit aux dits Etats d'entrer en jouissance libre de toute partie des dits Territoires le dit jour dernièrement mentionné.

(b) Dans les cas où nul droit à un fossé ou mur ou partie d'icelui à l'extrémité extérieure d'aucun des dits susdits Territoires n'appartient pas au propriétaire de la propriété y contigue située en dehors des dits Territoires ou qu'il ne peut pas être constaté à qui tel fossé ou mur appartient, tel fossé ou mur ou partie d'icelui sera censé former partie de la propriété y contigue comprise dans les dits Territoires.

(c) Dans les cas où un tel fossé ou mur ou partie d'icelui est mitoyen entre le propriétaire d'une propriété formant partie des dits Territoires et le propriétaire d'une propriété située en dehors des dits Territoires, tel fossé ou mur ou partie d'icelui continuera d'être mitoyen entre les Etats et le propriétaire dernièrement mentionné.

(d) Dans les cas où la propriété en dehors de et contigue à un tel fossé ou mur ou partie d'icelui appartient à un propriétaire qui est aussi propriétaire de la propriété y contigue formant partie des dits Territoires, tel fossé ou mur ou partie d'icelui, s'il ne sert pas à la date de l'enregistrement de cette présente Loi comme soutien à aucun édifice érigé en dehors des dits Territoires, sera censé former partie de la propriété y contigue comprise dans les dits Territoires à moins qu'il ne soit déclaré dans le rapport du " Board of Valuers " constitué aux fins

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de la Première Cédule à cette Loi devoir être mitoyen. S'il est ainsi déclaré dans tel rapport, tel fossé ou mur sera mitoyen entre les Etats et le propriétaire de la propriété y contigue située en dehors des dits Territoires.

Droits et  
intérêts  
remplacés  
par  
indemnité.

2.—A partir du dit jour 15 février 1937 inclusive-ment nul des susdits droits et intérêts qui sont mentionnés dans l'Article précédant et qui n'y est pas expressément excepté de l'opération de tel Article, ne sera plus sujet à aucune demande, réclamation, charge, hypothèque ou garantie quelconque y ayant rapport ou qui le grève avant le commencement du dit jour par ou en faveur de qui que ce soit, mais tiendront lieu et place de chacun de tels droits et intérêts vis-à-vis de toute demande, réclamation, charge, hypothèque, ou garantie y ayant rapport ou qui le grève avant le commencement du dit jour l'indemnité y attribuable ou attribuée—soit que telle indemnité soit exprimée en rente ou en argent—suivant et aux fins des dispositions contenues dans la Première Cédule à cette Loi.

Amortisse-  
ment  
d'indemnités-  
saisies.

3.—Cas avenant que les Etats, après avoir amorti aucune de telles indemnités qui sont exprimées en rente, sont suivis comme affieffeurs dans aucune saisie à cause de l'amortissement par eux fait de telle indemnité et que les Etats se décident de ne pas se faire tenant de telle saisie, les Etats auront la faculté, au lieu de renoncer à leur affieffement, de faire bon à celui qui se fait tenant de telle saisie le prix porté dans le contrat d'amortissement de telle indemnité ou telle moindre somme qui suffira pour le paiement au tenant de telle saisie du montant de ses demandes, frais et débours non couverts par la valeur des héritages de la saisie dont il s'est fait tenant.

demande en  
usufruit,  
douaire ou  
jouissance.

4.—Cas avenant que les Etats, après avoir amorti aucune de telles indemnités qui sont exprimées en

rente, sont suivis pour une demande en usufruit, 1937  
 douaire ou jouissance quelconque affectant telle  
 indemnité, les Etats pourront satisfaire à telle  
 demande en s'obligeant envers le réclamant à faire  
 pendant la durée de tel usufruit, douaire ou jouis-  
 sance, un paiement annuel qui en représenterait la  
 valeur annuelle à l'époque de tel amortissement.

5.—Les dispositions contenues dans la Première Première  
 Cédule à cette Loi seront applicables aux droits et Cédule.  
 intérêts dont le transfert est effectué par les disposi-  
 tions de l'Article 1 de cette Loi.

6.—Les dispositions contenues dans la Deuxième Deuxième  
 Cédule à cette Loi seront applicables aux Terri- Cédule.  
 toires, à l'exception de ceux tombant sous l'opéra-  
 tion des dispositions de l'Article 1 de cette Loi, qui  
 sont situés en dedans d'une ligne coïncident avec  
 l'extrémité extérieure de la partie du susdit plan qui  
 est teint en couleur vermillon sur tel plan, et sont  
 les Territoires auxquels telles dispositions sont  
 applicables désignés collectivement dans la dite  
 Deuxième Cédule par l'expression " the controlled  
 area ".

7.—Nulle action en retrait lignager ne sera Retrait  
 recevable en ce qui concerne le transfert d'aucun lignager.  
 droit ou intérêt immobilier effectué par les disposi-  
 tions de l'Article 1 de cette Loi.

8.—Les dispositions des deux Cédules à cette Loi Cédules, etc.,  
 et les Annexes à la Première de telles Cédules seront formeront  
 censées former partie intégrale de cette Loi. partie de  
cette Loi.

9.—La Cour Royale pourra passer telles Ordon- Ordonnances.  
 nances qu'elle jugera nécessaires pour porter à exé-  
 cution les dispositions de cette présente Loi.

10.—Cette Loi pourra être citée comme " Acquisi- Titre abrégé.  
 tion of Land (Villiaze) Law, 1937 ".

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**PREMIÈRE CÉDULE A CETTE LOI.****CONSTITUTION AND PROCEEDINGS OF THE BOARD  
OF VALUERS.**

Notification  
to  
Douzaines.

1.—Upon the registration of the Order in Council sanctioning the Law to which this Schedule is attached, such Law being hereinafter referred to as “the Law”, H.M. Greffier shall forthwith notify the Dean of each of the Parochial Douzaines of this Island by registered post of the registration of the Law and of the contents of the next succeeding paragraph of this Schedule.

Nomination  
of original  
and  
substitute  
members.

2.—During the fifteen days next succeeding the receipt by the Dean of a Parochial Douzaine of such notification as is mentioned in the preceding paragraph, it shall be the duty of that Douzaine to nominate those two of its members as are, in the opinion of that Douzaine, best fitted to carry out the duties of original member and substitute member respectively of the Board of Valuers hereinafter referred to and, upon such nominations being made, it shall be the duty of the Dean of that Douzaine within forty-eight hours to communicate to H.M. Sheriff the names and full postal addresses of the Douzeniers so nominated and to specify in such communication which of such Douzeniers is nominated as original member and which as substitute member of such Board of Valuers.

Swearing in  
of members.

3.—It shall be the duty of H.M. Sheriff, at the first sitting of the Ordinary Court following the receipt by him of all the names of the original members and substitute members of the said Board of Valuers so nominated, to present the nominees to the Court for the purpose of their being sworn well and faithfully to exercise the duties of original members and substitute members respectively of that Board and it shall be the duty of such nominees to attend for the purpose upon being notified so to do by H.M. Sheriff.



4.—(a) Upon such nominees being sworn as afore-<sup>1937</sup>  
 said such nominees shall, subject to the provisions <sup>Duties and</sup>  
 of this paragraph, constitute a Board of Valuers <sup>Constitution</sup>  
 (hereinafter in this Schedule referred to as “ the <sup>of Board,</sup>  
 Board ”) empowered to value and charged with the <sup>etc.</sup>  
 duty of valuing the rights and interests transferred  
 or to be transferred to the States under the provi-  
 sions of Section 1 of the Law.

(b) The Board shall consist of ten members, that  
 is to say, the ten original members nominated and  
 sworn as such or, in case of the inability of any of  
 such original members to act and during the con-  
 tinuance of such inability, of such of the ten original  
 members as are able to act and of as many substitute  
 members, nominated and sworn as such, as there are  
 original members for the time being unable to act,  
 each substitute member so replacing an original  
 member being a substitute member nominated by  
 the Parochial Douzaine which nominated the ori-  
 ginal member whom such substitute member re-  
 places.

(c) The original and substitute members elected  
 by the Parochial Douzaines of the Parishes of Saint  
 Andrew, the Forest and Saint Saviour (hereinafter  
 referred to as “ non-voting members ”) when serving  
 on the Board shall not be entitled to vote in relation  
 to any decision of the Board as to the value of any  
 of the rights and interests to be valued or as to the  
 amount of any award falling to be made by the  
 Board but shall be entitled and shall be under the  
 duty throughout the proceedings of the Board to  
 make representations to and to advise the other  
 members of the Board, hereinafter referred to as  
 “ voting members ”, in relation to any matter what-  
 soever concerning the subject matter of such pro-  
 ceedings and shall, in all respects save as aforesaid,  
 be deemed to be full members of the Board.

(d) Upon the original members of the Board  
 being sworn before the Royal Court, H.M. Sheriff

1937 shall forthwith convene a meeting of such original members for the purpose of the election by them of a President and Vice-President from among those original members as are voting members.

(e) The Board shall not at any time thereafter proceed to business unless—

(i) There is present thereat the President or the Vice-President :

(ii) There are present thereat five voting members.

(f) The decision of a majority of the voting members of the Board present at any time when the Board is lawfully constituted shall be deemed to be a decision of the Board.

(g) In the event of an equal division of the votes of the voting members of the Board, the President and, in the absence of the President, the Vice-President shall, in addition to his original vote, have a casting vote.

(h) The Board shall proceed to business as soon as may be after the expiration of seven days following the date of the election of its President and Vice-President.

(i) In the event of an original member being unable to serve on the Board at any time, he shall as soon as may be notify H.M. Sheriff accordingly and upon the appropriate substitute member being notified by H.M. Sheriff to attend the proceedings of the Board, such substitute member shall attend accordingly.

Convening  
of, and  
arrangements  
for, meetings,  
etc.

5.—H.M. Sheriff is hereby charged with the duty, jointly with the President, or in the absence of the President, with the Vice-President of the Board, of convening the meetings of the Board and of making such arrangements for the proper and convenient conduct of the proceedings of the Board as they may deem expedient, including the provision of such accommodation as may be suitable for the hearing and consideration of representations by or on behalf

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of the persons whose rights and interests have been or will be transferred to the States under the provisions of section 1 of the Law as regard the values of the same and the other awards to be made in respect thereof, and the provision of suitable clerical and other assistance in the proceedings of the Board. The costs incurred with the approval of H.M. Sheriff in carrying out the provisions of this paragraph shall be defrayed by the States.

6.—H.M. Sheriff is hereby charged with the duty of securing the publication in manner hereinafter provided of such notices in connection with the proceedings of the Board as are hereinafter required to be published. Publication  
of Notices.

7.—A notice in accordance with Form "A" annexed to this Schedule shall be published in "La Gazette Officielle" next appearing after the election of the President and Vice-President of the Board. Notice re  
Constitution  
of Board.

8.—(a) Each of the several properties referred to collectively in Article 1 of the Law to which this Schedule is attached, or part of any of such properties, as appears in the General Island Cadastre under a distinctive number and all the rights and interests thereto and therein transferred or to be transferred shall be deemed, for the purposes of the proceedings of the Board, to constitute one lot and the determination of the price payable by the States in respect thereof and of such other amount (if any) as falls to be awarded in respect thereof, shall be made by the Board separately from the determination of the price and award in respect of any other such lot. Properties to  
be separated  
as in  
Cadastre.

(b) It shall be the duty of the States Supervisor to furnish H.M. Sheriff as soon as may be after the publication of the notice referred to in paragraph 7 of this Schedule, with a correct extract from the General Island Cadastre of the whole of the particulars contained therein which relate to the properties referred to in sub-paragraph (a) of this paragraph.

<p>1937</p> <p>Notice re Valuations.</p>	<p>9.—At least four clear days before the Board proceeds to value any property, H.M. Sheriff shall publish in “ La Gazette Officielle ” a notice having reference to that property in accordance with Form “B ” annexed to this Schedule or in some form as closely resembling the same as may be.</p>
<p>H.M. Sheriff to attend proceedings.</p>	<p>10.—H.M. Sheriff shall attend, in so far as his other duties shall permit, during the whole of the proceedings of the Board for the purpose of affording such assistance as regards procedure as the Board may require.</p>
<p>Attendance of, and representa- tions by, interested persons.</p>	<p>11.—The States Board of Administration by their representative and every person having a right or interest in any property to be valued shall be entitled to attend and make or cause to be made representations to the Board as to the value of that property and as to the amount claimed in respect of the various heads under which damages are awardable under the provisions of this Schedule, but the non-attendance or non-representation of any such representative or person at the proceedings of the Board shall not invalidate such proceedings nor shall the valuation of any property or the award of damages as regards the same be postponed by reason of such non-attendance or non-representation unless the Board, for reasons appearing to it to be sufficient, decides otherwise.</p>
<p>Inspection of properties.</p>	<p>12.—The Board shall inspect each property to be valued before proceeding with the valuation or an award of damages in respect thereof.</p>
<p>Deliberations in private.</p>	<p>13.—The Board shall be entitled to deliberate in private to the extent by it deemed necessary.</p>
<p>Basis of valuations and awards.</p>	<p>14.—Every valuation and award of the Board shall be made upon the basis that the States enter into vacant possession of the property to which the valuation and award relate as on the 15th day of February, 1937.</p>
<p>Certain buildings, etc., not to be taken</p>	<p>15.—No account shall be taken by the Board in any of its valuations or awards of any building</p>

erected or other development effected after the 14th day of October, 1936. 1937  
into account.

16.—A report of the proceedings of the Board, specifying separately, in respect of each property valued by the Board, the amount determined by the Board as the price payable by the States and the amounts (if any) of each other award relating thereto and distinguishing between the awards to tenants and those to persons other than tenants, shall be prepared under the direction of the President or, in the absence of the President, of the Vice-President of the Board, who shall submit the same to the Board for its approval. Upon such approval being obtained, the President or Vice-President of the Board shall sign and date the report and each separate page thereof and shall deliver the same to His Majesty's Sheriff and upon such delivery of the same the report shall be accepted for all purposes whatsoever as a true and correct report of the proceedings, valuations and awards of the Board narrated therein. Report of  
proceedings,  
etc.

17.—It shall be the duty of H.M. Sheriff to cause the report of the Board to be presented to the Royal Court for registration at the first convenient Ordinary sitting of that Court occurring after the delivery to him of the report. Registration  
of report.

18.—Before causing the report to be presented for registration, H.M. Sheriff shall prepare a true and correct copy thereof and shall certify the same as such and shall retain such copy and, after the registration of the report, it shall be the duty of H.M. Sheriff, at the personal request of any person having an interest in any price or award contained therein or of some other person purporting to represent and to be entitled to represent the first named person, to disclose full particulars concerning that price or that award to that person. Copy of  
report and  
disclosure of  
particulars.

19.—It shall be the duty of H.M. Greffier, within the ten days next following the date of the registra- Extracts  
of report.

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tion of the report, to prepare and certify as correct a copy of such report and to deliver the same to the States Supervisor and to prepare an extract of so much of such report as relates to each separate price and each separate award contained therein and to certify each such extract as a true and correct extract of the report and to deliver the extracts so prepared and certified to H.M. Sheriff.

Provided that where several awards in relation to any property are made in favour of the same proprietor or the same tenant, such awards shall be deemed, for the purposes of this paragraph, together to constitute one award.

Notice of  
registration  
of report.

20.—It shall be the duty of H.M. Sheriff to publish in "La Gazette Officielle" next appearing after the date of the registration of the report a notice in accordance with Form "C" annexed to this Schedule.

Delivery  
of extracts.

21.—After delivery to him by H.M. Greffier of the extracts referred to in paragraph 19 of this Schedule, H.M. Sheriff shall on request deliver an appropriate extract of the report to each person appearing to him to be entitled thereto or to some other person purporting to represent and to be entitled to represent such first named person and shall obtain a receipt for the same upon such delivery.

Questions of  
law or  
procedure.

22.—In the event of any question of law or procedure which requires elucidation arising during the conduct of the proceedings of the Board, H.M. Sheriff and the President or, in the absence of the President, the Vice-President of the Board, shall reduce such question to writing and shall date and sign the same and shall present such question for the consideration of the Law Officers of the Crown and the latter, or one of them, if only one be available, shall advise thereon in writing as soon thereafter as may be. It shall be the duty of H.M. Sheriff to retain a copy of each such question and of the

answer thereto of the Law Officers of the Crown or one of them.

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#### VALUATIONS AND AWARDS.

23.—The consideration moving from the States in respect of the acquisition of the rights and interests transferred to it in respect of each property shall be ascertained in manner following and shall be as hereinafter specified:—

(a) (i) The Board shall determine and express in its report the amount representing, in the opinion of the Board, the fair market value in sterling of each such property and shall add thereto an amount in sterling equivalent to fifteen per centum of such true market value so determined. The sum of these amounts shall be expressed in “rente” in the report at the rate of One quarter of rente to each £20 sterling of such sum.

(ii) The “rente” so expressed in the report—

(a) shall be payable by the States on the 10th day of October of each year at the rate of Twelve shillings per quarter of rente commencing to accrue as on and from the 15th day of February 1937, or as on and from such earlier date after the 25th day of December, 1936, on which vacant possession has been granted to the States by the proprietors:

(b) shall be redeemable by the States at any time at the rate of Twenty Pounds sterling per quarter and upon payment of the proportion accrued in respect of the year then current at the time of such redemption:

(c) shall be redeemed by the States at the said rate (payment of the proportion accrued to date in respect of the year

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then current being made at the time of such redemption) upon the States being required by the "crédirentiers" to redeem the same and upon clearance to the reasonable satisfaction of the States of the registered charges (if any) secured against such rente.

- (iii) Upon the redemption of any such "rente" the "crédirentiers" shall be entitled to elect whether the redemption price shall be payable in cash or whether it shall be payable (as to such amount thereof as is a multiple of Ten Pounds sterling) in Bonds of the States of Guernsey in registered or bearer form bearing interest at the rate of Three per centum per annum and redeemable not earlier than twenty years after the issue thereof to such "crédirentiers". Such Bonds shall be of the denominations of £10, £50 and £100 sterling respectively and Bonds issued in payment of such redemption price shall be of such of those denominations as shall be acceptable to the persons to whom they are issued. After issue, such Bonds as are of a denomination in excess of Ten Pounds sterling shall be exchangeable at the States Office at the request of the holder against Bonds of a lesser denomination.
- (b) (i) The Board shall determine and express in its report as regards each such property the amount in sterling which, in the opinion of the Board, should be awarded as damages in respect of each or some one or more of the following heads:—

*In favour of a proprietor.*

- (a) In the case of part only of a property being comprised in the transfer to the



States, the depreciation in value (if any) of the remainder of that property retained by the proprietor resulting from the parcelling of that property.

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(b) The depreciation in value, if any, of any other property, real or personal, belonging to the proprietor.

(c) Loss of growing crops.

(d) The reasonable expenses of removal or migration elsewhere within the Island reasonably rendered necessary by the transfer and which would not otherwise have taken place.

(e) Such other consequential loss (if any), including loss of earnings which cannot reasonably be made good, arising out of the transfer, as is not covered by the award of the fair market value and additional percentage or by an award under one or other of the foregoing heads of this sub-paragraph.

*In favour of a tenant.*

(f) Loss of growing crops.

(g) The reasonable expenses of removal or migration elsewhere within the Island reasonably rendered necessary by the transfer and which would not otherwise have taken place.

(h) Such other consequential loss (if any), including loss of earnings which cannot reasonably be made good, arising out of loss of possession, as is not covered by an award under one or other of the last two foregoing heads of this sub-paragraph.

(ii) In determining the amount of any award to be made in respect of a tenant, the

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Board shall have regard to the period unexpired as at the 15th day of February, 1937, during which such tenant, but for the transfer, would be entitled, under his lease or tenancy agreement, to remain in possession of the property tenanted by him.

- (iii) The awards contained in the report in respect of any of the heads (a) to (h) inclusive of sub-paragraph (b) of this paragraph in respect of which no notice of appeal is notified shall be payable in sterling at the States Office at the expiration of ten days after the date of the registration of the report and, in the case of any of such awards as is appealed against, at the expiration of ten days after the date of the abandonment of such appeal or of the determination of such appeal, as the case may be.
- (iv) Interest at the rate of three per centum per annum on the amount of each of the awards referred to in the last preceding clause or on such award as is substituted therefor in appeal, such interest commencing to accrue on the 15th day of February, 1937, or on such earlier date after the 25th day of December, 1936, on which vacant possession of the property to which such award relates has been granted to the States, shall be payable by the States together with the amount of the award.
- (c) The expression "proprietor" in this Schedule includes all persons, other than tenants, whose rights and interests collectively constitute proprietorship and such rights and interests shall be valued and awards made in relation thereto collectively, and not individually.

The expression "tenant" includes an occupier.

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- (d) The Board shall leave out of consideration for the purposes of the valuation of any property and the making of any award of damages in relation to any proprietor or tenant—
- (i) the nature and extent of the urgency giving rise to the transfer:
  - (ii) any reluctance on the part of such proprietor or tenant to dispossess himself of his interest in such property:
  - (iii) any appreciation in the value of such property likely to arise by reason of the use to which it is intended to be put by the States:
  - (iv) any appreciation in the value of the property retained likely to arise by reason of the use to which the property transferred is intended to be put by the States.

24.—The contents of the report of the Board, save to the extent to which the same are appealed against, shall be final and conclusive as between the States and the persons to whom such contents have reference and a true and duly certified extract of the report shall, save as aforesaid, constitute a valid and sufficient title to the “rente” or to the award or awards mentioned therein.

#### APPEALS

25.—(a) Subject to the provisions of this paragraph, the States, and any proprietor or tenant, to the extent of his interest therein, shall be entitled to appeal to the Royal Court sitting as a Full Court against any valuation or award contained in the report of the Board.

(b) Notification of such appeal shall be made to H.M. Sheriff in writing within the fifteen days next following the date of the publication in “La Gazette Officielle” of the announcement that the report has been registered on the Greffe Records.

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(c) Such appeal shall lapse unless proceeded with during the forty days next following the date of such publication.

(d) Such appeal may be pursued during Court vacation as well as during Court term.

(e) No original member or substitute member of the Board who has taken part in the Board's proceedings shall be admissible as a witness in proceedings in relation to any such appeal.

(f) The appeal proceedings shall be conducted upon the basis of a "Vue de Justice".

(g) In the event of the award appealed against being upheld by the Royal Court, the costs of the appeal shall be borne by the appellant: in the event of the award being varied by the Royal Court, the award of costs shall be in the discretion of the Court.

(h) The decision of the Royal Court in any such appeal shall be final and conclusive. An officially prepared and certified copy of such decision shall constitute a valid and sufficient title to the "rente" or to the award or awards thereby directed to be paid.

#### COSTS.

26.—The costs in relation to the performance of the duties to be performed under the provisions of this Schedule shall be the costs set out in the Table of costs annexed to this Schedule, which costs shall be borne by the States.

27.—The costs in relation to the proceedings in any appeal from a decision of the Board shall be the costs applicable to such proceedings under the provisions of the "Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931".

## FORM "A"

1937

NOTICE TO PROPRIETORS OF AND OTHERS HAVING  
INTERESTS IN LAND FORMING PART OF THE  
PROPOSED AERODROME SITE AT LA VILLIAZE.

NOTICE is hereby given that the Board of  
Valuers referred to in the Schedule to the Acquisition  
of Land (Villiaze) Law, 1937, has been constituted  
as under:—

Original Members.	{	..... President.
		..... Vice President.
		.....
		.....
		.....
		.....
		.....
		.....
Substitute Members.	{	.....
		.....
		.....
		.....

The Board of Valuers will shortly be proceeding  
with the valuation of the properties affected and the  
award of damages and all persons having an interest  
in such valuations or awards are advised to watch  
for the further announcements which will appear  
from time to time henceforth in "La Gazette  
Officielle" published on page 5 of all the ordinary  
Tuesday editions of *The Star* and the *Evening Press*.

(Date).

.....

H.M. Sheriff.

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## FORM "B"

NOTICE TO PROPRIETORS OF AND OTHERS HAVING  
INTERESTS IN LAND FORMING PART OF THE  
PROPOSED AERODROME SITE AT LA VILLIAZE.

NOTICE is hereby given that at        o'clock (a.m.  
or p.m.) on the        1937 the Board of  
Valuers will proceed to the valuation of the several  
properties of which the following particulars appear  
in the Island Cadastre.

Cadastre Number.	Description of Property.	Name of Proprietor.	Name of Occupier.

The Board will first visit the above-mentioned properties and will then proceed to where interested parties (that is to say: proprietors, usufructuaries, tenants and others) desirous of making representations to the Board should attend for the purpose at        a.m. or p.m. on the above date. Such persons should bring their title deeds (including leases) with them with a view to giving information to the Board concerning servitudes, the ownership of walls and hedges, the unexpired terms of leases, and such other particulars as the Board may reasonably require.

(Date).

.....  
H.M. Sheriff.

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FORM "C"

## LA VILLIAZE AERODROME SITE.

NOTICE is hereby given that the report of the Board of Valuers of the rights and interests in the properties comprised in the above site was registered on the \_\_\_\_\_ on the Greffe Records.

Information concerning such part of the report as concerns an applicant can now be obtained on personal application to H.M. Sheriff, Court Row, Guernsey, on any day (except Thursdays) between 10 a.m. and 4 p.m. and on Thursdays between 10 a.m. and 1 p.m.

Notice of appeal against any valuation or award made by the Board of Valuers must be made in writing and must reach the office of H.M. Sheriff before 4 p.m. on the

193 .

Certified Extracts of the Report will be available for delivery on personal application at the Office of H.M. Sheriff on and after 193 .

(Date).

H.M. Sheriff.

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## TABLE OF COSTS.

<i>H.M. Greffier,</i>	£	s.	d.
Letter to the Dean of each Douzaine,			
Registration and Postage .....	0	5	4½
preparation of copy of and extracts from the report of the Board .....			The fees chargeable under the “Ordon- nance rela- tive aux frais pay- ables au Greffier pour l’enregis- trement et extrait de docu- ments ” dated 5th March 1927.
<i>H.M. Sheriff,</i>			
attendance in Court when Valuers are sworn .....	0	10	0
attendance at Meeting of Valuers for purpose of election of President and Vice-President .....	0	10	0
notification to substitute member of Board of Valuers to attend .....	0	5	0
attendances arranging for the conduct of the proceedings of the Board of Valuers, per hour .....	0	10	0
for preparation of notice in Form “A” and delivery to newspapers, per notice .....	0	7	6
for preparation of notices in Form “B”, per notice .....	0	10	6
attendances at the proceedings of the Board of Valuers, per half-day .....	1	1	0



	£	s.	d.	1937
copy of preparation and certification of report of the Board for retention, per page .....	0	2	6	
preparation of notice in Form "C" and delivery to newspapers, per notice .....	0	5	0	
attendance communicating contents of report to a person entitled to such communication per item .....	0	2	6	
attendance delivering extract of report and taking receipt there- for .....	0	1	6	
<i>Board of Valuers,</i>				
attendance of each original and sub- stitute member for the purpose of being sworn .....	0	5	0	
attendance as a member of the Board at the proceedings of the Board. Each member per hour .....	0	3	6	
attendance as President of the Board of the President or Vice-President thereof in addition to the fee pay- able to him as a member of the Board, per hour .....	0	1	6	
preparation of the report of the Board: The President of the Board .....	5	0	0	

## DEUXIÈME CEDULE.

1.—(a) In this Schedule, the expression "structure" shall include any house, building, glasshouse, rick, mill, tank or pole, and shall also include any other inanimate object which by reason of its height above the surface of the ground, or otherwise, is or may become an obstruction to the flying of aeroplanes using or likely to use any aerodrome situate at La Villiaze belonging to the States.

Definition of  
"structure".

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Permit  
required for  
erection of  
structure,  
etc.

(b) It is forbidden without having first obtained the written permit of the States Board of Administration (hereinafter in this Schedule referred to as "the Board"):

(i) to erect, re-erect or place anywhere within the controlled area above the natural surface of the soil thereof any structure or part thereof, whether of a permanent nature or not:

(ii) to plant any tree within the controlled area.

When permit  
may not  
be granted.

2.—A permit to erect, re-erect or place any structure or part thereof within any part of the controlled area or to plant any tree therein shall not be granted by the Board if it shall appear to the Board that the height of the highest part of such structure or part thereof when completed, or the height of such tree when fully grown, would be of a height above the surface of the ground of the part of the controlled area whereon it is proposed to erect, re-erect or place such structure or to plant such tree in excess of the maximum height which, under the provisions of the next succeeding paragraph, is permissible in the case of that part of the controlled area.

Provided that, notwithstanding the last foregoing provisions of this Schedule, the Board may at its discretion, in the case of any part of the controlled area other than those parts thereof which are shown hatched in red on the plan referred to in the next succeeding paragraph, grant a permit for the erection, re-erection or placing thereon of a structure the height of which when completed would be of a height in excess of that which is permissible under the provisions of the next succeeding paragraph, if it shall appear to the Board that the presence of such structure, when completed, is unlikely to constitute a material aggravation of an obstruction in existence at the date of this Law and of such permit near to the site of such structure, to the flying of aero-

planes using or likely to use any aerodrome situate at La Villiaze belonging to the States.

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3.—(a) The controlled area is hereby declared to be divided into eight zones and such zones and the several parts of any of them as is not continuous are depicted, on the plan marked "A" referred to in Article 1 of the Law to which this Schedule is attached, in manner following:—

Controlled  
area.

One such Zone (hereinafter referred to as Zone 1)  
is so depicted in Burnt Sienna.

One such Zone (hereinafter referred to as Zone 2)  
is so depicted in Blue.

One such Zone (hereinafter referred to as Zone 3)  
is so depicted in Green.

One such Zone (hereinafter referred to as Zone 4)  
is so depicted in Yellow.

One such Zone (hereinafter referred to as Zone 5)  
is so depicted in Light Violet.

One such Zone (hereinafter referred to as Zone 6)  
is so depicted in Sepia.

One such Zone (hereinafter referred to as Zone 7)  
is so depicted in Grey.

One such Zone (hereinafter referred to as Zone 8)  
is so depicted in Vermilion.

(b) The maximum height permissible, in the case of any part of any of such zones, shall be the height, above the surface of the ground in that part thereof, of the point of intersection of a perpendicular, erected thereon, and of a plane lying at an angle of elevation of  $2^{\circ} 52'$  to the horizontal (which corresponds approximately with a line drawn at an upward slope of 1 in 20), such horizontal being taken at the level, now projected as the level, upon completion of the work of development in contemplation as regards the lands referred to in Article 1 of the Law to which this Schedule is attached, of the surface of the ground at the nearest point on the perimeter of the area depicted on the Plan referred to in that Article as being bounded by a red line, or

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such height as, in the table of maximum heights next following, is shown in relation to that zone, whichever of such heights is the lesser.

TABLE OF MAXIMUM HEIGHTS

Zone 1 .....	10 feet
Zone 2 .....	20 feet
Zone 3 .....	30 feet
Zone 4 .....	40 feet
Zone 5 .....	50 feet
Zone 6 .....	60 feet
Zone 7 .....	70 feet
Zone 8 .....	75 feet

(c) The red line referred to in the last preceding sub-paragraph shall, to the extent to which it is parallel and in close proximity to the black boundary line referred to in Article 1 of the Law to which this Schedule is attached, be deemed, for the purposes of this Schedule, to be super-imposed on such black boundary line.

Offences  
and  
Penalties.

4.—Any person who commits an infraction of any of the provisions of paragraph 1 of this Schedule shall be guilty of an offence and upon conviction before the Royal Court sitting as a full Court shall be liable to a fine not exceeding £100 sterling. Upon any such conviction the Royal Court, in addition to the imposition of a fine, may from time to time make such order or orders for the demolition and removal of the structure erected, re-erected or placed or the felling or uprootal of any tree planted in contravention of those provisions and as to the penalty or penalties to be incurred in respect of failure to obey any such order, as to the Court shall seem just, and in default of compliance with any such order within the time limited for complying therewith, the Court may direct that such demolition, removal, felling or uprootal be effected at the expense of the person in default by such body or person as the Court may direct.

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Provided that in every case in which, on any such conviction, it appears to the Royal Court that the height of the structure or any part thereof exceeds, or that the height of the tree when fully grown will or may exceed, the maximum height which is permissible in the Zone in which such structure or part thereof has been erected, re-erected or placed, or in which such tree has been planted, the Royal Court shall order that such structure or such part thereof as exceeds such maximum permissible height shall be demolished to such extent as shall be necessary to conform therewith or that the tree shall be forthwith felled or uprooted.

5.—(a) Every application to the Board for a permit to erect, re-erect or place any structure in the controlled area shall be accompanied by a site plan showing accurately the position of the site of the proposed structure in relation to the zone or zones wherein such site is situated and by particulars generally descriptive of the proposed structure and showing the height thereof when erected.

Application  
for permit.

(b) Every application to the Board for a permit to plant any tree shall be accompanied by a site plan showing accurately the position at which such tree is proposed to be planted in relation to the zone or zones wherein such position is and by particulars of the kind of tree proposed to be planted.

6.—(a) Notification of the decision of the Board in relation to any such application shall be made to the applicant by means of the post within eight days after the date of the decision of the Board as regards the same.

Notification  
of decision.

(b) A permit granted by the Board under the provisions of this Schedule shall cease to be valid if the work to which it relates is not commenced within the hundred days next following the date of such permit.

Validity of  
permit.

7.—(a) Subject to the provisions of this paragraph, any proprietor of land situate within the con-

Claim for  
compensa-  
tion.

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trolled area who claims and can show that he has suffered loss arising out of his inability to develop land belonging to him and therein situate in the manner in which it can be proved by him that such land would have been developed but for the provisions of paragraphs 1 and 2 of this Schedule may, by notification addressed to the Board within the hundred days next following the date on which he is first in a position to make such claim, show that he has suffered such loss and prove that such development would have taken place, require the States to compensate him for such loss.

(b) To be effective, every such notification as is referred to in the foregoing sub-paragraph of this paragraph shall be accompanied by particulars establishing the title of the proprietor to the land in question and by a declaration signed by the proprietor setting out the facts adduced by him in support of his claim.

(c) Upon the receipt of any such effective notification, and in default of agreement between the proprietor and the States as to the amount of compensation to be paid and as to the area in respect of which such compensation is payable, the Board, if it is satisfied as to the accuracy of the contents of the declaration referred to in the last preceding clause and that the claim of the proprietor is well founded, shall be entitled to and shall refer to arbitration the following matters:—

- (i) the ascertainment of the amount of compensation justly payable to the proprietor: and
- (ii) the ascertainment of the area in respect of which such compensation is claimed: and
- (iii) the ascertainment of the market value of the whole or of such reasonable part, as the Board may decide, of the land of the proprietor as includes the site which such proprietor is unable, by reason of the afore-

mentioned provisions of this Schedule, to 1937  
develop.

(d) If the Board is not satisfied as aforesaid, it shall so notify the proprietor in writing and, during the hundred days next following the date borne by the notification of the Board to that effect, the proprietor shall be entitled to cite the Board to appear before the Royal Court sitting as a Full Court for the purpose of the determination of the matter. The decision of the Royal Court in the matter shall be final and conclusive.

(e) If the Royal Court by its decision does not uphold the view of the Board, the costs of the proceedings in the matter shall be awarded against the States and the Board shall proceed to refer to arbitration the matters set out in clauses (i), (ii) and (iii) of sub-paragraph (c) of this paragraph.

(f) One arbitrator shall be appointed by the proprietor and one by the Board and the arbitrators so appointed shall, before proceeding with the arbitration, nominate an umpire; the decision of the arbitrators if they are in agreement, or of the umpire in case the arbitrators disagree, shall be final and binding between the applicant and the States. The report of the arbitration proceedings shall be forwarded to the Board.

(g) The costs of the arbitration proceedings shall be borne by the States.

(h) Upon the application of the proprietor or of the Board, the other party or parties referred to in such application having been cited to appear, the Royal Court in Ordinary Session may by order assign a date or a series of dates for or grant a delay in the carrying out of any step in the arbitration and may impose such penalties for the non-carrying out of any such order, the whole as the Court may deem just.

(i) Upon the receipt by the Board of the report of the arbitration proceedings, the Board shall as

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soon as may be thereafter submit the report to the States who shall elect either—

- (i) to pay the amount of compensation declared in the report of the arbitration proceedings to be justly payable to the proprietor, or
- (ii) to purchase the land of which the ascertainment of the market value has been referred to arbitration at the price set forth in the report.

(j) Upon the States electing to pay the amount of compensation agreed to be paid or declared in the report of the arbitration proceedings to be justly payable, then upon the proprietor granting, by a document in common form, to the States, as proprietors of land depicted in pink (gallicised “ rose ”) on the plan hereinbefore mentioned, an easement over the area agreed between the States and the proprietor or ascertained in the arbitration proceedings as being the area in respect of which such compensation is payable, whereby no structure of any kind shall thereafter be erected, re-erected or placed thereon, but not before, the proprietor shall be entitled to receive from the Board the amount of compensation so agreed or declared in the report to be payable.

(k) Upon the States electing to purchase the land of which the ascertainment of the market value has been referred to arbitration, the Board, upon being satisfied as to title and upon clearance of all encumbrances affecting that land, shall proceed with the completion of the purchase at the price set forth in the report of the arbitration proceedings.

Removal of  
obstructions  
and  
compensation.

8.—(a) If it shall appear to the Board that any structure, tree, or bush or part thereof at any time situate within the controlled area is or may become an obstruction to the flying of aeroplanes using or likely to use any aerodrome situate at La Villiaze belonging to the States and that it is not possible, by



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agreement between the States and the proprietor of that structure, tree, or bush, to arrange for the removal of so much thereof as to the Board appears necessary and as to the amount of compensation (if any) to be payable in respect of such removal, the Board, with the previous sanction of the States as regards any structure, may, by notification addressed to such proprietor, require such structure, tree, or bush, or such part thereof as the Board shall specify, to be removed within such reasonable period as the Board shall stipulate and thereupon the determination of the amount of compensation to be paid by the States to such proprietor in respect of such removal shall be referred to arbitration and the provisions of sub-paragraphs (f), (g) and (h) of the last preceding paragraph shall apply to such arbitration.

(b) Upon the proprietor of a structure, tree, or bush, the whole or part of which is required to be removed as aforesaid granting, by a document in common form, to the States, as proprietors of the land depicted in pink on the aforesaid plan, an easement over his land containing such structure, tree, or bush, whereby, as regards the site of any such structure, no structure, tree, or bush of a height in excess of the maximum height complying with the terms of the agreement or notification referred to in the foregoing sub-paragraph of this paragraph, shall be erected, re-erected, placed or allowed to grow thereon thereafter, or, as regards the site of any such tree or bush required to be removed as aforesaid, no tree or bush of a height in excess of the maximum height complying with the terms of such agreement or notification shall be allowed to grow thereafter upon such site or within a radius of thirty feet from the centre of such site, but not before, the proprietor shall be entitled to receive from the Board the amount of compensation so agreed or declared to be payable.

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Failure to  
remove  
obstructions.

9.—If within the period stipulated in the notification of the Board that it requires a structure, tree, or bush or part thereof to be removed, the same is not removed in accordance with the requirements of such notification, the proprietor of the structure, tree or bush which is or may become such an obstruction as aforesaid shall be guilty of an offence and shall be liable upon conviction before the Royal Court sitting as a Full Court to a fine not exceeding £100 sterling and, in addition to imposing such fine, the Court may from time to time make such order or orders for the demolition or removal of such structure, tree or bush or part thereof and as to the penalty or penalties to be incurred in respect of failure to obey any such order, as to the Court shall seem just, and in default of compliance with any such order within the time limited for complying therewith, the Court may direct that such demolition or removal be effected at the expense of the person in default by such body or person as the Court may direct.

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