

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Alderney Land and Property (Amendment) Law, 2002**

(Registered on the Records of the Island of Guernsey  
on the 14th April, 2003.)



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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 14th day of April, 2003 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated the 27th day of February, 2003, approving and ratifying a Projet de Loi of the States of Alderney entitled “The Alderney Land and Property (Amendment) Law, 2002”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island.
2. 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 those Islands.

# At the Court at Buckingham Palace

The 27th day of February, 2003

PRESENT,

## The Queen's Most Excellent Majesty in Council

THE FOLLOWING, report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“IN ACCORDANCE WITH YOUR MAJESTY’S General Order of Reference of the 22nd day of February 1952 the Committee have considered a petition of the States of Alderney:”

“That, at a meeting of the States of Alderney on 20th November, 2002, the States approved a *Projet de Loi* entitled “The Alderney Land and Property (Amendment) Law, 2002” and requested the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Alderney Land and Property (Amendment) Law, 2002” and to order that it shall have force of law in the Island of Alderney.”

“THE COMMITTEE have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

HER MAJESTY, having taken the Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Alderney; and shall be entered on the Register of the Island of Guernsey and observed accordingly.

HER MAJESTY'S Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*A. K. Galloway*

# PROJET DE LOI

ENTITLED

## **The Alderney Land and Property (Amendment) Law, 2002**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 11<sup>th</sup> September, 2002, 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.

### **Amendment of Law of 1949.**

1. After section 8 of the Alderney Land and Property, etc, Law, 1949, as amended<sup>a</sup>, insert the following section -

#### **"Power of Registrar in relation to non-awarded land.**

**8A.** (1) This section applies where the Commissioner has failed to make an award (whether to the States or to any other person) in respect of the ownership of a freehold interest in land in accordance with the requirements of section 8.

(2) Where this section applies -

(a) the Commissioner shall be deemed, in respect of the freehold interest concerned, and in exercise of his powers under section 8, to have

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<sup>a</sup> Ordres en Conseil Vol. XIV, p. 67; there are amendments not material to this Law.

awarded ownership of the interest to the States;  
and

- (b) accordingly, the Registrar shall make such entries in the Register as are necessary to give effect to such award.

(3) The Commissioner shall be deemed, for the purposes of this section, to have failed to make an award in respect of the ownership of a freehold interest in land in accordance with the requirements of section 8 if, at the date of commencement of the Alderney Land and Property (Amendment) Law, 2002, the ownership of that interest has not been awarded to any person (which shall be considered to be the case if no person has been entered in the Register as the owner thereof).

(4) The provisions of section 14(1) shall apply in relation to an award deemed to have been made pursuant to subsection (2)(a) as if the words "other than the States" were omitted; and the provisions of section 14(2) shall not apply thereto.

(5) The provisions of this section are without prejudice to the provisions of section 25 ("rectification").

**Citation.**

2. This Law may be cited as the Alderney Land and Property (Amendment) Law, 2002.