

# ORDER IN COUNCIL

**VII**  
**1997**

ratifying a Projet de Loi

ENTITLED

## **The Housing (Control of Occupation and Development) (Amendment) (Alderney) Law, 1997**

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(Registered on the Records of the Island of Guernsey  
on the 18th March, 1997.)

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1997

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 18th day of March, 1997 before Sir Graham Dorey, Bailiff; present:— Stanley Walter John Jehan, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne, John Richard Rowe Henry, Esquires, Mrs. Eileen May Glass, Derek Martin Le Page, Stephen Edward Francis Le Poidevin and Alan Cecil Bisson, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of February, 1997, approving and ratifying a *Projet de Loi* entitled "The Housing (Control Of Occupation and Development) (Amendment) (Alderney) Law, 1997" 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; and
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 that Island of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 12th day of February, 1997

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 7th day of January 1997 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 George W. Baron, Esquire, President of the States of Alderney, setting forth:—

“That at a meeting of the States of Alderney held on the 6th day of November 1996, the States adopted a Resolution that a “Projet de Loi” entitled “The Housing (Control of Occupation and Development) (Amendment) (Alderney) Law, 1997” 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 as 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 Housing (Control of Occupation and Development) (Amendment) (Alderney) Law, 1997”, and order that the same shall have 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 said 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 in 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. H. Nicholls*

**The Housing (Control of Occupation and Development) (Alderney) Law, 1997**

**THE STATES**, in pursuance of their Resolution of the 2nd October, 1996, 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 1994.**

1. In section 1 of the Housing (Control of Occupation and Development) (Alderney) Law, 1994<sup>a</sup>-

- (a) in subsection (1), for the words following paragraph (c), substitute the following-

"and, in the case of a person falling within paragraph (a) or (b)-

- (i) has neither previously been granted any such permission nor owned a dwelling in Alderney, whether alone or jointly with any other person; and
- (ii) is the owner of the property in question."<sup>b</sup>;

- (b) after subsection (3) add the following subsection-

"(4) For the purposes of this Law-

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<sup>a</sup> Order in Council No. XXI of 1994.

<sup>b</sup> Section 1(a) has been repealed by the Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999 (No. X of 1999).



**"owner"**, in relation to any property, means-

- (a) where the property is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour the order has been made;
- (b) where the property is not the subject of such saisie proceedings but is the subject of a vested right of usufruct, the usufructuary;
- (c) where the property is not the subject of such saisie proceedings or vested right of usufruct-
  - (i) where the property is held in trust, the trustees and the cestui que trust; or
  - (ii) where the property is not held in trust, the person in whom there is for the time being vested, whether solely or jointly with another person, an estate of inheritance therein;

and cognate expressions shall be construed accordingly;

**"the property in question"** means-

- (i) the land upon which the dwelling is to be built;
- or

(ii) in the case of the conversion, alteration or change of use of a building or immovable structure, that building or immovable structure.".

**Citation.**

2. This Law may be cited as the Housing (Control of Occupation and Development) (Amendment) (Alderney) Law, 1997.