

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Rent Control (Tenement Houses) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 23rd day of May, 1972.)



1972.

VI
1972

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of May, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order dated the 22nd day of March, 1972, of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 4th day of February, 1972, ratifying a *Projet de Loi* entitled "The Rent Control (Tenement Houses) (Guernsey) Law, 1972", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court of Saint James

The 22nd day of March 1972

PRESENT,

Her Majesty Queen Elizabeth The Queen
Mother

Her Royal Highness The Princess Anne

LORD PRESIDENT

EARL ST. ALDWYN

MR. AMERY

CHANCELLOR OF THE DUCHY OF LANCASTER

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the fourth day of February 1972, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness The Duke of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The

Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne and Her Royal Highness The Princess Margaret, Countess of Snowdon, while absent from the United Kingdom:

AND 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 16th day of March 1972, 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 the States of the Island of Guernsey, setting forth:—

‘1. That in pursuance of their Resolution of the 25th day of March 1970 the States of Deliberation at a meeting held on the 15th day of December 1971 approved a Bill or “Projet de Loi” entitled “The Rent Control (Tenement Houses) (Guernsey) Law, 1972” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures 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 Bill or “Projet de Loi” of the States of Guernsey entitled “The Rent Control (Tenement Houses) (Guernsey) Law, 1972” and to order that the same shall have 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."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, have taken the said Report into consideration, and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf approve of and ratify the said Projet de Loi, and order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do 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, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

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

PROJET DE LOI

ENTITLED

The Rent Control (Tenement Houses) (Guernsey) Law, 1972

ARRANGEMENT OF SECTIONS

Section

1. Application.
2. Register of tenement houses.
3. Grading of tenement houses.
4. Registration of graded tenement houses.
5. Re-grading of tenement houses.
6. Registered tenement houses to cease to be controlled dwellings.
7. Rent of tenement houses graded as Grade A.
8. Assessment of rent.
9. Variation of assessment of rent.
10. Right of parties to an application to be heard.
11. Rent Book.
12. Appeals.
13. Evidence.
14. Cancellation etc. of entries in the register.
15. Powers of inspection.
16. Acceptance of rent after determination of lease.
17. Form of application.
18. Ordinances.
19. Service of notices etc.
20. Offences.
21. Interpretation.
22. Citation and Commencement.

PROJET DE LOI

ENTITLED

The Rent Control (Tenement Houses) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-fifth day of March, nineteen hundred and seventy, 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 Guernsey.

Application.

1. This Law shall apply to any tenement house of which any part is occupied as a dwelling by any person for rent:

Provided that this Law shall not apply to a tenement house if there is for the time being in force in respect thereof a boarding permit granted under the Tourist Law, 1948(a).

Register of
tenement
houses.

2. The Committee shall compile and maintain a register of all tenement houses in respect of which an application under this Law has been received by the Committee from the landlord or from the occupier of the whole or any part thereof.

Grading of
tenement
houses.

3. (1) The Committee shall, in accordance with the succeeding provisions of this section, grade as Grade A or Grade B any tenement house in respect of which it has received an application made under the provisions of the last preceding section and may grade separately different parts of a tenement house which are occupied for rent by different persons.

(a) Ordres en Conseil Vol. XIII, p. 329; Vol. XXI, p. 104.

(2) Where the Committee is satisfied, having regard to the state of repair of the different parts of a tenement house which are occupied for rent and to the amenities enjoyed in conjunction with the occupancy of such parts that—

- (a) if that tenement house is a controlled dwelling, the provisions of the Rent Control Law (Guernsey), 1946(b), should not apply thereto; or
- (b) if that tenement house is not a controlled dwelling, the provisions of sections eight and nine of this Law should not apply thereto;

then the Committee shall grade that tenement house as Grade A, but if the Committee is not so satisfied then the Committee shall grade that tenement house as Grade B.

4. As soon as may be after a tenement house or a part of a tenement house has been graded in accordance with the provisions of section three of this Law, the Committee shall cause—

Registration of graded tenement houses.

- (a) an entry to be made in the register showing the grading accorded to that tenement or that part; and
- (b) a certified copy of such entry to be served upon the landlord and the occupier of that tenement house or of that part as the case may be.

5. Where at any time an application is made to the Committee under this section for the re-grading of a tenement house or part of a tenement house

Re-grading of tenement houses.

(b) Ordres en Conseil Vol. XII, p. 339; Vol. XIII, pp. 103 and 378; Vol. XVII, p. 135; Recueil d'Ordonnances, Tome XI, p. 313; Tome XIII, p. 297.

and the Committee is satisfied, having regard to the factors set out in subsection (2) of section three of this Law, that such tenement house or part of a tenement house which has been graded in accordance with the provisions of that section or has been re-graded in accordance with the provisions of this section—

- (a) as Grade A should be re-graded or further re-graded as Grade B; or
- (b) as Grade B should be re-graded or further re-graded as Grade A;

the Committee may re-grade such tenement house or such part accordingly and in that event shall cause the register to be amended to show such re-grading and shall cause a certified copy of the amended entry to be served upon the landlord and the occupier of such tenement house or such part of a tenement house.

Registered
tenement
houses to
cease to be
controlled
dwellings.

6. A tenement house or a part of a tenement house shall on registration by the Committee under this Law cease to be a controlled dwelling for the purposes of the Rent Control Law (Guernsey), 1946.

Rent of
tenement
houses
graded as
Grade A.

7. (1) Where a tenement house or any part thereof is graded or re-graded as Grade A, the rent payable in respect of any part thereof shall not, during the period of six months next following such grading or re-grading, be increased by more than ten per centum per annum of the amount payable as rent for such part immediately before such grading or re-grading.

(2) Any person who in respect of a tenement house or part of a tenement house to which subsection (1) of this section applies offers, solicits, demands, makes or accepts any payment or rent in excess of the sum mentioned in subsection (1) of

this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

8. (1) Subject to the provisions of this Law, the Committee may upon receipt of an application in that behalf from the landlord or occupier of a part of a tenement house which is for the time being registered as Grade B, assess the amount which, in the opinion of the Committee, is a fair and reasonable rent in respect of that part of the tenement house having regard to its state of repair and the amenities enjoyable in conjunction with the occupation of that part of the tenement house. Assessment
of rent.

(2) Where an assessment has been made under subsection (1) of this section, the Committee shall, as soon as may be thereafter, cause an entry to be made in the register giving particulars of the assessment, the part of the tenement house in respect of which the assessment was made, the name of the occupier and the name and address of the landlord and a certified copy of such entry to be served upon the landlord and the occupier of that part of the tenement house.

9. The Committee may at any time, upon receipt of an application in that behalf by the landlord or occupier, vary any assessment made under subsection (1) of section eight of this Law if the Committee is satisfied that there has been a change of circumstances affecting the state of repair or the amenities enjoyable in conjunction with the occupation of the part of the tenement house in respect of which the assessment was made and in that event the Committee shall, as soon as may be thereafter— Variation of
assessment
of rent.

- (a) cause the entry in the register relating to that part of the tenement house to be amended accordingly; and
- (b) cause a certified copy of the amended entry to be served upon the landlord and the occupier of that part of the tenement house.

Right of
parties to an
application
to be heard.

10. Before determining an application, the Committee shall give to the landlord and to the occupier of any part of a tenement house to which the application relates an opportunity to appear before and be heard by the Committee or, if such person should so prefer, to make written representations to the Committee upon the application.

Rent Book.

11. (1) A landlord to whom any rent is payable in respect of the occupation of any part of a tenement house to which an entry made in the register under section eight of this Law relates shall supply, free of charge to the occupier of that part of the tenement house a book in such form as may be prescribed by the Committee and shall enter therein, at the commencement of the occupation by such occupier and whenever any variation in the amount of the assessment specified in such entry is made under section nine of this Law, such particulars as will enable the occupier to be aware at all times of the rent payable by him in respect of such occupation, of the manner in which and the times at which the same is payable and of the amount from time to time owing by him in respect of such occupation.

(2) A person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

12. Any person aggrieved by a decision of the Committee under this Law may appeal therefrom to the Royal Court sitting as an Ordinary Court by causing a summons to be served on the President of the Committee and, on appeal, the Court may confirm, quash or vary the decision of the Committee and direct the Committee to make such amendment as the Court may deem appropriate to any relevant entry in the register. Appeals.

13. In any legal proceedings any document purporting to be a certified copy of an entry in the register shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature or official capacity, and shall be evidence of the matters therein stated. Evidence.

14. (1) Upon a tenement house ceasing to be a tenement house to which this Law applies, the Committee, whether or not application is made in that behalf, may cancel any entry in the register relating thereto and shall in that case notify the landlord and any occupier thereof. Cancellation etc. of entries in the register.

(2) The Committee shall, upon being notified under the Cadastre Law, 1947(c), of any change of ownership or occupancy of any tenement house or of any part of a tenement house to which an entry in the register relates, cause such amendment as may be necessary to be made to that entry.

15. (1) Any person duly authorised in writing by the Committee in that behalf may, on producing his authority, enter any part of any tenement house Powers of inspection.

(c) Ordres en Conseil Vol. XIII, pp. 78 and 381; Vol. XVII, p. 23; Vol. XX, p. 135.

to which this Law applies at any reasonable time for the purpose of making such inspection, examination and inquiry as may be necessary to enable the Committee to perform the duties or to exercise the powers imposed or conferred upon it by this Law.

(2) Any person who wilfully obstructs a person exercising the powers conferred on him by subsection (1) of this section, shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Acceptance
of rent after
determina-
tion of lease.

16. Where after the determination by notice or otherwise of an agreement relating to the occupancy of a part of a tenement house to which this Law applies the tenant or sub-tenant remains in occupation of such premises, rent in respect of the demised premises (and of the furniture, if any, let in conjunction therewith) shall continue to run at the rate recoverable immediately before such determination and the acceptance by or on behalf of the landlord of rent at such rate after such determination shall not prejudice the right of the landlord to be granted an eviction order in respect of such premises.

Form of
application.

17. Any application made to the Committee by virtue of the provisions of this Law shall be made in such form and shall contain such information as the Committee may from time to time prescribe.

Ordinances.

18. (1) The States may from time to time by Ordinance make such provision as they may deem necessary or expedient for:—

- (a) regulating the procedure to be followed in connection with the hearing of applications by the Committee;
- (b) prescribing standards to be applied to tenement houses or parts of tenement houses

which are to be graded as Grade A or as Grade B;

- (c) empowering the Committee to make such orders as may be necessary or expedient for the effectual operation of any such Ordinance;
- (d) such incidental and supplementary matters for which the States may deem necessary or expedient for the purposes of any such Ordinance to provide.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any order made under any such Ordinance or any direction or requirement given or imposed under or by virtue of that Ordinance or order shall be guilty of an offence under that Ordinance.

(3) The States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made under the provisions of this section and different penalties may be so prescribed for different offences.

19. Any notice or document sent or served for the purposes of this Law shall be validly served:— Service of notices etc.

- (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 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 the Island of Guernsey or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

Offences.

20. (1) Any person who offers, solicits, demands, makes or accepts any payment in respect of the occupation of any part of a tenement house to which an entry in the register relates in excess of the amount of the assessment for the time being specified in the register in relation to that part of a tenement house shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, without prejudice to any other method of recovery, where the offence consists of the receipt of any such payment, the Court, in addition to the infliction of any such penalty, may order that the amount so received shall, within such time and under such penalty as the Court may direct, be repaid to the person or persons by whom the payment was made.

(2) Any person—

- (a) who, in connection with an application, knowingly makes any false statement or recklessly makes any statement which is false in a material particular or produces or furnishes any information which he knows to be false; or
- (b) who knowingly fails to produce or furnish any information he is required to produce or furnish under the provisions of this Law or any Ordinance made thereunder;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

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

“application” means an application made in writing to the Committee under the provisions of this Law by the landlord or by the occupier of a tenement house or part of a tenement house to which the application relates;

“certified copy” means a copy of an entry in the register which is certified to be correct by a member of the Committee or by the clerk to the Committee;

“the Committee” means the Cadastre Committee;

“controlled dwelling” has the same meaning as in the Rent Control Law (Guernsey), 1946;

“landlord” means the person beneficially entitled to receive rent from an occupier;

“occupy” means to occupy part of a tenement house for rent, and cognate expressions shall be construed accordingly;

“prescribe” means prescribe by order;

“register” means the register compiled and maintained by the Committee under the provisions of section two of this Law;

“rent” means any periodical payment of money made in respect of the occupation of a part of a tenement house, whether under a tenancy agreement or not;

“tenement house” means any premises which are used or usable as more than one dwelling,

other than premises in respect of which there is for the time being in force a boarding permit issued under the Tourist Law, 1948.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended, repealed or replaced, extended or applied by any other enactment including this Law.

(3) Any power conferred by this Law to make any Ordinance or order shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance or order.

Citation and
commence-
ment.

22. (1) This Law may be cited as the Rent Control (Tenement Houses) (Guernsey) Law, 1972.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

R. H. VIDELO,

Her Majesty's Greffier.