

ORDER IN COUNCIL

V
2013

ratifying a Projet de Loi

ENTITLED

The Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013

(Registered on the Records of the Island of Guernsey
on the 22nd April, 2013.)



2013

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

22nd day of April, 2013 before Richard John Collas, Esquire, Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Susan Mowbray, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, David Percy Langley Hodgetts LVO, Terry John Ferbrache, David Allan Grut, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 9th April, 2013, approving and ratifying a Projet de Loi entitled “The Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013”, 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 be registered on the records of this Island.



At the Court at Windsor Castle

THE 9th DAY OF APRIL 2013

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 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 27th February 2013, the States of Deliberation at a meeting on 27th February 2013 approved a *Projet de Loi* entitled the Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013 and requested the Bailiff 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 Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

"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 and ratify the *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 Islands of Guernsey, Herm and Jethou 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.

Christopher Berry

PROJET DE LOI

ENTITLED

The Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013

THE STATES, in pursuance of their Resolution of the 27th February, 2013^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Revival of Bouet and Gategny Esplanade deemed Local Planning Briefs.

1. (1) Notwithstanding sections 13 and 14 of the Land Planning and Development (Plans) Ordinance, 2007 ("**Plans Ordinance**")^b, the deemed Local Planning Briefs specified in subsection (2) shall have effect for the period set out in subsection (3) as if they had not expired or been subject to review under those sections 13 and 14.

(2) The deemed Local Planning Briefs referred to in subsection (1) are the outline planning briefs for -

(a) Le Bouet Mixed Use Redevelopment Area^c, and

^a Article I of Billet d'État No. IV of 2013.

^b Recueil d'Ordonnances Tome XXXII, p. 257 as amended by Tome XXXIII, p. 171.

^c As adopted by resolution of the States of Guernsey (see Billet d'État No. XVIII of 1998).

- (b) Glatigny Esplanade Mixed Use Redevelopment Area^d,

which are deemed to be Local Planning Briefs in accordance with section 7(2) of the Principal Law.

(3) Subject to section 2, the period referred to in subsection (1) is 3 years beginning on the day this Law comes into force, unless the States resolve within that 3 year period to further extend a deemed Local Planning Brief in which case the deemed Brief in question shall have effect until the date specified in that resolution.

(4) During the 3 year period specified in subsection (3), despite section 14 of the Plans Ordinance, the deemed Local Planning Briefs referred to in subsection (1) need not be reviewed but if a brief is further extended by resolution of the States under subsection (3) that brief must be reviewed, in accordance with section 14 of the Plans Ordinance, as soon as reasonably possible after the date of the States resolution in question.

Deemed Local Planning Briefs.

2. Notwithstanding section 13 of the Plans Ordinance or section 1 of this Law, where a Development Plan is replaced or amended under the Principal Law so as to omit all references in the policies in the Development Plan to an outline planning brief which is a deemed Local Planning Brief by virtue of -

- (a) section 7(2) of the Principal Law, or

^d As adopted by resolution of the States of Guernsey (see Billet d'État No. VII of 1999, p. 209).

(b) section 19 of the Plans Ordinance,

that Local Planning Brief shall cease to have effect from the date of the adoption by the States of the replacement Development Plan or the amendments, as the case may be.

Interpretation.

3. (1) In this Law, unless the context otherwise requires -

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Plans Ordinance**" means the Land Planning and Development (Plans) Ordinance, 2007,

"**Principal Law**" means the Land Planning and Development (Guernsey) Law, 2005^e,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

and other expressions, unless the context otherwise requires, have the same meaning as in the Principal Law.

^e Order in Council No. XVI of 2005. Section 7(2) and other relevant parts of the 2005 Law were amended by section 18 of the Land Planning and Development (Plans) Ordinance, 2007 (Recueil d'Ordonnances Tome XXXII, p. 257). There are other amendments not relevant to this Law.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

4. This Law may be cited as the Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013.

J. TORODE,
Her Majesty's Greffier.

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