

ORDER IN COUNCIL

XXVII

ratifying a Projet de Loi

1957

ENTITLED

(LAST)

The Natural Beauties (Alderney) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 28th day of December, 1957.)



1957.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of December, 1957, before Frank Gahan, Esquire, Q.C., Lieutenant-Bailiff; present: Sir John Leale, Arthur Falla, William Robert Freake Clark, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, and Richard Edward Gibson, Esquire, O.B.E., Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of November, 1957, ratifying a *Projet de Loi* of the States of Alderney entitled "The Natural Beauties (Alderney) Law, 1957",—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 and 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.

At the Court at Buckingham Palace,

The 27th day of November, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

SIR DAVID ECCLES

MR. AUBREY JONES

SIR ROBERT TREDGOLD

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 18th day of November, 1957, 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 a humble Petition of Sydney Peck Herivel, Esquire, President of the States of the Island of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the twenty-first day of May, 1957, the States adopted a Resolution that a *Projet de Loi* entitled “The Natural Beauties (Alderney) Law, 1957” 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 set forth in the words and figures of the Schedule annexed hereto. And most humbly praying that Your Majesty might be graciously pleased to

grant Your Royal Sanction to the Projet de Loi entitled "The Natural Beauties (Alderney) Law, 1957" and order that the same shall have the 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 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, as 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, of 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.

W. G. AGNEW.

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

PROJET DE LOI

ENTITLED

The Natural Beauties (Alderney) Law, 1957.

THE STATES, in pursuance of their Resolution of the twenty-seventh day of February, nineteen hundred and fifty-three, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

Interpreta-
tion.

1. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“building” includes any structure or erection of whatsoever material or in whatsoever manner constructed, and any part of a building;

“caravan” means any vehicle or any part thereof which was designed, or has been, or is intended to be adapted for use wholly or mainly for living purposes;

“the Committee” means a committee constituted by the States for the purposes of this Law in such manner as the States may, from time to time, by Resolution direct;

“dump” means a heap or other collection of refuse, waste or other like material;

“hoarding” means any hoarding or similar structure erected, used or intended to be used for the purpose of advertising;

“owner” in relation to any real property means:—

- (a) where that real property is the subject of saisie proceedings which have resulted in the making of a preliminary vesting order or an interim vesting order, the person in whose favour such order has been made;
- (b) where that real property is not the subject of such saisie proceedings but is the subject of a vested right of usufruct, the usufructuary;
- (c) where that real property is not the subject of such saisie proceedings or of such vested right of usufruct—
 - (i) the beneficial owner, if that real property is not held in trust, or
 - (ii) the trustees, if that real property is held in trust;

“tree” includes a shrub, sapling, bush and hedges, but does not include a fruit tree.

2. In the exercise of its powers under the provisions of this Law, the Committee shall have regard to the beauty of the Island, its aspect from the land and from the sea, the desirability of keeping the coasts of the Island in their natural state and the suitability of any land for agricultural, residential or industrial purposes.

Matters to which the Committee is to have regard.

3.—(1) A person shall not, without having first obtained the permission in that behalf of the Committee—

Restriction on building.

- (a) construct or reconstruct any building which when constructed or reconstructed will be visible from any public way, street, road or other place to which the public have, or are permitted to have, access whether on payment or otherwise; or
- (b) make any additions, alterations or extensions to any building which when completed will be so visible.

(2) Permission in accordance with the provisions of the last preceding subsection shall not be required for the execution of any work in the ordinary course of maintenance or repair.

(3) A person desirous of obtaining the permission of the Committee in accordance with the provisions of this section may apply to the Committee in that behalf in the manner required by the Committee and such application shall contain or be accompanied by such information, including plans and elevations, as the Committee may require.

(4) The permission of the Committee granted in accordance with the provisions of this section may be granted subject to such conditions as the Committee may think fit.

(5) Where the Committee refuses an application for permission in accordance with the provisions of this section, it shall, if so required by the applicant, furnish to him a statement in writing of its reasons for its decision.

(6) In the event of the Committee refusing to grant an application for permission in accordance with the provisions of this section, no compensation shall be payable by the States for any loss suffered by the applicant or any other person by reason of such refusal.

(7) Any person who contravenes, attempts to contravene or causes any person to contravene, any of the provisions of this section or fails to comply with any condition attached to any permission shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding twenty-five pounds.

(8) Where there has been a conviction of any person under the provisions of the last preceding subsection, the Court may order the person convicted to pull down any work done in contravention of any of the provisions of this section or which fails to comply with any conditions attached to any permission granted in accordance with the provisions of this section or make such alterations to any such work as are necessary to make it comply with any such condition.

(9) If a person in respect of whom an order has been made under the provisions of the last preceding subsection fails to comply with the order within such period as the Court may direct or such longer period as the Court may, on his application, allow, the Committee may apply to the Court for permission to enter the premises concerned and there to effect such work as may be necessary to give effect to the said order.

(10) Any expenses reasonably incurred by the Committee under the provisions of the last preceding subsection shall be recoverable as a civil debt from the person convicted.

4.—(1) The Committee may serve a notice—

- (a) on the owner of any building which is, in the opinion of the Committee, in a ruinous condition, requiring him to demolish the building and to remove any rubbish resulting from the demolition;
- (b) on the owner or other person for the time being in control of any caravan, requiring

Demolition of dilapidated buildings, removal of hoardings, dumps, etc.

him to remove the same outside such area as may be specified in the notice;

- (c) on the owner or other person for the time being having any interest in any land on which there is any advertisement or hoarding, or on any person who has posted, or caused to be posted, any advertisement, requiring him to remove the same;
- (d) on the owner or other person for the time being having any interest in any land on which there is a dump, requiring him to deal with the same in such manner as may be required by the notice;
- (e) on the owner of any land on which any tree has been felled, whether before or after the commencement of this Law, requiring him to plant a tree in replacement thereof.

(2) Compensation shall not be payable in respect of injurious affection to any interest in any land or building by reason of the operation of this section.

(3) If any person on whom a notice has been served in accordance with the provisions of this section fails to comply with the requirements thereof within such period, not being less than twenty-eight days from the service thereof, as may be specified therein, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

(4) On the conviction of a person under the provisions of the last preceding subsection the Court may authorise the Committee to enter upon the premises concerned and carry out such work as may be necessary to give effect to any requirements contained in the notice.

(5) Any expenses reasonably incurred by the Committee under the provisions of the last preceding subsection shall be recoverable as a civil debt from the person convicted.

5.—(1) Any person aggrieved by the refusal of the Committee to give any permission under section three of this Law or by any condition attached to any such permission or by the requirements of any notice served under subsection (1) of section four of this Law may appeal to the Court, in the case of a refusal of permission or the attaching of any condition within one month of the date of the notification of the decision of the Committee in the matter, and in the case of the service of a notice within the period specified in the notice as the period within which the requirements of the notice are to be complied with, on the ground that the decision of the Committee or the service of the notice, as the case may be, was unreasonable having regard to all the circumstances of the case. Right of appeal.

(2) Where an appeal under this section is brought against a notice under subsection (1) of section four of this Law, subsection (3) of the said section four shall not apply unless the appeal is abandoned or dismissed, and shall, in that case, have effect as if for the reference therein to the period specified in the notice there were substituted a reference to twenty-eight days from the date on which the appeal was abandoned or dismissed.

6.—(1) A caravan shall not be imported into the Island except under the authority of a licence granted by the Committee in that behalf. Restriction of importation of caravans.

(2) The Committee may attach to any licence granted under this section such conditions as it thinks fit to impose.

(3) A person shall not transfer the ownership or possession of a caravan imported under the authority of a licence granted under this section without the permission in that behalf of the Committee and to any such permission the Committee may attach such conditions as it thinks fit to impose.

(4) If any person imports a caravan in contravention of the provisions of this section, infringes the provisions of subsection (3) of this section or fails to comply with any conditions attached to any permission granted under the provisions of that subsection or fails to comply with any conditions attached to a licence authorising the importation of a caravan, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds and the Court may require the caravan to be re-exported.

Penalty for
destroying or
damaging
trees.

7. Any person who maliciously and without lawful authority fells, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, wheresoever the same may be growing, shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds or to a term of imprisonment not exceeding seven days or to both such fine and such term of imprisonment.

Penalty for
depositing
litter.

8.—(1) A person shall not place or leave, with intent to abandon the same, any litter or any thing which by being abandoned may become litter in any public place or place to which the public have access or in any unoccupied place or, save with the sanction of the occupier, in any occupied place unless such litter or thing be placed and left in a suitable container or place intended for the receipt of litter.

(2) Any person who contravenes the provisions of the last preceding subsection shall be guilty of an

offence and liable, on conviction, to a fine not exceeding ten pounds.

9. Any notice which may be served for the purposes of this Law shall be validly served— Notices.

- (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 at, 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 situated in this Island or, if its registered office is not so situated, its principal or last known principal place of business in this Island.

10. The Law entitled "Loi au sujet des Beautés Naturelles et Batiments Malséants, 1936" is hereby Repeals and savings. repealed save that—

- (a) any consent, requirement or other thing given, made or done or deemed to have been given, made or done in pursuance of that Law shall continue to have effect to the like extent, and subject to the like conditions, as if it had been given, made or done in pursuance of this Law; and
- (b) until such time as the States constitute a Committee in pursuance of the provisions of this Law, the functions of the said Committee shall be exercisable by the Committee nominated by the States in accordance with the provisions of that Law.

11. The Interpretation (Guernsey) Law, 1948, shall Interpreta- apply to the interpretation of this Law as it applies tion.

to the interpretation of an enactment in force in the Island of Guernsey.

Citation and
commence-
ment.

12.—(1) This Law may be cited as the Natural Beauties (Alderney) Law, 1957.

(2) This Law shall come into force on the first day of the month next following that in which it is registered on the Records of the Island of Guernsey.

JAMES E. LE PAGE,

Her Majesty's Greffier