

ORDER IN COUNCIL

VI
2015

ratifying a Projet de Loi

ENTITLED

The Parochial Administration (Miscellaneous Amendments) Law, 2014

(Registered on the Records of the Island of Guernsey
on the 30th March, 2015.)



2015

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of March, 2015 before Sir Richard Collas, Bailiff, present:-
Stephen Edward Francis Le Poidevin OBE, Esquire, Susan Mowbray,
Barbara Jean Bartie, John Ferguson, Stephen Murray Jones, Peter Sean
Trueman Girard, Terry George Snell, David Percy Langley Hodgetts
LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren,
Terry John Ferbrache, David Allan Grut, Jonathan Grenfell Hooley,
Esquires, Jurats.

The Bailiff, having this day placed before the Court an
Order of Her Majesty in Council dated 19th March, 2015, entitled “The Parochial
Administration (Miscellaneous Amendments) Law, 2014”, THE COURT, after the
reading of the said Order and after having heard Her Majesty’s Procureur thereon,
ORDERED that the said Order be registered on the records of this Island.

J TORODE
Her Majesty’s Greffier



At the Court at Buckingham Palace

THE 19th DAY OF MARCH 2015

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 30th June 2010, the States of Deliberation at a meeting on 26th November 2014 approved a *Projet de Loi* entitled the *Parochial Administration (Miscellaneous Amendments) Law, 2014* 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 *Parochial Administration (Miscellaneous Amendments) Law, 2014* and to order that it shall have force of law in the Island of Guernsey.

“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 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.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Parochial Administration (Miscellaneous Amendments) Law, 2014

THE STATES, in pursuance of their Resolution of the 30th June, 2010^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 Island of Guernsey.

Amendment of the Public Health Law.

1. In section 1 of the Law entitled "Loi Relative à la Santé Publique" of 1934^b -

(a) in subsection (1) -

(i) immediately before "any person authorised," insert "and", and

(ii) for ", the Constables of the several parishes" to the end, substitute "; and for the avoidance of doubt the powers of a sanitary inspector under this Law may be exercised by those persons jointly or independently.",

^a Article III of Billet d'État No. XV of 2010.

^b Ordres en Conseil Vol. IX, p. 386; as amended by Ordres en Conseil Vol. XIX, p. 213; Vol. XXIX, p. 239; Vol. XXXI, p. 278; Vol. XXXIX, p. 64; Recueil d'Ordonnances Tome XXIII, p. 427; and Tome XXIX, p. 406. See also Recueil

and

- (b) in subsection (3), from ", the Medical Officer of Health" to the end, substitute "and the Medical Officer of Health; and for the avoidance of doubt the powers of the Sanitary Authority under this Law may be exercised by those persons jointly or independently."

Amendment of the Public Health Ordinance.

- 2. In the Public Health Ordinance, 1936^c -

- (a) in section 2 of Article I -
 - (i) in the definition of "Sanitary Authority", from ", the Medical Officer of Health" to the end, substitute, "and the Medical Officer of Health; and for the avoidance of doubt the powers of the Sanitary Authority under this Ordinance may be exercised by those persons jointly or independently," and
 - (ii) in the definition of "Sanitary Inspector", from "an authorised officer" to the end, substitute "and an authorised officer; and for the avoidance of doubt the powers of a Sanitary Inspector under this Ordinance may be exercised by those persons jointly or

d'Ordonnances Tome XIII, p. 264.

^c Recueil d'Ordonnances Tome VIII, p. 316; as amended by Tome XV, p.387; Tome XXVIII, p. 80; and Ordres en Conseil Vol XXXI, p. 278. There are other amendments not relevant to this enactment.

independently,"

and

- (b) immediately after section 1A of Article IV, insert the following section –

"**1B.** (1) Before the Sanitary Authority serves a notice under section 1A(1), it shall notify the Constables of the parish in which the relevant premises are situated, who shall have the right to proffer advice to the Sanitary Authority in relation to the same; and in any case where such advice is proffered, the Sanitary Authority shall keep those Constables informed about any subsequent action taken in respect of those premises under section 1A.

(2) For the avoidance of doubt, the Sanitary Authority shall take account of, but is not under a duty to take any action in respect of, advice proffered under subsection (1).".

Amendment of the *Assemblées Paroissiales* Law.

3. Immediately after Article 9 of the Law entitled "Loi relative aux Assemblées Paroissiales" of 1902^d, insert the following Articles -

"**9A.** Les Connétables et le Doyen de la Douzaine doivent soumettre une Affaire à une Assemblée paroissiale si au moins sept Chefs-de-famille ont fait une telle demande, à condition que l'affaire en question touche à un service ou une fonction fourni par les

^d Ordres en Conseil Vol. III, p. 274; as amended by Vol. VI, p. 115, Vol. VII, p. 481, and Vol. XIX, p. 157.

Connétables ou la Douzaine, ou aux immeubles administrés par les Connétables ou la Douzaine.

9B. Lorsqu'une demande est faite en vertu de l'Article 9A, les Connétables et le Doyen de la Douzaine doivent soumettre la question à une Assemblée paroissiale dans un délai de six mois."

Amendment of the *Salles Publiques* Law.

4. In Article 5 of the Law entitled "Loi ayant rapport aux licences pour les Salles Publiques" of 1914^e, for "les Connetables croiront" substitute "la personne qui exerce l'office anglicisé comme "Chief Officer of the salaried police force of the Island of Guernsey" croira", and for "ils auront" substitute "elle aura".

Amendment of the *Ventes Publiques* Law.

5. In Article 1 of the Law entitled "Loi ayant rapport aux Ventes publiques à L'Encan" of 1914^f, repeal from "Celui qui" to the end of the Article.

Repeal of the *Dangerous Structures* Law.

6. (1) The Law entitled "Loi ayant rapport à la réparation ou la démolition de murs, fossés, maisons et bâtiments qui sont dans un état dangereux" of 1919^g is repealed.

(2) For the avoidance of doubt, subsection (1) does not affect -

(a) any right, privilege, obligation or liability incurred under the Law mentioned there (**"the repealed**

^e Ordres en Conseil Vol. V, p. 56.

^f Ordres en Conseil Vol. V, p. 41; as amended by Recueil d'Ordonnances Tome XXIX, p. 406 and Tome XXXI, p. 618.

^g Ordres en Conseil Vol. VI, p. 117.

provisions"),

- (b) any penalty, forfeiture or punishment incurred in respect of any offence under the repealed provisions,
- (c) any investigation or legal proceeding in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation or legal proceeding may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Law had not been made.

Interpretation.

7. 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.

8. This Law may be cited as the Parochial Administration (Miscellaneous Amendments) Law, 2014.

Commencement.

9. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey

PRICE £4.00

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