

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Parochial Collection of Refuse (Guernsey) Law, 1958

(Registered on the Records of the Island of Guernsey
on the 25th day of October, 1958.)



1958.

XIV

1958

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 25th day of October, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Esquires, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason and Henry Robin Bichard, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of October, 1958, ratifying a *Projet de Loi* entitled "The Parochial Collection of Refuse (Guernsey) Law, 1958",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 at Buckingham Palace,

The 22nd day of October, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF SELKIRK

MR. ORMSBY-GORE

MR. MARPLES

SIR HENRY WILLMER

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 9th day of September, 1958, 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 28th day of May, 1958, the States of Deliberation at a meeting held on the 30th day of July, 1958, approved a Bill or “Projet de Loi” entitled “The Parochial Collection of Refuse (Guernsey) Law, 1958” 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 Parochial Collection of Refuse (Guernsey) Law, 1958" and to order that the same shall have the 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."

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 Guernsey.

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

W. G. AGNEW.

THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

IN SENATE,
JANUARY 10, 1907.

REPORT
OF THE
ATTORNEY GENERAL
FOR THE YEAR 1906.

ALBANY:
J. B. LIPPINCOTT & CO.,
PRINTERS,
1907.

THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

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

PROJET DE LOI

ENTITLED

The Parochial Collection of Refuse (Guernsey) Law, 1958

THE STATES, in pursuance of their Resolution of the twenty-eighth day of May, nineteen hundred and fifty-eight, 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.

1. The Douzaine of a Parish shall make such arrangements as may be necessary for the regular collection and disposal of refuse from dwelling houses and tenement houses in the Parish; the cost of such collection and disposal and of any incidental matters connected therewith shall be defrayed out of monies provided by the levy of an annual rate (hereinafter referred to as "the refuse rate") in accordance with the succeeding provisions of this Law; such cost, in respect of any year, shall be of such amount as is approved by a Parish meeting prior to the Constables making an application under the provisions of section four of this Law for permission to levy the refuse rate for that year.

2. (1) The refuse rate shall be levied by the Douzaine in respect of dwelling houses and tenement houses in the Parish and shall be levied, in the case of dwelling houses, on the occupier and, in the case of tenement houses, on the owner.

(2) The refuse rate shall become due on the first day of January in each year and shall be payable by

every person who on that date is, in the case of dwelling houses, the occupier or, in the case of tenement houses, the owner thereof.

(3) The refuse rate shall be assessed by the Douzaine on the rateable value of dwelling houses and tenement houses in the Parish and shall be, in respect of each year, of such amount in the pound of the rateable value of such premises as may be necessary to provide the monies to defray the cost of the collection and disposal of refuse from such premises during that year and of any incidental matters connected therewith.

(4) The refuse rate levied in respect of a tenement house on the owner thereof shall be recoverable by him from the occupiers thereof in equal shares as a civil debt.

(5) An occupier of a dwelling house or an occupier of part of a tenement house who, having become liable for the payment of the refuse rate for that dwelling house or that part of a tenement house, as the case may be, in respect of any financial year, subsequently during that year ceases to occupy that dwelling house or that part of a tenement house shall be entitled to recover from the subsequent occupier thereof such part of the refuse rate as bears the same proportion to the whole of the refuse rate for that dwelling house or that part of a tenement house for that year as the unexpired portion of that year bears to the whole of that year.

3. (1) For the purposes of assessing the refuse rate, the Douzaine shall, by the fourteenth day of October in the year (hereinafter referred to as "the antecedent year") immediately preceding the year in which it is proposed first to levy the refuse rate and by the same date in the month of October of each year

thereafter, compile a list of dwelling houses and tenement houses in the Parish (hereinafter referred to as "the register") which, subject to the succeeding provisions of this Law, shall be, for the purposes of this Law, the register for the financial year next succeeding.

(2) The register shall contain—

- (a) the address of each dwelling house and tenement house in the Parish; and
- (b) the name of—
 - (i) in the case of a dwelling house, the occupier thereof, or
 - (ii) in the case of a tenement house, the owner thereof; and
- (c) the rateable value of each dwelling house and tenement house.

(3) The Douzaine shall, during the period commencing on the fifteenth day of October and ending on the twenty-second day of October in the antecedent year and during the same period in each year thereafter, make the register available, at such times and in such places as they shall by notice published on at least one occasion in "La Gazette Officielle" specify, for inspection by the occupiers of dwelling houses and the owners of tenement houses in the Parish.

(4) The occupier of a dwelling house or the owner of a tenement house in the Parish may, not later than the expiration of seven clear days from the last day on which the register was available for inspection in any year, notify the Douzaine in writing of any error or omission in any of the particulars contained in the register relating to himself or to the dwelling house or tenement house which he occupies or owns, as the case may be.

(5) Upon the receipt of any such notification as aforesaid the Douzaine shall consider whether or not there are sufficient grounds for the rectification of the register and on being satisfied that such grounds exist shall rectify the list accordingly.

(6) Any decision of the Douzaine under the provisions of the last preceding subsection shall be final and shall, as soon as may be, be communicated in writing to the occupier or owner concerned.

(7) The Douzaine may, from time to time, rectify those particulars of the register which relate to the name of the occupier of a dwelling house or the owner of a tenement house as may be necessary to ensure the accuracy of those particulars.

4. (1) After the compilation and, if necessary, the rectification of the register, the Constables shall, during the month of December in the antecedent year and during the same period in each year thereafter, apply to the Royal Court sitting as an Ordinary Court for permission to levy the refuse rate for the financial year next succeeding and any such application shall specify the amount in the pound of the rateable value of dwelling houses and tenement houses in the Parish which it is proposed to levy as the refuse rate for the financial year next succeeding.

(2) Notice of the date and time on which it is proposed to make an application under the provisions of the last preceding subsection in any year shall be specified by the Constables in a notice published on at least one occasion in "La Gazette Officielle".

(3) The occupier of any dwelling house or the owner of any tenement house in the Parish may oppose any application made by the Constables under the provisions of subsection (1) of this section.

5. The Douzaine shall, from time to time, by notice published on at least one occasion in "La Gazette Officielle" specify the day or days on which the collection of refuse will take place and different days may be specified for different parts of the Parish.

6. (1) For the purposes of this Law the following expressions have the meanings hereby respectively assigned to them—

"dwelling house" includes a guest house, hotel, boarding house, hospital, school, nursing home and any institution for the occupation or care of young, old or infirm people and any—

(i) dwelling place forming part of any building but not ordinarily accessible from any other part of that building,

(ii) self-contained flat, and

(iii) such part of any premises, not wholly occupied as or being a dwelling house, as is occupied for dwelling purposes;

"financial year" means the year ending on the thirty-first day of December;

"occupier" means, in relation to an unoccupied dwelling house, the owner thereof;

"owner", in relation to any real property, means—

(a) where that property is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour such order has been made;

(b) where that property is not the subject of saisie proceedings but is the subject of a vested right of usufruct, the usufructuary;

(c) where that property is not the subject of such saisie proceedings or of such right of usufruct—

- (i) the beneficial owner, if that property is not held in trust, or
- (ii) the trustees, if that property is held in trust;

“rateable value” means the rateable value inscribed in the Cadastre prepared and maintained under the provisions of the Cadastre Law, 1947;

“refuse” means household refuse;

“tenement house” means a dwelling place, other than a self-contained flat, which is occupied by more than one family or which is wholly or partly let in lodgings.

(2) In this Law the expressions “dwelling house” and “tenement house” include such appurtenances as are classified therewith as Category “A” or Category “E”, as the case may be, for the determination of annual rental values in accordance with the provisions of the Ordinance (1948) enacting the Cadastre Law, 1947 Rules.

(3) References in this Law to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

7. (1) The provisions of this Law shall not have effect in any Parish until such date as the States may, by Ordinance made under the provisions of this section, appoint.

(2) The States may, from time to time, by Ordinance provide that the provisions of this Law shall have effect in any Parish if there has been previously received by the President of the States a copy, certified as true by the Dean of the Douzaine, of a resolution

of a Parish meeting of that Parish requesting that such provision should be made.

8. Any enactment for the time being in force at the date of the commencement of this Law relating to the collection of refuse in any Parish may be repealed by the States by Ordinance made under the provisions of this section.

9. This Law may be cited as the Parochial Collection of Refuse (Guernsey) Law, 1958.

R. A. MALLET,

Greffier Delegate.