

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Ancient Monuments and Protected Buildings (Guernsey) Law, 1967.

(Registered on the Records of the Island of Guernsey
on the 22nd day of January, 1968.)



1967.

XIV

1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 22nd day of January, 1968, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—
Bertram Guy Blampied, Claude Fortescue
Nason, Stanley Walter Gavey, Esquires, Gilbert
Carey de Jersey, Esquire, C.B., Carl Edward
Blad, Albert Victor Dorey, Esquires, Laurence
Francis de Vic Carey, Esquire, C.B., C.B.E.,
D'Arcy George Le Tissier, William Burton Fox,
Esquires, Edward James Lainé, Esquire, C.B.E.,
D.F.C., and Jean Le Pelley, Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th day of December, 1967, ratifying a *Projet de Loi* entitled "The Ancient Monuments and Protected Buildings (Guernsey) Law, 1967", 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 20th day of December 1967

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

MR SECRETARY ROSS

CHANCELLOR OF THE DUCHY OF LANCASTER

MR DARLING

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 11th day of December 1967, 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 June 1967, the States of Deliberation at a meeting held on the 27th day of September 1967, approved a Bill or “Projet de Loi” entitled “The Ancient Monuments and Protected Buildings (Guernsey) Law, 1967” 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 Ancient Monuments and Protected Buildings (Guernsey) Law, 1967" and to order that the same shall have force of law in the Islands of Guernsey and Herm.'

"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 Islands of Guernsey and Herm.

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.

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

PROJET DE LOI

ENTITLED

The Ancient Monuments and Protected Buildings (Guernsey) Law, 1967

THE STATES, in pursuance of their Resolution of the twenty-eighth day of June, nineteen hundred and sixty-seven 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 and Herm.

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

Interpreta-
tion.

“a building, structure or object” includes the remains of a building, structure or object;

“the Committee” means the States Ancient Monuments Committee;

“the Island” includes the Island of Herm;

“the Register” means the Register of Ancient Monuments and Protected Buildings maintained by Her Majesty's Greffier and “registered” and “registration” shall be construed accordingly.

2. (1) The Committee may, from time to time, direct that any building, structure or object which in the opinion of the Committee is of historical, traditional, archaeological, architectural or other

Register of
Ancient
Monuments
and
Protected
Buildings.

special interest, shall be registered by Her Majesty's Greffier in a Register of Ancient Monuments and Protected Buildings.

(2) Subject to the consent of the owner thereof the Committee may erect, affix to and maintain in respect of any registered building, structure or object such explanatory or descriptive notice or plaque as it may consider expedient or desirable.

(3) The Committee may, from time to time, direct Her Majesty's Greffier to amend the entry relating to any such building, structure or object in the Register or to delete any entry therefrom.

(4) On directing the registration of any building, structure or object or that the entry relating thereto shall be amended or deleted, the Committee shall serve upon the owner of the building, structure or object concerned a notice in writing informing him of the fact of such entry, amendment or deletion.

(5) The Committee shall publish in "La Gazette Officielle" during the month of January in each year a list of every addition, deletion and amendment to the Register made during the previous calendar year, and a notice to the effect that it is an offence under this Law to demolish in whole or in part, efface, effect any alteration or addition to, or change the appearance of, any registered building, structure or object save under and in accordance with written permission of the Committee.

(6) There shall be published at least once in every three years as an appendix to a Billet d'Etat a list of all buildings, structures or objects registered in the Register of Ancient Monuments and Protected Buildings.

3. (1) A person shall not, without the permission in writing of the Committee in that behalf, demolish in whole or in part, efface, effect any alteration or addition to, or change the appearance of, any registered building, structure or object and any such permission may be granted subject to such conditions as the Committee may think it necessary or expedient to impose.

Restriction
on alteration
etc. of
Ancient
Monuments
and
Protected
Buildings.

(2) A person desiring to carry out any work for which permission under this section is required shall apply therefor in writing to the Committee and shall submit such detailed plans or information or both as the Committee may require.

(3) If the Committee refuses any permission applied for, or imposes any condition, under the provisions of this section, notice of such refusal or imposition of a condition, as the case may be, shall be served upon the applicant within the eight days next following the date of the meeting at which the decision of the Committee was taken.

4. (1) Any person aggrieved by a decision or direction of the Committee made under the provisions of this Law may, within one month of the service of notice thereof, appeal therefrom to the Royal Court on the grounds that the decision or direction was ultra vires or an unreasonable exercise of the Committee's powers.

Appeals.

(2) An appeal shall be instituted by way of summons setting out the material facts upon which the appellant relies and which shall be served on the President of the Committee requiring him to show cause why the decision or direction appealed from should not be set aside or varied.

(3) On any appeal the burden of satisfying the Royal Court that the decision or direction of the Committee was intra vires or reasonable shall be discharged by the Committee, and the Committee shall be entitled to a final right of reply.

Penalties,
etc.

5. (1) Any person who—

- (a) contravenes any provision of this Law; or
- (b) fails to comply with a condition attached to any permission granted in pursuance of this Law; or
- (c) for any purpose in connection with this Law makes any statement which he knows to be false in a material particular or produces or furnishes or causes or allows to be produced or furnished any plan or other document or information which he knows to be false in a material particular; or
- (d) wilfully obstructs any person exercising any power conferred on him under the provisions of this Law;

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

(2) Where any person has been convicted of contravening section three of this Law, the Committee may apply to the Royal Court sitting as an Ordinary Court for an order requiring the person convicted to deal with the building, structure or object concerned within such period and in such manner as the Ordinary Court may think necessary or expedient to restore it as far as practicable to the condition in which it was before the demolition, effacement, alteration, addition or change of appear-

ance to which the conviction relates took place or to comply with any condition imposed under that section.

(3) If a person in respect of whom an order has been made under subsection (2) of this section fails to comply with the order within such period as the Ordinary Court directs or within such longer period as the Ordinary Court may, on his application, allow, the Ordinary Court may on application being made to it by the Committee make an order authorising the Committee to effect the restoration and any expense reasonably incurred by the Committee in carrying out such restoration including any incidental and legal expense shall be recoverable by the Committee as a civil debt from the person in respect of whom the order under subsection (2) of this section was made:

Provided that the Ordinary Court shall not make any order under this subsection unless the person against whom such order is sought has been served by the Committee with notice of its intention to apply for such order and has had a reasonable opportunity of being heard thereon.

6. (1) Any person authorised in writing by the Committee may at any reasonable time, enter upon any land and inspect any building, structure or object for the purpose of ascertaining whether there is or has been a contravention or failure to comply with any condition imposed or order made under this Law. Power of entry.

(2) A person authorised in pursuance of the provisions of this section to enter upon any land or to make any inspection shall, if so required, produce evidence of his authority and shall not demand admission as of right to any occupied premises

unless twenty-four hours' notice of the intended entry has been given to the occupier.

Service
of notices.

7. Any notice served for the purposes of this Law shall be validly served—

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service 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 registered post or recorded delivery service to, the principal or last known principal 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, or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

No compensation payable by States.

8. No compensation shall be payable by the States in respect of any act or decision done or made in pursuance of the provisions of this Law.

Existing monuments.

9. Any building, structure or object which immediately before the commencement of this Law was a monument subject to the provisions of the "Loi relative à la Protection des Monuments de l'Ile" registered on the twenty-sixth day of March, nineteen hundred and thirty-eight (a) by virtue of an Ordinance made under that Law shall without direction from the Committee be registered by Her Majesty's Greffier in the Register of Ancient Monuments and Protected Buildings.

(a) Ordres en Conseil Vol. XI, p. 197.

10. The "Loi relative à la Protection des Monu- Repeal.
ments de l'Ile" registered on the twenty-sixth day of
March, nineteen hundred and thirty-eight is hereby
repealed.

11. This Law may be cited as the Ancient Monu- Citation and
ments and Protected Buildings (Guernsey) Law, 1967, commence-
and shall come into operation on such date as the ment.
States may by Ordinance appoint.

R. H. VIDELO,

Her Majesty's Greffier.