

# ORDER IN COUNCIL

I  
1975

ratifying a Projet de Loi

ENTITLED

## **The Building and Development Control (Alderney) Law, 1975**

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(Registered on the Records of the Island of Guernsey  
on the 7th day of April, 1975.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 7th day of April, 1975, before John Henry Loveridge, Esquire, C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Albert Richard McCartney Straw, Esquires and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of February, 1975, ratifying a *Projet de Loi* of the States of Alderney entitled "The Building and Development Control (Alderney) Law, 1975", 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 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, of which Order in Council the tenor followeth:—

# **At the Court at Buckingham Palace**

The 12th day of February 1975

**PRESENT,**

## **The Queen's Most Excellent Majesty in Council**

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 7th day of February 1975, 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) an humble Petition of George William Baron, Esquire, President of the States of Alderney setting forth:

‘That at a meeting of the States of Alderney held on the sixth day of March, 1974, the States adopted a Resolution that a *Projet de Loi* entitled “The Building and Development Control (Alderney) Law, 1975” 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 hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Building and Development Control (Alderney) Law, 1975” and to order that the same shall

have the force of law within the Island of Alderney.; and (b) an humble Petition of John Rae, Esquire, relating to certain of the proposals contained in the said *Projet de Loi*:

“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 of George William Baron, Esquire, 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.

*N. E. Leigh.*

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

## PROJET DE LOI

ENTITLED

### **The Building and Development Control (Alderney) Law, 1975**

THE STATES, in pursuance of their Resolutions of the eighth day of November, nineteen hundred and seventy-two, the twenty-third day of January, nineteen hundred and seventy-four, and the sixth day of February, nineteen hundred and seventy-four, 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.

#### PART I

##### *The Building and Development Control Committee*

Building  
and  
Develop-  
ment  
Control  
Committee.

1. Subject to the succeeding provisions of this Part of this Law, the States may, from time to time, by Resolution make provision for the establishment and constitution of a committee which shall be styled the Building and Development Control Committee (hereinafter referred to as "the Committee").

Powers and  
duties of  
Committee.

2. The Committee shall exercise the powers and shall perform the duties conferred or imposed upon it by the succeeding provisions of this Law or by the provisions of any Ordinance made thereunder.

First Chair-  
man and  
members of  
Committee.

3. The Chairman and members of the Estates and Natural Beauties Committee, being the committee

constituted by Resolution of the States for the purposes of the Natural Beauties (Alderney) Law, 1957, as amended, in office immediately before the date on which this Law comes into force shall, on that date, take office by virtue of this section as the first Chairman and members of the Committee.

## PART II

### *Control of Development*

4. A person shall not, without the permission in writing in that behalf of the Committee:—

Restrictions  
on develop-  
ment.

- (a) carry out development of any land;
- (b) place, erect or re-erect on any site, or make any structural alterations to the exterior of, any movable or immovable structure whether or not visible from any public or other place to which the public has access;
- (c) place, erect or re-erect on any site any structure which, when so placed, erected or re-erected, will be visible from any part of the territorial waters adjacent to the Island;
- (d) place, erect or re-erect on any site, or make any structural alteration to the exterior of, any movable or immovable structure on the cliffs, or on land adjacent to the foreshores, of the Island;
- (e) demolish, in whole or in part, any wall, hedge, bank or fence which is visible from any public or other place to which the public has access;
- (f) place on any site or attach to the exterior of any movable or immovable structure any sign (which expression shall in this Law

include any poster, bill, notice or advertising banner or flag) whether temporary or permanent which can be seen from any public or other place to which the public has access;

- (g) paint on or otherwise exhibit on the exterior of any movable or immovable structure, any sign, whether temporary or permanent, which can be seen from any public or other place to which the public has access where such sign bears references either directly or indirectly to any commercial or industrial undertaking;

- (h) cut down or wilfully destroy any tree.

Applica-  
tions for  
permission  
to develop  
or to  
carry out  
certain  
operations  
and works.

5.—(1) Any person desirous of obtaining permission to carry out any development or other work referred to in the last preceding section shall make application in that behalf to the Committee and such application shall be in such form and accompanied by such information, including specifications, plans, elevations and site plans, as the Committee may, from time to time, require.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Committee may require an applicant to supply such further information, including further specifications, plans, elevations and site plans, as the Committee may consider desirable.

Grant or  
refusal of  
permission.

6.—(1) Upon receipt of an application under the provisions of the last preceding section, the Committee may either:—

- (a) grant the permission applied for;
- (b) refuse such permission; or

- (c) grant such permission subject to:—
- (i) conditions relating to the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;
  - (ii) conditions relating to the use of any buildings or other land;
  - (iii) such other condition as the Committee may think it necessary or expedient to impose.

(2) The Committee may, from time to time, revoke or vary any condition attached to any permission granted in pursuance of the provisions of the last preceding subsection upon application being made to it in writing in that behalf by the person to whom such permission was granted.

(3) Any permission granted in pursuance of the provisions of this section shall remain valid for one year from the date on which it was granted.

7.—(1) In exercising its powers under the provisions of the last preceding section the Committee shall take into account:—

Considerations to be taken into account.

- (a) the effect of the development or other work on the natural beauty of the area and the desirability of keeping land adjacent to the foreshores and cliffs of the Island in its natural state;
- (b) the degree of suitability of the land to which the application relates for residential or industrial purposes;
- (c) whether the movable or immovable structure or other work in relation to which permission is applied for, would be incongruous with its surroundings because of its



siting, design, exterior appearance or of the materials to be used;

- (d) in the case of an application for permission to carry out any development of agricultural land, the degree of suitability of the land as agricultural land;
- (e) the extent to which the development or other work would detract from the character or the amenity of the locality concerned;
- (f) the effect of the development or other work on roads, traffic, services, public health, parks, playing fields and other open spaces and the effect on adjoining properties; and
- (g) the availability and proximity of services, including roads, electricity, water and sewage disposal.

(2) Nothing in the last preceding subsection shall be taken to preclude the Committee, in deciding whether or not in the exercise of its powers under the provisions of the last preceding section to grant permission to carry out any development or other work referred to in section four of this Law, from taking into account such other factors as the Committee may, from time to time, deem necessary or expedient.

Removal of  
structures,  
signs and  
dumps.

8.—(1) The Committee may by notice served upon the owner or the occupier of any movable structure, or upon the owner of any immovable structure, order:—

- (a) the removal of any movable structure from any site where, in the opinion of the Committee, its presence detracts from the amenities of the locality;

- (b) the external decoration or redecoration of any movable structure to the satisfaction of the Committee;
- (c) the removal, effacement, renovation or repainting of any sign which, in the opinion of the Committee, has become dilapidated, out of date or unsightly;
- (d) that that portion of the movable or immovable structure which is exposed following the removal of any sign as aforesaid be decorated to the satisfaction of the Committee;

within such time as may be specified in the notice.

(2) The Committee may by notice served upon the owner of, or other person for the time being having any interest in, any land on which there is a dump require him to deal with the same in such manner and within such time as may be specified in the notice.

9.—(1) The Committee shall keep a register of all applications made in pursuance of the provisions of section five of this Law to carry out any development or other work referred to in section four of this Law which register shall contain such information as the Committee may, from time to time, think necessary or expedient including the name of the applicant, the date of the application and brief particulars of the development or other work forming the subject of the application. Register of applications.

(2) The register kept in pursuance of the provisions of the last preceding subsection shall be available for public inspection at all reasonable hours and extracts therefrom including at least the

name of the applicant and brief particulars of the development or other work forming the subject of the application shall be published on such occasions and in such manner as the Committee may, from time to time, determine.

(3) The Committee shall not grant or refuse any permission in pursuance of the provisions of section six of this Law until after the expiration of the period of fourteen days commencing on the day on which the extract from the register relating to the application for the permission was published or was last published, as the case may be, in accordance with the provisions of the last preceding subsection.

Exemption.

10. Nothing in this Part of this Law shall apply to any sign which, under the provisions of any enactment for the time being in force, is required to be exhibited on the exterior of any movable or immovable structure.

### PART III

#### *Additional Control of Development by the States*

Prohibition  
on building  
in certain  
areas.

11.—(1) Notwithstanding any of the provisions of Part II of this Law, the States may, from time to time, by Ordinance designate such areas of the Island as may be defined in any such Ordinance as being areas within which permission to carry out any development or other work referred to in section four of this Law shall not be granted by the Committee in pursuance of the provisions of section six of this Law.

(2) Nothing in the last preceding subsection shall be taken to prohibit the Committee permitting in any designated area, the reconstruction of, or minor extension or alteration to, an existing immovable

structure, the construction of a gate, wall, fence, shed or other structure for use in conjunction with an existing immovable structure and the construction of an immovable or other structure designed and intended for use solely for the purposes of a public utility undertaking or for agricultural purposes.

12. Any person who is granted permission in pursuance of the provisions of subsection (2) of the last preceding section for the construction of an immovable or other structure designed and intended for use solely for the purposes of a public utility undertaking or for agricultural purposes shall not use or attempt to use that structure for any purposes other than those for which the Committee permitted its construction. Restricted purposes.

13. Any Ordinance made under the provisions of section one of the Natural Beauties (Amendment) (Alderney) Law, 1968, and in force immediately before the coming into force of this Law shall continue in force as if made under section eleven of this Law until repealed by an Ordinance under this Law and any area of this Island defined by any such Ordinance shall, for the purposes of the Law, be deemed to be a designated area while such Ordinance remains in force. Saving.

14. The States may, from time to time, by Resolution prescribe the maximum number of new dwellings or the maximum number of other immovable structures for conversion into dwellings for which permission may be granted by the Committee under the provisions of section six of this Law during such period as may be specified in any such Resolution. Maximum number of dwellings.

Work done  
or being  
done  
illegally.

15.—(1) The Committee may, if it has reason to believe that:—

- (a) any development or other work referred to in section four of this Law is being, or has been carried out in contravention of the provisions of section four of this Law, or
- (b) any condition attached to any permission granted under the provisions of section six of this Law is not being or has not been complied with,

serve notice on the person who is carrying out or has carried out the said development or other work requiring that further development or other work on the premises concerned as the Committee may deem appropriate in the circumstances shall forthwith cease.

(2) In a notice served under the provisions of the last preceding subsection the Committee may, in addition, require such steps to be taken as are, in its opinion, necessary to ensure the development or other work concerned does not constitute a danger to persons using the said premises or to persons using any public place or other place to which the public have access and if the person who is carrying out or has carried out the development or other work fails to take the steps required as soon as may be after being required so to do, the Committee may cause the said requirements to be carried out.

(3) Any expenses incurred under the provisions of the last preceding subsection shall be borne by the person who is carrying out or has carried out the development or other work concerned and shall be recoverable by the Committee as a civil debt due to the States unless a notice served under subsection (1) of this section is set aside by the Court on an application made under the provisions of the next

succeeding subsection in which case the said expenses shall be borne by the States.

(4) Any person aggrieved by a notice served on him under the provisions of subsection (1) of this section may apply to the Court to have that notice set aside on the ground that that notice ought not to have been served as aforesaid on the person concerned.

## PART IV

### *Cliff Paths, Caravans and Camping*

16.—(1) A person shall not obstruct or cause to be obstructed the passage of pedestrians on any cliff path. Cliff paths.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding two hundred and fifty pounds.

17.—(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  
on impor-  
tation 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, or 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.

Regulation  
of camping.

18.—(1) The States may, from time to time, by Ordinance make such provision as they deem necessary or desirable to regulate or prohibit camping or camping sites in the Island.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under the last preceding subsection or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

(3) The States may, from time to time, by Ordinance made under the provisions of subsection (1) of this section prescribe the penalties which shall be incurred by any person guilty of an offence under any such Ordinance and different penalties may be so prescribed for different such offences.

## PART V

### *Removal of Motor Vehicles and Boats*

Removal  
of motor  
vehicles.

19.—(1) The Committee may, from time to time:—

- (a) remove or cause to be removed from any public highway for safe custody any motor vehicle or remove or cause to be removed

from one position on a public highway to another position on that or another public highway any motor vehicle which is on a public highway:—

- (i) in contravention of any enactment, or
- (ii) in such position or in such condition or in such circumstances as to cause obstruction to other persons using the public highway or as to be likely to cause danger to such other persons, or
- (iii) in such position or in such condition or in such circumstances as to appear to the Committee to have been abandoned,

or which has broken down and has not been removed within a reasonable time thereafter;

- (b) if it appears to the Committee that a motor vehicle has been abandoned, sell or otherwise dispose of it;
- (c) apply the proceeds of sale by the Committee of a motor vehicle in or towards the satisfaction of any costs incurred by the Committee in connection with the removal, storage and disposal thereof;
- (d) recover as a civil debt due to the States any such costs as are not satisfied by virtue of the last foregoing paragraph.

(2) Any sums received by the Committee on a sale of the motor vehicle in pursuance of the provisions of paragraph (b) of the last preceding subsection after deducting any sum applied thereout by virtue of paragraph (c) of the said subsection shall accrue to the States.



Removal  
of boats.

20.—(1) The Transport and Harbour Committee (hereinafter referred to as “the Harbour Committee”) may, from time to time:—

- (a) remove or cause to be removed from any part of Braye Harbour for safe custody any boat or remove or cause to be removed from one position in the said Harbour to another such position any boat which is in the said Harbour:—
  - (i) in contravention of any enactment; or
  - (ii) in such position or in such condition or in such circumstances as to cause obstruction to other persons using the said Harbour or as to be likely to cause danger to such other persons; or
  - (iii) in such position or in such condition or in such circumstances as to appear to the Harbour Committee to have been abandoned;
 or which has broken down and has not been removed within a reasonable time thereafter;
- (b) if it appears to the Harbour Committee that a boat has been abandoned in the said Harbour or is so unsound as to be unlikely to be restored to a sea-worthy condition, sell or otherwise dispose of it;
- (c) apply the proceeds of sale by the Harbour Committee of a boat in or towards the satisfaction of any costs incurred by the Harbour Committee in connection with the removal, storage and disposal thereof;
- (d) recover as a civil debt due to the States any such costs as aforesaid so far as are not satisfied by virtue of the last foregoing paragraph.

(2) Any sums received by the Harbour Committee on a sale of the boat in pursuance of the provisions of paragraph (b) of the last preceding subsection after deducting any sum applied thereout by virtue of paragraph (c) of the said subsection shall accrue to the States.

## PART VI

### *Appeals*

21.—(1) Any person aggrieved by any decision of the Committee to refuse any permission applied for under any of the provisions of this Law or to grant any such permission subject to conditions may, within the forty-two days next following the date of the said decision, appeal therefrom to the Court on the grounds that the decision of the Committee was ultra vires or was an unreasonable exercise of its powers. Appeals.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served on the Chairman of the Committee to show cause why the decision appealed from should not be set aside or varied.

(3) On any appeal under this section the burden of satisfying the Court that the decision of the Committee which is the subject of the appeal is intra vires or reasonable shall be discharged by the Committee, and the Committee shall be entitled to a final right of reply.

## PART VII

### *Miscellaneous, Offences and General*

22. In the event of the Committee refusing to grant any application in pursuance of the provisions of this Law, no compensation shall be payable by States. No compensation payable by States.

the States for any loss suffered by the applicant for such permission or by any other person by reason of such refusal.

Service of  
notices.

23. 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 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 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.

Notification  
of refusals.

24. If the Committee refuses any permission applied for by any person under the provisions of this Law or grants any such permission subject to conditions, notice of such refusal or such conditions shall be served upon the applicant within the fourteen days next following the date of the meeting of the Committee at which the decision was taken to refuse such permission or to grant such permission subject to conditions.

Inspection  
of land.

25.—(1) Any person authorised in writing by or on behalf of the Committee may, at any reasonable time, enter upon any land for the purposes of ascertaining whether there is or has been any contravention of, or failure to comply with, any provision of this Law or of any Ordinance made thereunder, or any condition attached to any permis-

sion granted to, or any notice served upon, any person, by the Committee in pursuance of the provisions of this Law or of any Ordinance made thereunder.

(2) Any person authorised in pursuance of the provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before so entering and shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

26. Nothing in Part I, Part II, Part III or Part IV of this Law contained shall be taken to apply to the States or to any servant or agent of the States when acting for or on behalf of the States within the course of his employment or agency.

States not bound by this Law.

27. Except where otherwise specifically provided in this Law, any person who contravenes the provisions of section four of this Law or fails to comply with any condition attached to any permission granted in pursuance of the provisions of section six of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

General penalty.

28.—(1) Any person who contravenes the provisions of paragraph (e) of section four of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Specific penalties.

(2) Any person who fails to comply with a notice served under the provisions of paragraph (a) of subsection (1) of section eight of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(3) Any person who contravenes the provisions of paragraph (f) or (g) of section four of this Law, or who fails to comply with a notice served under the provisions of paragraphs (b), (c) or (d) of subsection (1) of section eight of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Power to  
require  
work to  
be done.

29. (1) Where any person has been convicted in respect of:—

- (a) a contravention of section four of this Law;
- (b) a failure to comply with any condition attached to any permission granted in pursuance of the provisions of section six of this Law; or
- (c) a failure to comply with any notice served in pursuance of the provisions of section eight of this Law;

the Committee may apply to the Court of Alderney for an order requiring the person convicted:—

- (d) to demolish, carry out such structural alterations or modifications to, any immovable structure to which the conviction relates, as the Court of Alderney may require;
- (e) to re-site or to remove from any site any movable structure to which the conviction relates;
- (f) to rebuild, in whole or in part, any wall, hedge, bank or fence to which the conviction relates;
- (g) to remove from any site, or from the exterior of any movable or immovable structure whether attached thereto or painted or otherwise exhibited thereon, any sign to which the conviction relates;

- (h) to comply with any condition, to which the conviction relates, attached to any permission granted under the provisions of this Law; or
- (i) to comply with the provisions of any notice, to which the conviction relates, served in pursuance of the provisions of this Law;

as the case may require.

(2) If a person in respect of whom an order has been made in pursuance of the provisions of the last preceding subsection fails to comply with the order within such period as the Court of Alderney may direct or within such longer period as the Court of Alderney may, on his application allow, the Committee may apply to the Court of Alderney for permission to enter the premises concerned and there do such works as may be necessary to give effect to such order and the Court of Alderney after hearing evidence as to the estimated cost of such works may make such order as it deems just and, upon application in that behalf made by the Committee after the completion of such works, may order that any expenses reasonably incurred by the Committee in carrying out such works shall be recoverable by the Committee as a civil debt due to the States.

(3) The Court of Alderney shall not make any order under this section 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 unless such person has had a reasonable opportunity of being heard thereon.

30. Any person who for the purpose of obtaining any permission in pursuance of the provisions of this Law or in supplying any information which he is

False statements.

required to supply in pursuance of the provisions of this Law to the Committee, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or produces or furnishes, or causes or allows to be produced or furnished, any document or information which he knows to be false in a material particular, shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds and the Court may, in addition to any such fine, cancel the permission to which the conviction relates.

Offences  
by bodies  
corporate.

31. Where a person convicted of an offence under this Law is a company, every person who, at the time of the commission of the offence, was a director or officer of the company, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Obstruc-  
tion.

32. Any person who wilfully obstructs any person exercising any power or performing any duty conferred or imposed on him under this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Variation  
and repeal  
of Ordin-  
ances.

33. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpreta-  
tion.

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

“agricultural land” means any land used or, with the application of good husbandry, capable of being used for the purpose of any trade or business of dairy farming, the producing, rearing or maintenance of livestock, fish and crustacea, market gardening or the outdoor cultivation of flowers, bulbs or nursery stock and includes land which was, but no longer is, covered by a glasshouse if the land is capable of being used as aforesaid and land which is covered by a glasshouse but does not include land used as a garden other than a market garden;

“boat” means anything made for the carriage by water of human beings or of property and includes any gear therein and the hull engine and any other part of a boat;

“Braye Harbour” means the area to the southward of a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock and includes the quays, jetties, slipways, hards and roads adjacent to that Harbour and under the administration of the Harbour Committee and the beaches adjacent to that Harbour;

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include a marquee or a tent;

“designated area” means any area of the Island defined in any Ordinance made in pursuance of the provisions of section eleven of this Law;

“development” means the carrying out of any building, engineering, mining or other opera-



tion in, on, over or under land and includes the making of any material change in the use of any building or land:

Provided that the following operations or use shall not be deemed, for the purposes of this Law, to involve development, that is to say:—

- (i) the carrying out of works for the maintenance of any building;
- (ii) the carrying out by the Alderney Electricity Limited of any works for the purpose of laying new mains or of inspecting, repairing or renewing any mains, pipes or other apparatus or the making of connections to any mains including the breaking open of any public highway or other land for that purpose;
- (iii) the use of any building or land within the curtilage of a dwelling for a purpose relating to the enjoyment of the dwelling as such;

“dump” means a heap or other collection of refuse, waste or other like material and includes any litter or thing which may lead to the defacement of any place or being abandoned may become litter;

“dwelling” means any premises, or any part of any premises, wholly or principally used or usable for the purposes of human habitation and includes any part of such a dwelling;

“immovable structure” means any building or structure of whatsoever material or in whatsoever manner constructed and whether permanent or temporary which is, or on erection will become, realty;

“movable structure” means a caravan and any structure (not being an immovable structure and other than a marquee or a tent) used or intended for any one or more of the following purposes, namely:—

- (a) human habitation or purposes ancillary thereto;
- (b) housing animals or birds;
- (c) the sale of refreshments;
- (d) as a store, shed, workshop, work place or shelter;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway;

“owner” in relation to any immovable structure, includes:—

- (a) where that immovable structure is the subject of a vested right of usufruct, the usufructuary;
- (b) where that immovable structure is held in trust, the trustees thereof;

“public highway” includes any road, street, lane or public place.

(2) The Interpretation (Guernsey) Law, 1948(a), shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

35. The Laws set out in the Schedule to this Law Repeals. are hereby repealed.

36. This Law may be cited as the Building and Development Control (Alderney) Law, 1975.

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(a) Ordes en Conseil Vol. XIII, p. 355.

SCHEDULE Section thirty-five

*Repeals*

The Natural Beauties (Alderney) Law, 1957(b)

The Natural Beauties (Amendment) (Alderney)  
Law, 1968(c)

The Building Control (Temporary Provisions)  
(Alderney) Law, 1968(d)

The Natural Beauties (Amendment) (Alderney)  
Law, 1970(e).

R. H. VIDELO,

Her Majesty's Greffier.

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(b) Ordres en Conseil Vol. XVII, p. 282.

(c) Ordres en Conseil Vol. XXI, p. 331.

(d) Ordres en Conseil Vol. XXI, p. 323.

(e) Ordes en Conseil Vol. XXII, p. 540.