

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999**

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(Registered on the Records of the Island of Guernsey  
on the 17th August, 1999.)

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1999

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## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 17th day of August, 1999 before de Vic Graham Carey, Esquire, Bailiff; present:- Leonard Arthur Moss, Esquire, O.B.E., Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, and The Reverend Peter Gerald Lane, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st day of July, 1999 approving and ratifying a *Projet de Loi* entitled "The Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. 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 21st day of July 1999

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 9th day of July 1999 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 Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:-

“That at a meeting of the States of Alderney held on the 5th day of May 1999, the States adopted a Resolution that a Projet de Loi entitled “The Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999” 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 as 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 Projet de Loi entitled “The Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999” and order that the same shall have 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 to ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Island of Alderney.

AND HER MAJESTY doth 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.

*A. K. Galloway*

## PROJET DE LOI

ENTITLED

### **The Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999**

THE STATES, in pursuance of their Resolution of the 7th April, 1999, 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 Alderney.

#### **Amendment of Law of 1994.**

1. For subsection (1) of section 1 of the Housing (Control of Occupation and Development) (Alderney) Law, 1994(a), substitute the following-

"(1) The Committee shall not, subject to the provisions of subsection (3), grant any application for permission under the Building and Development Control (Alderney) Law, 1975(b) ("the Law of 1975") in relation to the construction of a dwelling unless the applicant-

- (a) is aged at least 21 years and has been ordinarily resident in Alderney for an aggregate of not less than 10 years in the 15 year period immediately preceding the date of the application;
- (b) is ordinarily resident in Alderney and is the spouse or surviving spouse of a person described in paragraph (a);  
or
- (c) is a person of such other description as the States may prescribe by Ordinance;

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(a) Order in Council No. XXI of 1994; amended by No. VII of 1997.

(b) Ordres en Conseil Vol. XXV, p. 8; Vol. XXVI, p. 560; Vol. XXIX, p. 18; Vol. XXX, pp. 21 and 371; Vol. XXXI, p. 396; No. XXI of 1994; and No. XXVI of 1997.

and, in the case of a person falling within paragraph (a) or (b)-

- (i) has neither previously been granted any such permission nor owned a dwelling in Alderney, whether alone or jointly with any other person;
- (ii) is the owner of the property in question; and
- (iii) has not previously, with the consent, approval or acquiescence of the States (whether express or implied, and whether pursuant to the provisions of any agreement or otherwise), owned, whether alone or jointly with any other person, a long lease within the meaning of the Duty on Long Leases (Alderney) Law, 1994 in a dwelling on land owned by the States:

Provided that the provisions of subparagraph (iii) shall not apply in relation to an application which was entered by the Committee in the Register before the 23rd April, 1999."

**Repeal.**

2. Section 1(a) of the Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1997(c) is repealed.

**Citation.**

3. This Law may be cited as the Housing (Control of Occupation and Development) (Alderney) (Amendment) Law, 1999.

K. H. TOUGH,  
Her Majesty's Greffier.