

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Island Development (Amendment) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 7th day of March, 1972.)



I
1972

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 7th day of March, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., 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., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 4th day of February, 1972, ratifying a *Projet de Loi* entitled "The Island Development (Amendment) (Guernsey) Law, 1972", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 4th day of February 1972

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD BALNIEL

MRS. SECRETARY THATCHER

SIR MARTIN CHARTERIS

MR. HAROLD MACMILLAN

SIR MICHAEL ADEANE

MR. PYM

MR. CORFIELD

MR. MAURICE MACMILLAN

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 22nd day of December 1971, 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 24th day of February 1971, the States of Deliberation at a meeting held on the 29th day of September 1971 approved a Bill or “Projet de Loi” entitled “The Island Development (Amendment) (Guernsey) Law, 1972” 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 Island Development (Amendment) (Guernsey) Law, 1972" and to order that the same shall have force of law in the Island of Guernsey.'

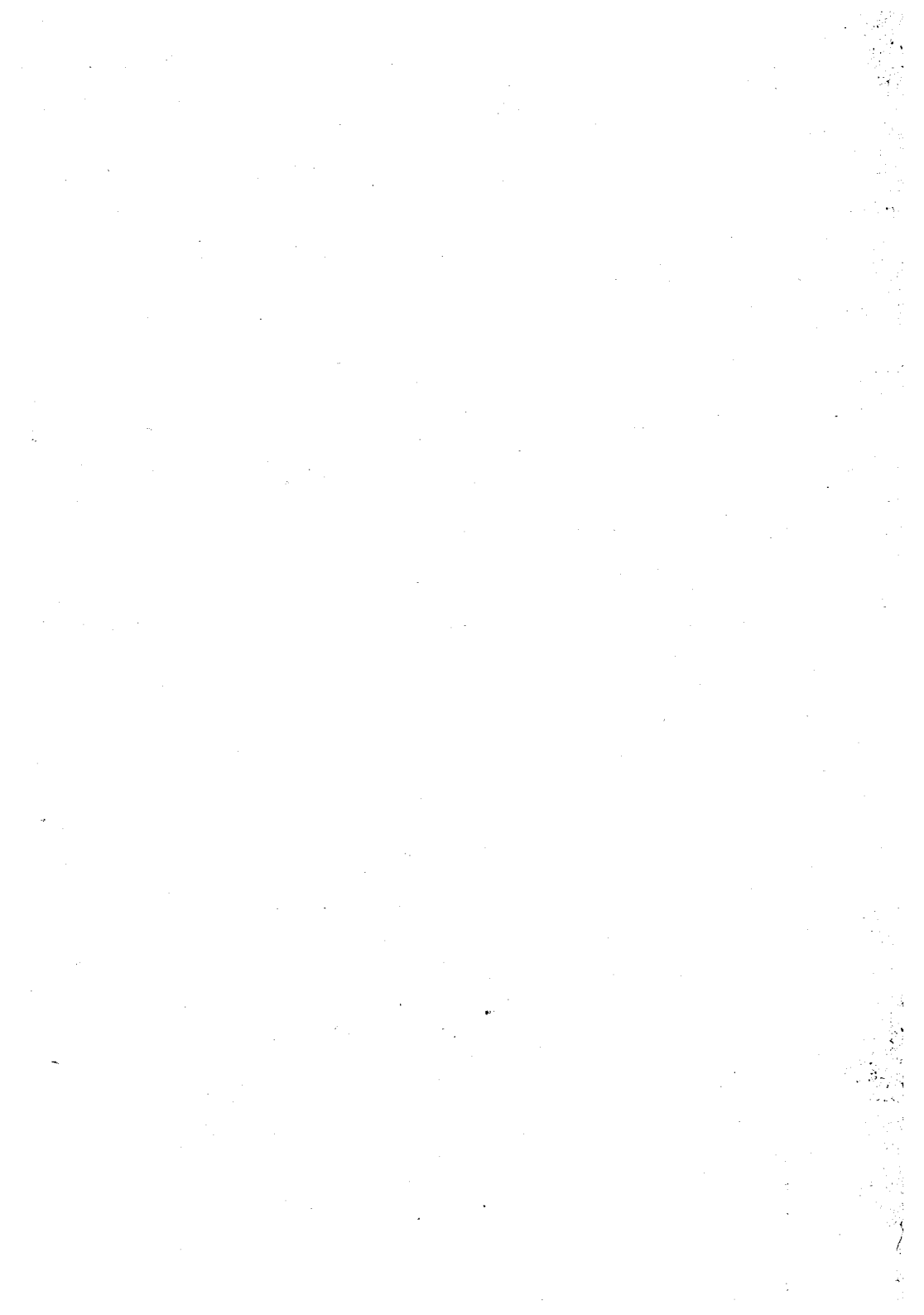
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer 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.



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

PROJET DE LOI

ENTITLED

The Island Development (Amendment) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-fourth day of February, nineteen hundred and seventy-one, 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. (1) Notwithstanding any of the provisions of Part III of the Island Development (Guernsey) Law, 1966, as amended (hereinafter referred to as "the principal Law")(a), the States may, from time to time, by Ordinance provide that a person shall not require permission in pursuance of the provisions of the said Part III:—

Permission
not required
for develop-
ment, etc.,
specified
by the
States by
Ordinance.

(a) to carry out any development or other work specified in any such Ordinance;

(b) to lop or fell any tree;

in such circumstances or subject to such conditions, or both, as may be so specified.

(2) An Ordinance made in pursuance of the provisions of the last preceding subsection may apply to the carrying out of any development or other work specified therein or to the lopping or felling of trees, or both, either throughout the Island or only in such areas thereof as may be specified in such Ordinance.

(a) Ordres en Conseil Vol. XX, p. 276; No. XVIII of 1970.

(3) An Ordinance made in pursuance of the provisions of subsection (1) of this section may make different provisions as respects different classes or descriptions of development or other work and different areas of the Island.

(4) In this section the expression "development or other work" means any development or other work referred to in section fourteen of the principal Law and the expression "development" has the meaning assigned to it by section forty of the principal Law.

Variation
and repeal
of Ordin-
ances.

2. Any power conferred by the last preceding section to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Amend-
ments to
Law of 1966.

3. The principal Law is hereby amended as follows:—

(a) in subsection (1) of section twenty-six thereof immediately after the word "may" there are inserted a comma and the words "within the four months next following the date of the said decision,";

(b) the full stop at the end of section thirty-five thereof is deleted and a comma is substituted therefor and immediately thereafter there are inserted the words "and, in the case of a continuing offence, to a further fine not exceeding twenty-five pounds for each day during which the offence continues after conviction.";

(c) the full stop at the end of subsection (1) of section thirty-six thereof is deleted and a comma is substituted therefor and immediately thereafter there are inserted the words

“and, in the case of a continuing offence, to a fine not exceeding fifteen pounds for each day during which the offence continues after conviction.”;

(d) the full stop at the end of subsection (2) of section thirty-six thereof is deleted and a comma is substituted therefor and immediately thereafter there are inserted the words “and, in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which the offence continues after conviction.”;

(e) the full stop at the end of subsection (3) of section thirty-six thereof is deleted and a comma is substituted therefor and immediately thereafter there are inserted the words “and, in the case of a continuing offence, to a fine not exceeding five pounds for each day during which the offence continues after conviction.”;

(f) immediately after paragraph (g) of subsection (1) of section thirty-seven thereof there is inserted the following additional paragraph lettered “(h)”—

“ (h) in the case of a conviction for the making of any material change in the use of any building or land in contravention of paragraph (a) of subsection (1) of section fourteen of this Law, to deal with the building or land concerned in such manner and with such materials as it may think necessary or expedient so as to restore the building or land as far as practicable to its former use and, pending the completion of such restoration, to effect the closure of the building or land;”;

(g) paragraphs (h), (i) and (j) of subsection (1) of section thirty-seven thereof are respectively re-lettered as paragraphs (i), (j) and (k) of the said subsection.

Citation and
collective
title.

4. This Law may be cited as the Island Development (Amendment) (Guernsey) Law, 1972, and this Law and the Island Development (Guernsey) Laws, 1966 and 1970, may be cited together as the Island Development (Guernsey) Laws, 1966 to 1972.

Commence-
ment.

5. This Law shall come into operation on such date as the States may by Ordinance appoint.

R. H. VIDELO,

Her Majesty's Greffier.