

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Island Development (Special Provisions) (Guernsey) Law, 1974**

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(Registered on the Records of the Island of Guernsey  
on the 4th day of June, 1974.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 4th day of June, 1974, before Ernest Pattison Shanks, Esquire, Deputy Bailiff; present:— Bertram Guy Blampied, Esquire, O.B.E., Stanley Walter Gavey, Esquire, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st day of May, 1974, ratifying a *Projet de Loi* entitled "The Island Development (Special Provisions) (Guernsey) Law, 1974", 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 21st day of May 1974

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 10th day of May 1974, 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 12th day of December 1973, the States of Deliberation at a meeting held on the 30th day of January 1974, approved a Bill or “Projet de Loi” entitled “The Island Development (Special Provisions) (Guernsey) Law, 1974” 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 (Special Provisions) (Guernsey) Law, 1974” 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 (Special Provisions) (Guernsey) Law, 1974**

THE STATES, in pursuance of their Resolution of the twelfth day of December, nineteen hundred and seventy-three, 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) Subject to the provisions of subsection (2) of this section, this Law applies to any land—
  - (a) in respect of which an application for the grant of permission to develop under section sixteen, or for the grant of a preliminary declaration under section twenty-seven, of the Island Development (Guernsey) Law, 1966(a), as amended(b) (hereafter in this Law referred to as “the principal Law”), has been refused by the Island Development Committee (hereafter in this Law referred to as “the Committee”) at any time before the first day of March, nineteen hundred and seventy-three, or such later date as the States may by Ordinance prescribe; or
  - (b) in respect of which an application corresponding to any such application as is men-

Land to which this Law applies.

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(a) Ordres en Conseil Vol. XX, p. 276.

(b) Ordres en Conseil Vol. XXII, p. 573; No. I of 1972.

tioned in paragraph (a) of this subsection, being an application made at any time—

- (i) under the provisions of the Natural Beauty and Land Control Law, 1959(c); or
- (ii) under the provisions of any of the Laws repealed by the said Law of 1959(d);

had been refused under the said Law of 1959 or under any of the Laws repealed thereby, as the case may be;

and that land is, in the opinion of the Committee, situated within any area delineated and described as a Town Area, Growth Unit, Intermediate Unit or Static Unit in the Outline Development Plan approved by the States in pursuance of the principal Law.

(2) This Law shall not apply to any such land as is mentioned in subsection (1) of this section if there has been a change of ownership of that land between living parties since the application referred to in that subsection in respect of that land (or, where, more than one such application has been made in respect of that land, the last such application) was refused.

Special  
preliminary  
declarations.

2. (1) Where the owner for the time being of any land to which this Law applies wishes to sell and convey that land to the States for the erection of dwelling-houses thereon, he may apply in writing to the Committee for the grant of a special preliminary declaration under this section.

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(c) Ordres en Conseil Vol. XVIII, p. 110.

(d) Ordres en Conseil Vol. VIII, p. 303; Vol. IX, p. 233; Vol. X, p. 17; Vol. XIII, p. 245.

(2) Where the Committee is satisfied, after consultation with the States Housing Authority (hereafter in this Law referred to as "the Authority"), that any land in respect of which an application has been made under this section is land suitable for development under and in accordance with an approved housing scheme, the Committee may grant to the applicant in respect of that land a special preliminary declaration approving such development in principle.

(3) A special preliminary declaration shall cease to be valid on the expiration of the three months next following the date on which it was granted or upon the conveyance to the States of the land in respect of which it has been granted, whichever is the sooner:

Provided that if there has been a change of ownership of that land between living parties before the expiration of the said period of three months otherwise than by a conveyance to the States, the special preliminary declaration in respect of that land shall cease to be valid upon such change of ownership.

(4) In the event of the Committee refusing the grant of a special preliminary declaration under this section, no compensation shall be payable by the States for any loss suffered by the applicant.

(5) A decision of the Committee under this section shall not—

(a) give rise to any right of appeal; and

(b) be relevant or admissible in any appeal by any person under section twenty-six of the principal Law.



Sale of land  
acquired by  
the States  
pursuant to  
the grant of  
a special  
preliminary  
declaration.

3. (1) The provisions of subsection (2) of this section shall have effect in relation to land—

- (a) which has been acquired by the States pursuant to the grant under the last foregoing section of a special preliminary declaration in respect of that land; and
- (b) which the States have agreed to sell and convey to any person for development under and in accordance with an approved housing scheme.

(2) The conveyance on sale by the States of land such as is mentioned in subsection (1) of this section shall be made subject to the following conditions, that is to say—

- (a) that the land shall be developed within such period as the Authority may from time to time prescribe and under and in accordance with such housing scheme as shall be approved by the States or by the Authority and the Committee in relation to that land;
- (b) in the case where it is not intended that the land should be used for the erection thereon of a dwelling-house for the occupation of the person to whom the land is conveyed by the States, that any dwelling-house erected on the land together with any other building and the land included in the curtilage of that dwelling-house shall be sold and conveyed by that person or his successors in title—
  - (i) to such person as shall be approved by the Authority;
  - (ii) within such period and at such price as shall be prescribed by the Authority; and

(iii) subject only to such easements, covenants and conditions as did not affect the land at the time it was conveyed by the States as shall be approved by the Authority;

(c) that the land shall not be sold, let, transferred or otherwise disposed of (except by will, by operation of law or in pursuance of the condition mentioned in the last foregoing paragraph) within the period of five years next following the date on which it was conveyed by the States without the prior approval in writing of the Authority;

and such conditions shall be specified in the conveyance.

(3) Any development required to be carried out by any person in compliance with the condition mentioned in paragraph (a) of the last foregoing subsection may be carried out notwithstanding anything contained in the principal Law, in the Outline Development Plan approved by the States in pursuance of the principal Law or in any Detailed Development Plan so approved by the States; and such development shall accordingly be deemed not to be in contravention of any provisions of the principal Law.

(4) Where land such as is mentioned in subsection (1) of this section has been conveyed by the States, then immediately before the signing by the Royal Court sitting as an Ordinary Court of a conveyance on sale or otherwise of that land at any time within the period of five years next following the date on which the land was conveyed by the States there shall be produced by the vendor to the Court a declaration in writing signed by the President of the Authority to the effect that the

conveyance has been approved by the Authority and the production of such declaration shall be recorded in the conveyance; otherwise the conveyance shall be void and illegal notwithstanding that it has been signed by the Court.

(5) The provisions of subsection (2) (other than paragraph (a) and paragraph (b) thereof) and of subsection (4) of this section shall have effect in relation to land—

- (a) which has been acquired by the States pursuant to the grant under the last foregoing section of a special preliminary declaration in respect of that land;
- (b) which has been developed on behalf of the States under and in accordance with an approved housing scheme; and
- (c) which the States have agreed to sell and convey to any person;

as if for the references in those provisions to land such as is mentioned in subsection (1) of this section there were substituted references to land such as is mentioned in this subsection.

(6) Where the States are satisfied that any person has failed or refused to comply with any such condition as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of this section in respect of any land and that such land should again be owned by the States, the States may by Resolution declare such land to be vested in the States and thereupon such Resolution shall have effect as if it were a Resolution of the States under section one of the Compulsory Acquisition of Land (Guernsey) Law, 1949(e), and the provisions of that Law, as amended(f), shall apply accordingly:

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(e) Ordres en Conseil Vol. XIV, p. 25.

(f) Ordres en Conseil Vol. XVII, p. 54.

Provided that the words "fifteen per centum of such amount" in sub-rule (a) of rule two of paragraph nine of the Schedule to that Law shall be disregarded in assessing the compensation payable in pursuance of a Resolution of the States under this subsection.

(7) Any person duly authorised in writing by the Authority may at any reasonable time enter and inspect any land and any building or works thereon for the purpose of ascertaining whether any such condition as is mentioned in subsection (2) of this section and imposed by the States in relation to that land is being, or has been, complied with; and any such person shall, if so required, produce evidence of his authority before so entering.

(8) Any person who wilfully obstructs any person authorised as aforesaid in the exercise of any of his powers under the last foregoing subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

4. In this Law, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpreta-  
tion.

"conveyance" means a conveyance for an estate of inheritance;

"development" has the same meaning as in the principal Law;

"housing scheme" means any scheme for the erection of one or more dwelling-houses, with or without ancillary buildings, works and services (including roads), on any parcel of land; and "approved housing scheme" means a housing scheme approved by the States or by the Authority and the Committee;

“owner”, in relation to any land, means—

- (i) the beneficial owner, if that land is not held in trust; or
  - (ii) the trustees, if that land is held in trust;
- and any cognate expression shall be construed accordingly.

Citation,  
commence-  
ment,  
duration  
and saving.

5. (1) This Law may be cited as the Island Development (Special Provisions) (Guernsey) Law, 1974.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

(3) Subject to the following provisions of this section, the provisions of section two of this Law shall cease to have effect on the expiration of the three years next following the day appointed under the last foregoing subsection for the coming into force of this Law.

(4) The States may by Ordinance provide that the provisions of the said section two shall continue in force for such period as shall be specified in the Ordinance.

(5) Any special preliminary declaration in force at the expiration of the said period of three years, or where the said section two has been continued in force under the last foregoing subsection, at the expiration of the period for which that section has been so continued in force, shall remain valid for so long as it would have remained valid if that section were still in force.

R. H. VIDELO,

Her Majesty's Greffier.