

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Building and Development Control (Amendment) (No. 2) (Alderney) Law, 1985

(Registered on the Records of the Island of Guernsey
on the 21st day of May, 1985.)



1985

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1985**

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of May, 1985 before Graham Martyn Dorey, Esquire, Deputy Bailiff, present:— Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan and Raymond Arthur Heaume, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated 17th April, 1985 approving and ratifying a *Projet de Loi* of the States of Alderney entitled "The Building and Development Control (Amendment) (No. 2) (Alderney) Law, 1985", the Court, after having heard Her Majesty's Comptroller 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 Windsor Castle

The 17th day of April 1985

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 April 1985 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 14th day of December 1984 the States adopted a Resolution that a *Projet de Loi* entitled “The Building and Development Control (Amendment) (No. 2) (Alderney) Law, 1985” 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 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 (Amendment) (No. 2) (Alderney) Law, 1985” and to order that the same shall have the 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 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 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.

G. I. de Deney.

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

PROJET DE LOI

ENTITLED

The Building and Development Control (Amendment) (No. 2) (Alderney) Law 1985

THE STATES, in pursuance of their Resolution of the 5th day of September, 1984, 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.

1. The Building and Development Control (Alderney) Law, 1975, as amended^(a), is hereby further amended as follows:—

Amend-
ments to
Law of 1975.

- (a) subsection (2) of section 8 thereof is repealed and the following subsection is substituted therefor:—

“(2) If it appears to the Committee that there is on any land in the open air any article or substance other than an immovable structure or a movable structure which is detrimental to the amenities of the locality, the Committee may by notice served on the owner or occupier of that land, or on any other person for the time being having an interest in that land, require the person upon whom the notice is served to take, within such time as may

(a) Ordres en Conseil Vol. XXV, p. 8; Vol. XXVI, p. 560; No. II of 1985.

be specified in the notice, such action in relation to that article, or substance as may be specified therein; and any such notice shall inform the person upon whom it is served of the provisions of subsections (3) and (4) of this section.”;

- (b) in section 8(3) thereof, immediately after the word “notice” in the second place where that word appears there is inserted—

“, during which period the Committee shall take no further action in the matter under this section”;

- (c) immediately after section 8(3) thereof there are inserted the following subsections numbered “(4)”, “(5)” and “(6)”—

“(4) Upon the making of an application under subsection (3)—

- (a) the Committee shall take no further action in the matter under this section until the application is finally determined or withdrawn; and

- (b) if the notice to which the application relates is not set aside, this section (apart from subsection (3)) shall apply as if the date of the notice were the date when the application is finally determined or withdrawn;

and for the purposes of this section an application shall be deemed not to have been finally determined until the expiration of the time allowed for the institution of

any appeal under section 2 of the Court of Alderney (Appeals) Law, 1969(b) or until the determination by the Royal Court of any appeal instituted within that time, whichever is the later.

(5) If at the expiration of such time as is specified in a notice served under subsection (1) or subsection (2) of this section the action, required thereby has not been taken and that notice has not been set aside, then, subject to subsections (3) and (4) of this section, the Committee may take that action and recover, as a civil debt due to the States from any person upon whom the notice was served, the reasonable cost of so doing.

(6) Any person authorised in writing by the Committee may at any reasonable time, upon production if so required of his authorisation so to do, enter upon any land other than premises used solely as a dwelling for the purpose of exercising any of the powers of the Committee under subsection (5) of this section.”;

(d) sections 28(2)(b), 29(1)(c) and 29(1)(i) thereof and the definition of “dump” in section 34(1) thereof are repealed.

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

(b) Ordres en Conseil, Vol. XXII, p. 192.

(c) Ordres en Conseil, Vol. XIII, p. 355.

Commence-
ment and
transitional
provision.

3. (1) This Law shall come into force on such day as the States may by Ordinance appoint.

(2) Nothing in paragraph (a) of section 1 affects the operation of any enactment thereby repealed in relation to any offence committed before the commencement of this Law, or in relation to any proceedings for, or applications following conviction in respect of, any such offence.

Citation,
repeal and
collective
title.

4. (1) This Law may be cited as the Building and Development Control (Amendment) (No. 2) (Alderney) Law, 1985.

(2) Section 3 of the Building and Development Control (Amendment) (Alderney) Law, 1985 is repealed.

(3) This Law, the Building and Development Control (Alderney) Laws, 1975 and 1978 and the Building and Development Control (Amendment) (Alderney) Law, 1985 may be cited together as the Building and Development Control (Alderney) Laws, 1975 to 1985.

D. J. ROBILLIARD,
Her Majesty's Deputy Greffier.