

PROJET DE LOI

ENTITLED

The Tourist (Alderney) Law, 1956 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XVII, p. 29; as amended by the Tourist (Amendment) (Alderney) Law, 1969 (Ordres en Conseil Vol. XXII, p. 6); the Tourist (Amendment) (Alderney) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 251); the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 371); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Government of Alderney Law, 2004 (No. III of 2005); the Fees (Alderney) Ordinance, 2018 (Alderney Ordinance No. XVII of 2018).

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ARRANGEMENT OF SECTIONS

1. Law to be administered by Committee.
2. Prohibition of unauthorised provision of accommodation.
3. Accommodation permits.
4. Matters to be considered in granting, refusing, etc., accommodation permits.
5. Notification of refusal, etc., of accommodation permit.
6. Appeal.
7. Exhibition of accommodation permit.
8. Appointment of Inspectors.
9. Powers of Inspectors.
10. Grading of premises.
11. Offences and penalties.
- 11A. Variation and repeal of Ordinances.
- 11B. Power to amend Law by Ordinance.
12. Interpretation.

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The Tourist (Alderney) Law, 1956

THE STATES, in pursuance of their Resolution dated the fourteenth day of December, 1954, 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.

Law to be administered by Committee.

1. This Law shall be administered by such Committee of the States (hereinafter referred to as "**the Committee**") as shall, from time to time, be appointed in that behalf by Resolution of the States.

NOTE

The functions of "the Committee" under this Law were transferred to the Policy and Finance Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 2B, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

Prohibition of unauthorised provision of accommodation.

[2. (1) Subject to the provisions of the next succeeding subsection, a person shall not –

- (a) provide sleeping accommodation for reward for more than two persons at any one time,

- (b) let or sublet any flat or furnished house or any part of any flat or furnished house to any other person for a period of three months or less,

save under and in accordance with a permit (hereinafter referred to as an **"accommodation permit"**) granted by the Committee in respect of the premises in which such accommodation is provided or in respect of such flat or furnished house or such part of such flat or furnished house, as the case may be.

(2) For the purpose of subsection (1) of this section, no account shall be taken of –

- (a) persons engaged in full-time domestic duties directly connected with the premises in which they sleep,
- (b) persons accommodated as pupils, teachers or organizers in bona-fide educational establishments,

or persons engaged in full-time domestic duties and sleeping in such establishments,

- (c) persons accommodated in respect of an occupation directly concerned with the care of the sick, infirm, aged or mentally affected persons[; or persons accommodated as patients in a nursing home or as residents in a residential home within the meaning of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987],
- (d) children under the age of three years,
- (e) persons accommodated in such circumstances that the

Committee shall deem it unreasonable to apply the provisions of this Law.

[(3) There shall be paid in advance to the Treasurer of the States of Alderney in respect of the grant of an accommodation permit such fees for each one of the number of persons authorised to be accommodated under and in accordance with an accommodation permit as the States may, from time to time, by Ordinance prescribe.]]

NOTES

Section 2 was substituted by the Tourist (Amendment) (Alderney) Law, 1969, section 1, with effect from 11th March, 1969.

In section 2,

the words in square brackets in paragraph (c) of subsection (2) were substituted by the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987, section 22(1), Schedule 1, paragraph 1, with effect from 6th April, 1988;

subsection (3) was inserted by the Tourist (Amendment) (Alderney) Law, 1978, section 1(a), with effect from 2nd July, 1980.

The following Ordinance has been made under section 2:

Fees (Alderney) Ordinance, 2018.

In accordance with the provisions of the Fees (Alderney) Ordinance, 2018, section 4, Schedule 2, with effect from 1st January, 2019, the fees payable hereunder are as set out therein.¹

Accommodation permits.

3. [(1) An accommodation permit shall cease to have effect after the expiration of one year from the date on which it was granted.]

(2) The Committee may grant any accommodation permit unconditionally or subject to such conditions either as to duration or otherwise as they

may deem advisable.

(3) Accommodation permits shall be in writing and shall be deemed to be unconditional save in so far as any conditions thereof are stated therein.

(4) The Committee may from time to time revoke, suspend or vary the conditions of any accommodation permit.

NOTE

In section 3, subsection (1) was substituted by the Tourist (Amendment) (Alderney) Law, 1978, section 1(b), with effect from 2nd July, 1980.

Matters to be considered in granting, refusing, etc., accommodation permits.

4. In considering whether any accommodation permit shall be granted, refused, suspended or revoked, or what conditions (if any) should be attached thereto or whether and in what respects a. condition attached to any accommodation permit should be varied the Committee shall take into consideration –

- (i) the nature of the accommodation provided or to be provided and, in the case of flats or furnished houses, the nature and condition of the premises, household furniture and equipment,
- (ii) the charges made or to be made for accommodation, and for meals, service and any matter ancillary thereto provided or to be provided for persons so accommodated in relation to what is or is to be provided for those charges,

- (iii) the breach (if any) by the person applying for or to whom an accommodation permit has been granted of any duty laid upon him by this Law or by an Ordinance made thereunder,
- (iv) the conviction of a person, to whom an accommodation permit has been granted, of a contravention of the provisions of subsection (3) of section ten of this Law,

and shall not refuse an application for or revoke an accommodation permit or revoke, suspend or vary (otherwise than by way of revocation) the conditions of such permit without first giving the applicant for or holder of the permit, as the case may be, not less than fourteen days' notice in which to make any relevant representations before the Committee either personally or by a representative.

Notification of refusal, etc., of accommodation permit.

5. The Committee shall –

- (i) on refusing any application for an accommodation permit,
- (ii) on granting any accommodation permit otherwise than unconditionally,
- (iii) on revoking an accommodation permit,
- (iv) on suspending an accommodation permit,
- (v) on variation, other than by way of revocation of the conditions of any accommodation permit,

notify in writing within fourteen days thereafter the person applying for or to whom has been granted such accommodation permit of the reasons for such refusal, conditions, revocation, suspension or variation of conditions.

Appeal.

6. (1) An appeal shall lie to the Court from any refusal, revocation or suspension of an accommodation permit by the Committee or against the attachment by the Committee of any condition to such permit, or on any question of law or mixed law and fact, or on either of the following grounds –

- (i) that the Committee has in such refusal, revocation, suspension or variation of condition, acted in a manner contrary to natural justice, or
- (ii) that in considering whether or not so to refuse, revoke, or suspend, or whether and in what respect so to attach any condition, the Committee has considered matters other than those set out in section four hereof or has failed to consider any of such matters.

(2) Notice of appeal under the provisions of the last preceding subsection shall be given by the appellant to the Clerk of the Court before the expiration of twenty-one days after the date on which the Committee have made known in writing to the appellant the decision appealed from.

(3) Any decision of the Court on an appeal under the provisions of this section shall be final.

(4) A decision of the Committee to revoke, vary or suspend an

accommodation permit or to attach any condition to such permit shall not have effect until the expiration of twenty-one days after the date on which the Committee have made known their decision to the person concerned, or until an appeal under the provisions of this section against that decision has been determined by the Court, as the case may be.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Exhibition of accommodation permit.

7. A copy of his current accommodation permit shall be exhibited at all times by the person to whom such permit is granted in the main entrance of each of the premises to which it is applicable in such manner as to bring it clearly to the notice of any person entering such premises by such entrance.

Appointment of Inspectors.

8. The Committee may, for the purpose of carrying out their duties under this Law, appoint in writing such Inspectors either generally or for a special purpose as they may deem necessary.

Powers of Inspectors.

9. Any Inspector appointed pursuant to the provisions of section eight of this Law is empowered, subject to the production to anyone reasonably demanding it of a certificate of his appointment, at all reasonable times to enter upon and inspect any premises in respect of which an accommodation permit has been applied for or has been granted.

Grading of premises.

10. (1) The Committee are empowered, from time to time, in respect of any premises for which an accommodation permit has been granted, to grade these premises and shall notify the person to whom that accommodation permit has been granted in writing of that classification or that grading or both.

(2) In so grading any premises the Committee shall take into account the nature of the sleeping accommodation and other amenities provided.

(3) A person to whom an accommodation permit has been granted in respect of any premises shall not directly or indirectly advertise or describe those premises with intent, or in a manner likely, to deceive.

Offences and penalties.

11. (1) Any person acting in contravention of section two of this Law shall be guilty of a separate offence in respect of each person for whom sleeping accommodation is provided.

(2) Any person who with intent –

- (i) to obtain the grant of an accommodation permit,
or
- (ii) to avoid the variation of any condition to an
accommodation permit, or
- (iii) to avoid the revocation or suspension of an
accommodation permit,

wilfully makes any statement which is false in a material particular to the Committee or to an Inspector appointed under this Law or who wilfully withholds from the

Committee or from any such person material information shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale] or to a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.

(3) Any person who publicly exhibits any notice or document which falsely purports to show that he has been granted an accommodation permit or which falsely purports to show that he has been granted an accommodation permit unconditionally or upon conditions more favourable to him than those which are attached to such permit shall be guilty of an offence.

(4) Any person wilfully obstructing an Inspector duly appointed under this Law in the exercise of the powers conferred upon him by this Law shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale] or a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.

(5) Any person who contravenes any of the provisions of this Law for which a penalty is not specifically provided shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTES

In section 11,

the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989;

the words and figures in square brackets in subsection (4) and in subsection (5) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

[Variation and repeal of Ordinances.]

11A. 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.]

NOTE

Section 11A was inserted by the Tourist (Amendment) (Alderney) Law, 1978, section 1(c), with effect from 2nd July, 1980.

[Power to amend Law by Ordinance.]

11B. The States may by Ordinance amend any provision of this Law.]

NOTE

Section 11B was inserted by the Tourist (Alderney) (Amendment) Law, 2005, section 1, with effect from 5th September, 2005.

Interpretation.

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

NOTES

The Law received Royal Sanction on 24th April, 1956 and was registered on the Records of the Island of Guernsey and came into force on 19th May, 1956.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

¹ Previously, fees were set in accordance with the provisions of the Tourist (Alderney) Law (Fees) Ordinance, 1983, section 1, as amended by the Fees (Alderney) Ordinance, 1990, section 1(3), Schedule, Part III, with effect from 1st January, 2009.