

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Rent Control (Amendment) (Guernsey) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 29th day of December, 1956.)



1956.

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1956

(LAST)

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 29th day of December, 1956, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :—
William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, and Richard Edward Gibson, Esquire, O.B.E., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1956, ratifying a *Projet de Loi* entitled “The Rent Control (Amendment) (Guernsey) Law, 1956”,—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 19th day of December, 1956.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF HOME

MR. SECRETARY LENNOX-BOYD

SIR REGINALD MANNINGHAM-BULLER

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 6th day of December, 1956, 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 14th day of December, 1955, the States of Deliberation at a meeting held on the 31st day of October, 1956, approved a Bill or “Projet de Loi” entitled “The Rent Control (Amendment) (Guernsey) Law, 1956” 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 Rent Control (Amendment) (Guernsey) Law, 1956" and to order that the same shall have the 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 Rent Control (Amendment) (Guernsey) Law, 1956.

THE STATES, in pursuance of their Resolution of the 14th day of December, 1955, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

1. Subject to the succeeding provisions of this Law, on and after the appointed day every dwelling-house, whether let furnished or unfurnished, occupied by not more than one household, of which dwelling-house the Cadastre rateable value exceeds fifty pounds or such other sum being a lesser sum than seventy-five pounds as may, from time to time, be prescribed by the States by Ordinance and which is, in the opinion of the Cadastre Committee, in a reasonable state of repair, shall cease to be a controlled dwelling.

2. Any controlled dwelling, the whole of which on the date of the coming into force of this Law or on any date thereafter, has been continuously occupied by the owner thereof during the twelve calendar months immediately preceding such date shall, on such date, cease to be a controlled dwelling.

3. (1) During the thirteen weeks next following the date on which a dwelling-house ceases to be a controlled dwelling by virtue of the provisions of section one of this Law, the amount of the rental in respect

thereof shall not exceed the recoverable rent which would have been applicable to that dwelling-house if it had not ceased to be a controlled dwelling.

(2) During the twenty-six weeks next following the expiration of the period of thirteen weeks referred to in the last preceding subsection, the amount of the rental of a dwelling-house to which that subsection applies shall not during any period exceed the aggregate of the recoverable rent which was payable in respect of that dwelling-house immediately before it ceased to be a controlled dwelling and the amount of such percentage of the registered rent then comprised in that recoverable rent as may be prescribed from time to time by Ordinance of the States as respects that period.

(3) During the thirty-nine weeks next following the expiration of the period of twenty-six weeks referred to in the last preceding subsection, the amount of the rental in respect of a dwelling-house to which sub-section (1) of this section applies shall not be increased unless four weeks' prior notice of such increase and of the date of the commencement thereof has been served by the landlord on the tenant and on the Cadastre Committee.

(4) Where the landlord of a dwelling-house to which subsection (1) of this section applies fails to serve a notice on the Cadastre Committee in accordance with the provisions of the last preceding subsection or gives in any such notice any information which is false in a material particular, the Cadastre Committee may by notice served on the landlord and tenant declare that, from a date specified in such notice and during such period not exceeding twelve calendar months as the Cadastre Committee shall decide, the dwelling-house shall be a controlled dwelling.

(5) The landlord and tenant of a dwelling-house which ceases to be a controlled dwelling by virtue of the provisions of section one of this Law shall give such information to the Cadastre Committee concerning the rental from time to time payable in respect thereof as the Committee may, from time to time, require.

4. (1) Any authorised increase in the recoverable rent of a controlled dwelling or in the rental of a dwelling-house which ceases to be a controlled dwelling shall apply to a controlled dwelling or to a dwelling-house so ceasing to be controlled, as the case may be, notwithstanding that the recoverable rent or the rental may, by reason of such increase, exceed the rental covenanted to be paid under a subsisting tenancy agreement of such controlled dwelling or dwelling-house:

PROVIDED that the rental payable under the agreement shall not during the subsistence of the agreement be increased without the consent of the Cadastre Committee, given after consideration of any representations made to it by the tenant and having regard to the state of repair of the controlled dwelling or the dwelling-house.

(2) In this section the expressions "a controlled dwelling" and "a dwelling-house" include respectively part of a controlled dwelling and part of a dwelling-house.

5. (1) Any member of the Cadastre Committee authorised by the Committee in writing in that behalf and any other person authorised by the States Supervisor in writing in that behalf may, at all reasonable times during the day and after not less than twenty-four hours' notice in writing has been

given to the occupier, enter on any premises for the purposes of—

- (a) the assessment or re-assessment of the registered rent of those premises under the provisions of the principal Law; and
- (b) enabling the Cadastre Committee to decide whether or not the premises are in a reasonable state of repair for any of the purposes of this Law.

(2) A person authorised as aforesaid by the Cadastre Committee or by the States Supervisor shall produce his authority to anyone reasonably demanding its production.

6. Any person aggrieved by a decision of the Cadastre Committee under the provisions of this Law may, by summons served on the President of the Committee, appeal from that decision to the Royal Court sitting as an Ordinary Court.

7. Any notice required to be served under the provisions of this Law may be so served—

- (a) on any person, by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode;
- (b) on any firm, by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, by leaving it at, or by sending it by post to, its registered office if situated in the Island of Guernsey or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

8. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“appointed day” means the day appointed by Ordinance under the provisions of this Law as the date of the coming into force of this Law:

“the principal Law” means the Rent Control Law (Guernsey), 1946;

“tenancy” includes sub-tenancy;

“tenant” includes sub-tenant.

(2) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Law.

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

10. This Law and the Rent Control Laws (Guernsey), 1946 to 1948, shall be construed as one and may be cited together as the Rent Control (Guernsey) Laws, 1946 to 1956.

JAMES E. LE PAGE,

Her Majesty's Greffier.