

ACTE DE PROMULGATION DE LOI

Sanctionnant un

**Projet de Loi établissant un contrôle
sur le montant de loyers dans certains
cas.**

(Enregistré sur les Records de l'Île de Guernesey le
1er février 1941).



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1941.

III.
1941

Acte de Promulgation de Loi.

*Le premier février mil neuf cent quarante et un par
devant Victor Gosselin Carey, écuyer, Baillif;
présents : Jean Allès Simon, John Roussel,
Osmond Priaulx Gallienne, Arthur Dorey, Ernest
de Guris, Cyril de Putron, Aylmer Mackworth
Drake, John Leale, James Frederick Carey,
Arthur Falla et Pierre de Putron, écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Acte de Promulgation de Loi par Son Excellence le Lieutenant Gouverneur Civil Britannique de cette Ile, en date du 27 janvier 1941, sanctionnant un Projet de Loi établissant un contrôle sur le montant de loyers dans certains cas, lequel dit Projet a été approuvé par le Feldkommandant Allemand,—La Cour, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Acte et le dit Projet de Loi seront enregistrés sur les records de cette Ile, desquels la teneur suit :—

THIS 27th day of January, 1941.

An Act of Promulgation of Law

BY

VICTOR GOSSELIN CAREY,

*British Civil Lieutenant-Governor of the Island of
Guernsey.*

In exercise of the power conferred on him by an Order of the Commandant of the German Forces in occupation of the Bailiwick of Guernsey, dated the 2nd day of July, 1940.

LE 1er FEVRIER 1941.

WHEREAS on the tenth day of December, 1940, the Court adopted a measure which forms the basis of the "Projet de Loi" hereunder appearing, the said measure being designed to provide some control over the amount of certain rentals;

AND WHEREAS the said measure was duly submitted to the States of Deliberation on the 30th day of December, 1940, and having been amended in certain respects it was duly passed as a "Projet de Loi";

AND WHEREAS the said "Projet de Loi" received the sanction of the British Civil Lieutenant-Governor whereupon it was submitted to the German Feldkommandant who thereupon accorded his approval thereof;

NOW the Lieutenant-Governor aforesaid promulgates the said "Projet de Loi" to the intent that the same shall have the force of Law within this Island; of which "Projet" the tenor followeth:—

PROJET DE LOI

INTITULÉ

"LOI ÉTABLISSANT UN CONTRÔLE SUR LE MONTANT DE LOYERS DANS CERTAINS CAS."

LES ETATS, sur la recommandation du Comité dit "THE CONTROLLING COMMITTEE OF THE STATES OF GUERNSEY" et ouïes les conclusions du Contrôle du Roi ont approuvé les dispositions suivantes, rédigées en anglais, lesquelles après avoir reçu l'approbation du Feldkommandant Allemand et moyennant promulgation par le Lieutenant-Gouverneur Britannique de ce Bailliage, auront force de Loi en cette Ile:—

- 1.—The Committee, which expression in this Law Law means "The Controlling Committee of

the States of Guernsey ", shall appoint three Boards each consisting of three members at least whose duty it shall be to hear and to consider claims made under the provisions of this Law on the part of tenants wishing to have their rent reduced and to recommend in each case the reduction, if any, that ought to be made in the rate of the rental which is the subject of the claim. The Committee may fill any temporary or other vacancy that may occur in any of such Boards.

The members appointed to any such Board shall take oath before the Royal Court (in ordinary or full session) to fulfil their duties impartially and to the best of their ability and each of them shall take an oath of secrecy in the form set forth in the Schedule hereunder. A like oath of secrecy may also be required of any person serving under the Boards or any of them in respect of information coming to their knowledge.

- 2.—Claims in respect of premises which are let exclusively or mainly as residential property shall be dealt with by one of such Boards to be called " Dwellings Rental Control ".

Claims in respect of premises which are let exclusively or mainly for the purposes of industry or business (other than agriculture) shall be dealt with by one of such Boards to be called " Commercial Property Rental Control ".

Claims in respect of premises which are let exclusively or mainly for the purposes of agriculture shall be dealt with by one of such Boards to be called " Agricultural Property Rental Control ".

In cases where doubt may have arisen as to which of such Boards is competent to deal

with any claim the matter shall be referred to the Committee in writing by any Board or by any interested person and the decision of the Committee on the point of competency shall be final. If the Committee be of opinion that the claim extends beyond the competency of any one Board the Committee shall name a composite Board of three members at least from amongst the members of any two or more of the Boards which in the opinion of the Committee are competent to deal with the question and such composite Board shall have the like powers and duties in respect of the claim referred to it as each of the other Boards has in relation to the claims within its competency. Such composite Board shall be called "The Rentals Control Composite Board".

If a claim has been addressed by a tenant to any one Board then the Committee shall not entertain any such reference as aforesaid concerning the competency of such Board to deal with the case if the person making the reference has not, in the opinion of the Committee, made such reference with reasonable diligence but the Board or Boards to whom the claim has been made shall consider the case and make the required recommendation. Three members shall constitute a quorum of any of such Boards for all purposes under this Law. Each Board shall elect its own Chairman for each sitting.

As soon as conveniently may be after the appointment of the three first named Boards such Boards or a majority of the whole of the members thereof shall meet and draw Regulations setting forth the considerations and factors which in their opinion shall be taken into account by the Boards created under this

Law to enable the Board or Boards concerned to deal equitably with cases which may be referred to them and such Regulations may declare that the means of a claiming tenant shall be taken into account as well as conditions which may be attached to the continuing validity of any recommendation. All such Regulations shall be submitted to the Royal Court (sitting in Chief Pleas) for approval. The said Regulations may be amplified and varied from time to time subject always to like approval.

If the Royal Court sees fit so to do it may amend and amplify any Regulations which may be submitted to it.

The Regulations for the time being in force shall govern the Boards in exercising their duties under this Law.

- 3.—Anyone wishing to make such a claim as is visualised by this Law shall address and deliver to the competent Board a written statement giving a short description of the property which is the subject of the tenancy and particulars of the tenancy sufficient to enable the Board to determine the amount of the rental which ought to be paid. Such statement shall be accompanied by the lease, tenancy agreement, rental receipt book and such other documents as the tenant may hold concerning the tenancy.

The Statement must show the grounds on which the claim for reduction is based. The claimant shall supply such further details as the Board or Boards concerned may think necessary for the proper consideration of the claim.

- 4.—(a) On receiving a claim the Board concerned shall investigate the matter and shall give

to the landlord or to his agent or to one or the other of them if either is in the Island the opportunity of being heard or alternatively at his option of replying in writing to the tenant's claim. The Board or Boards concerned shall have the right of entry by their representatives to all premises in respect of which a claim has been made.

(b) The recommendation of the Board shall be set down in writing in a register to be kept for the purpose. Every entry shall be signed by the Chairman of the Board which took part in the investigation. Three copies of each decision shall be made and signed, one of which shall be sent to the claimant, one to the last known postal address in this Island of the landlord or of his agent, and one to the General Secretary of The Controlling Committee of the States of Guernsey for transmission to H.M.'s Greffier to be by him filed in the Public Records.

(c) If in making his claim the claimant has asked that the Board or Boards, which is to consider such claim shall make its recommendation extend to rent paid or unpaid which has fallen due since the 24th day of June, 1940, it shall be competent to the Board or Boards concerned so to do and to make its recommendation in the case apply to any part of the rent in arrear or to the future only—PROVIDED, however, that the recommendation shall not operate so as to entail a repayment by the landlord to the tenant of rent already paid when the claim is made, but it may be ordered that the amount of rent found to have been paid in excess of the amount which the Board, or Boards as the case may be may think appropriate shall be

regarded as a payment in respect of further rental already due or rental which may fall due after the recommendation shall be made. Nevertheless the Court may order a refund of rental which according to any final decision under this Law shall be found to have been paid in excess, if the tenancy shall have been terminated, to the extent which the Court may think equitable.

- 5.—A recommendation given under the foregoing provisions of this Law shall have the effect of a final judicial decision unless within fourteen days after notice thereof shall have been posted or delivered to the landlord or his agent as provided in Article 4 (b) of this Law proceedings by way of appeal against the recommendation or any part thereof shall have been commenced by simple summons served at the instance of the appellant on the adverse party or at his last known place of abode in this Island. The competent Court to hear such appeal shall be the Ordinary Court and the parties shall be required to appear in person or by Counsel on the tabling of the first cause. The Court may judge the matter and decide the issue *séance tenante* or it may at its discretion give other directions for the hearing. The Court may make any order which the Board or Boards concerned could have done and the decision of the Court shall be final and it shall not be subject to appeal.

The Court shall have power to award costs as between party and party at its discretion and if in making its award the Court taking into consideration all facts and circumstances finds that an appeal has been entered vexatiously or frivolously may also order penal costs to

be paid by the appellant up to £3 for the credit of the States of Guernsey.

- 6.—The Royal Court sitting as a Full Court shall have power to remove any member of any Board appointed hereunder and the Royal Court sitting as a Court of Chief Pleas shall have power by Ordinance to make provisions necessary in its opinion for carrying this Law into effect and to determine when its operation in whole or in part and decisions given hereunder or any of them shall cease to have total or partial effect.

SCHEDULE.

OATH OF SECRECY.

YOU SWEAR by the Truth and Faith you owe to God that you will perform impartially and to the best of your ability the duties of Member of one or more of the Boards created under the Law intituled "LOI ÉTABLISSANT UN CONTRÔLE SUR LE MONTANT DE LOYERS DANS CERTAINS CAS" and that you will not divulge any information of a private nature which may come to your knowledge as a member of any of such Boards concerning the affairs of any person except :—

- 1.—to those persons to whom it may be necessary or expedient to communicate such information in discharging your duty, or
- 2.—as a witness in a Court of Law, or
- 3.—such information as may be available to the public.

SO HELP YOU GOD.

A. J. ROUSSEL,
Greffier du Roi.

Genehmigt
Feldkommandantur 515
SCHUMACHER
Oberst u. Kommandant
Jersey, den 23.1.1941.