

(Registered on the Records on the 24th August, 1976)

AT THE COURT AT BUCKINGHAM PALACE

The 2nd day of July 1976

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 30th day of June 1976, in the words following, viz:—

Housing
(Temporary
Provisions)
(Sark) Law,
1976.

“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 John Michael Beaumont, Esquire, Seigneur de Sercq, Bernard Grace Jones, Esquire, Seneschal and John Peter Guille, Esquire, Prévôt of the Island of Sark, setting forth:—

‘1. That in pursuance of their Resolution of the 1st day of October 1975, the Chief Pleas of the Island of Sark, at a meeting held on that day, approved a Bill or “Projet de Loi” entitled “The Housing (Temporary Provisions) (Sark) Law, 1976”. 2. That following representations made by the Secretary of

1976.

State, the Chief Pleas of the said Island, at a meeting held on the 18th day of June 1976, approved certain amendments to the said Bill or "Projet de Loi". 3. That the said Bill or "Projet de Loi", as amended, 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 Chief Pleas of Sark entitled "The Housing (Temporary Provisions) (Sark) Law, 1976" and to order that the same shall have force of law in the Island of Sark.'

"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 the Law within the Island of Sark.

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 Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the

time being in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

1976.

N. E. Leigh.

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

PROJET DE LOI

ENTITLED

THE HOUSING (TEMPORARY PROVISIONS) (SARK) LAW, 1976. (No. V —1976)

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the first day of October, nineteen hundred and seventy-five, and their Resolution of the eighteenth day of June, nineteen hundred and seventy-six, 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 Sark.

1.—(1) Notwithstanding the provisions of the Preservation of Natural Amenities and Agricultural Land Control (Sark) Law, 1961^(a) (hereafter in this Law referred to as “the Law of 1961”), and of any Ordinance made thereunder, but subject to the provisions of this section, the Preservation of Natural Amenities and Agricultural Land Control Committee constituted under that Law (hereafter in this section referred to as “the Committee”) shall not, on or after the appointed day, grant any permission or preliminary declaration under the Law of 1961 or any Ordinance made thereunder to any person in respect of the erection of a dwelling house unless that person—

Control of
erection of
dwelling
houses.

(a) Ordres en Conseil Vol. XVIII, p. 303.

1976.

- (a) has been continuously ordinarily resident in the Island for a period of at least ten consecutive years;
- (b) is ordinarily resident in the Island and is the spouse or surviving spouse of a person who is, or was, of the description set out in paragraph (a) of this subsection; or
- (c) is a person of such other description as the Chief Pleas may from time to time by Ordinance prescribe.

(2) Where a person has been granted before the appointed day any permission or preliminary declaration under the Law of 1961 or any Ordinance made thereunder in respect of the erection of any dwelling house on any site, the provisions of subsection (1) of this section shall not apply so as to prohibit the grant to that person on or after the appointed day of any permission or preliminary declaration under the Law of 1961 or any Ordinance made thereunder in respect of the erection of a dwelling house on the same or substantially the same site.

(3) The Committee may require any person applying for any permission or preliminary declaration under the Law of 1961 or any Ordinance made thereunder to furnish to the Committee such information and to produce such documents as the Committee deems necessary for the purpose of ascertaining whether or not that person is a person in respect of whom the grant of such permission or preliminary declaration, as the case may be, is prohibited under the provisions of subsection (1) of this section.

(4) The provisions of subsection (1) of this section shall not apply in relation to—

- (a) any alteration or extension to a dwelling house, or to the re-erection of a dwelling

house on the same or substantially the same site; and

1976.

- (b) to the conversion into a dwelling house of any immovable structure within the meaning of the Law of 1961 which was erected before the appointed day and which, immediately before that day, was not adapted for use for the purposes of human habitation and had a floor area of not less than three hundred square feet or such other area as the Chief Pleas may from time to time by Ordinance prescribe.

2.—(1) A person shall not occupy a dwelling house the erection of which commenced on or after the appointed day unless—

Control of
occupation
of dwelling
houses
erected after
the
appointed
day.

- (a) he is a person of the description set out in paragraph (a) or paragraph (b) of subsection (1) of section one of this Law;
- (b) he has acquired (whether alone or jointly with another) any interest in that dwelling house by will or by operation of law;
- (c) the dwelling house has been erected under and in accordance with any permission granted to him under an Ordinance made under the Law of 1961;
- (d) he is a member of the household of a person referred to in any of the foregoing paragraphs of this subsection;
- (e) he is being provided in that dwelling house with board and lodging (whether for reward or otherwise) by any other person, being a person in lawful occupation of that dwelling house; or
- (f) he is a person of any such description as the Chief Pleas may from time to time by Ordinance prescribe.

1976.

(2) Any person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds and, in the case of a continuing offence, to a further fine not exceeding fifty pounds for each day during which the offence continues after conviction.

(3) Any person, who, being for the time being entitled to the possession of a dwelling house (whether alone or jointly with another), suffers or permits any other person to occupy that dwelling house in contravention of the provisions of sub-section (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds and, in the case of a continuing offence, to a further fine not exceeding fifty pounds for each day which the offence continues after conviction:

Provided that in any proceedings for an offence under this sub-section it shall be a defence for the accused to prove that he had reason to believe that that other person was not prohibited under the said sub-section (1) from occupying that dwelling house.

Powers of
Constable
and
Vingtenier
to enter
dwelling
houses etc.

3.—(1) If the Seneschal or Deputy Seneschal is satisfied by information on oath that there is reasonable ground for suspecting that any person is occupying a dwelling house in contravention of the provisions of sub-section (1) of the last foregoing section, he may grant a warrant authorising the Constable, Vingtenier or an officer of police to enter and inspect that dwelling house at any reasonable time within one month from the date of the warrant, and to make such examination and inquiry, and require any person whom he finds in that dwelling house to give such information and produce such documents, as may be necessary in order to ascertain whether or not the provisions of that sub-section are being contravened as respects the occupation of that dwelling house by any person.

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(2) Any person who—

- (a) obstructs the Constable, Vingtenier or an officer of police in the exercise of any of his powers under sub-section (1) of this section; or
- (b) refuses, or without reasonable excuse, fails to comply with any requisition of the Constable, Vingtenier or an officer of police under that sub-section;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

(3) A person shall not be required under sub-section (1) of this section to answer any questions or to give any evidence tending to incriminate him.

4.—(1) If any person, for the purpose of evading any prohibition under this Law or for any other purpose connected with this Law—

False statements etc.

- (a) knowingly makes any false statement or false representation; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) The court by which a person is convicted of an offence under sub-section (1) of this section may, if it is satisfied that any permission or preliminary declaration granted to him under the Law of 1961 or any Ordinance made thereunder would not have been granted if such false statement or representation had not been made, or such document or information had not been produced or furnished, as the case may

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be, order that the permission or preliminary declaration shall be of no effect; and upon the making of such an order the provisions of this Law, the Law of 1961 and any Ordinance made thereunder shall have effect in all respects as if the permission or preliminary declaration, as the case may be, had not been granted.

Interpretation.

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

“appointed day” means the day on which this Law shall come into force in pursuance of the provisions of sub-section (2) of the next following section;

“dwelling house” means any premises, or any part of any premises, wholly or principally used or intended to be used for the purposes of human habitation, but does not include—

- (a) any such premises as are used or intended to be used principally for the purpose of providing board and lodging for reward for ten or more persons; or
- (b) any such premises as are used or intended to be used principally for the purpose of providing sleeping accommodation for any persons employed under a contract of service in premises of the description set out in the foregoing paragraph and as are, or will be, within the curtilage of premises of that description;

“officer of police” means a member of the salaried police force of the Island of Guernsey.

(2) Except where the context otherwise requires, any reference in this Law to any other enactment includes a reference to that enactment as amended,

repealed or replaced by or under any other enactment.

1976.

(3) The Interpretation (Guernsey) Law, 1948(b), shall apply to the interpretation of this Law and of any Ordinance made thereunder as it applies to the interpretation of a Guernsey enactment.

6.—(1) This Law may be cited as the Housing (Temporary Provisions) (Sark) Law, 1976.

Citation,
commence-
ment and
duration.

(2) This Law shall come into force immediately following the day on which the Building Control (Temporary Provisions) (Sark) Law, 1974(c), as continued in force, shall cease to have effect.

(3) This Law shall remain in force until the thirty-first day of December, nineteen hundred and eighty-one, or such earlier date as the Chief Pleas may by Ordinance appoint.

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

(c) Ordres en Conseil No. X of 1974.