

(Enregistré sur les Records le 19 mars 1938.)

AT THE COURT AT BUCKINGHAM PALACE,
The 24th day of February, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT	SIR PHILIP SASSOON
EARL OF LUCAN	SIR JOHN ANDERSON
LORD SOUTHBOROUGH	MR. HUDSON
MR. SECRETARY ELLIOTT	SIR CHARLES CLAUSON.

Loi relative
au Cadastre
Général de
l'Île (1938).

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 13th day of January, 1938,
in the words following viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth :—

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‘ 1. That on the 30th day of June, 1937, the States of Deliberation, after duly considering a report from their Committee relating to the General Cadastre of the Island, passed a resolution requesting the Royal Court to prepare a Bill or *Projet de Loi* for the purpose of facilitating the compilation and rectification of the Cadastre : 2. That on the 13th day of November, 1937, the Royal Court, in accordance with the aforesaid resolution of the States, adopted a Bill or *Projet de Loi* intituled “*Loi relative au Cadastre Général de l’Ile (1938)*,” and requested the Bailiff to submit the same to the States for their approval : 3. That on the 3rd day of December, 1937, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same with slight modifications and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 4. That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. 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 intituled “*Loi relative au Cadastre Général de l’Ile (1938)*,” and to order and direct that the same should 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*

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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."

HIS MAJESTY, having taken the said Report into consideration is pleased, by and with the advice of His 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 HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

*LOI RELATIVE AU CADASTRE GÉNÉRAL
DE L'ILE (1938).

VU les délibérations des Etats en date du 30 juin, 1937 :

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile :—

* Repealed by the Cadastre Law, 1947.

PART I.—GENERAL PROVISIONS.

Article.

1. Interpretation.
2. Preparation of New Cadastre.
3. Composition of the States Cadastre Committee.
4. Particulars to appear in Cadastre.

PART II.—COMPILATION OF INFORMATION FOR PREPARATION OR RECTIFICATION OF CADASTRE.

5. Power to enter upon property for survey and valuation.
6. Declarations by owners and others.
7. Rectification of Cadastre.
8. Notification of changes in and additions to property and of changes in use of property.
9. Notification of changes of ownership.
10. Penalties.
11. Cost of Cadastre.

PART III.—VALUATION.

12. Rules for Valuation to be enacted by Ordinance.

PART IV.—EXHIBITION AND APPEALS.

13. Exhibition of Cadastre.
14. Appeals.

PART V.—MISCELLANEOUS.

15. Commencement.
16. Amendment of Parochial Taxation Law of 1923.
17. Repeals.
18. Power to Royal Court to pass Ordinances.
19. Apportionment of Fines.
20. Short Title.

Schedules.

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Part I.—General Provisions.**ARTICLE I.—INTERPRETATION.**

In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely :—

“ Law of 1919 ” means the “ Loi relative au Cadastre Général de l’Ile ” approved by Order in Council on the 29th October, 1919, and registered on the Records of the Island on the 15th November, 1919.

“ Property ” and “ real property ” shall have the same meaning, that is to say :—

Lands, houses and other buildings and erections and such other physical things as, by their nature or by reason of the purpose for which they are used or intended to be used, or otherwise, are by the laws and customs of this Island deemed to be real property and shall include all houses, buildings, erections and other physical things which, but for the severance of the ownership thereof from the ownership of the site whereon or wherein the same are, would be, or be deemed to be, real property.

Provided that nothing contained in this definition shall authorise the entering in the Cadastre of the name of any person as the owner, usufructuary, or occupier of any property of which that person is not the owner or usufructuary or the occupier or person entitled to occupy the same, as the case may be.

“ Valuation ” means the capital or annual rental value or both the capital and annual rental value of property as determined by the Committee in pursuance of this Law.

Words in the singular shall include the plural and words in the plural shall include the singular.

ARTICLE 2.—PREPARATION OF NEW
CADASTRE.1938

(1) As soon as may be after the commencement of this Law, the States Cadastre Committee (hereinafter styled "the Committee") shall prepare a Cadastre in accordance with the provisions of this Law.

(2) Until such date as the Cadastre prepared under the provisions of this Law is declared by Ordinance of the Royal Court to be thenceforth in force, the Cadastre in force shall be that prepared and from time to time rectified in accordance with the provisions of the Law of 1919.

ARTICLE 3.—COMPOSITION OF THE
STATES CADASTRE COMMITTEE.

(1) The Committee shall consist of nine members, viz :—

A Jurat of the Royal Court ;

The Rector of one of the Parishes of this Island ;

One Member for the Parish of St. Peter Port ;

One Member for the Parishes of St. Sampson, the Vale and the Castel ;

One Member for the Parishes of St. Saviour, St. Peter in the Wood and Torteval ;

One Member for the Parishes of St. Martin, the Forest and St. Andrew ;

Two States' Deputies ;

The States Supervisor.

(2) Subject to the provisions of section (5) of this Article, all Members of the Committee except the States Supervisor shall be elected to the Committee by the States and, of such elected members, two shall retire at the end of each calendar year but shall be eligible for re-election.

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(3) The States Supervisor shall be a permanent member ex-officio of the Committee.

(4) The two elected members to retire at the end of a calendar year shall be :—

The Jurat and the Member for the Parish of St. Peter Port : or

The Member for the Parishes of St. Sampson, the Vale and the Castel and the Member for the Parishes of St. Saviour, St. Peter in the Wood and Torteval : or

The Rector and a States' Deputy : or

The Member for the Parishes of St. Martin, the Forest and St. Andrew and the other States' Deputy.

(5) The first members of the Committee shall be the members of the Cadastre Committee in existence under the Law of 1919 who are in office at the commencement of this Law.

(6) The order of retirement of the elected Members of the Committee shall continue in accordance with the rotation of retirements established under the Law of 1919 as regards the Cadastre Committee in existence thereunder and that Committee and the Committee constituted under this Law shall henceforth constitute one and the same Committee.

ARTICLE 4.—PARTICULARS TO APPEAR IN CADASTRE.

(1) The Cadastre shall state :—

- (i) the designation or description of each property ;
- (ii) the name and address of the owner, usufructuary and occupier thereof ;
- (iii) the area of land included therein and the purpose or purposes for which the same is used ;
- (iv) the capital value of the land calculated in sterling ;

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- (v) the number of buildings on the land and the designation or description of each such building and the purpose for which it is used ;
 - (vi) the capital value of each such building, calculated in sterling ;
 - (vii) the annual rental value of the property ;
- and may contain such other relevant particulars as to the Committee may seem expedient.

(2) Unless the contrary is apparent the area of any property shall be taken to be that which is shewn in respect thereof on the Ordnance Survey Map of the Island.

Part II.—Compilation of Information for Preparation or Rectification of Cadastre.

ARTICLE 5.—POWER TO ENTER UPON PROPERTY FOR SURVEY AND VALUATION.

- (a) Any member or members of the Committee ;
and
- (b) any States officer, surveyor, workman and any other person duly authorised in writing under the hand of the States Supervisor ;

may from time to time at all reasonable times in the day enter upon and into any property for the purpose of surveying and valuing the said property for the purposes of the preparation of the Cadastre in pursuance of this Law without being deemed trespassers and without being subject or liable to any fine, penalty or punishment on account of entering or continuing upon any part of the said property.

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**ARTICLE 6.—DECLARATIONS BY OWNERS
AND OTHERS.**

Every owner of a property, the curator bonis, guardian, attorney or agent of any owner of a property, and every usufructuary or saisi of a property shall within seven days after being required so to do by or on behalf of the Committee send to the Committee a declaration in writing signed by him and stating :—

- (i) the designation or description of that property ;
- (ii) the name and address of the owner of that property ;
- (iii) the name and address of the occupier thereof ;
- (iv) the area of the land comprised therein and the purpose or purposes for which the same is used ;
- (v) the number of buildings forming part of that property and the designation or description and dimensions of each such building and the purpose for which the same is used ;
- (vi) the designation or description of any other physical things situate on or in that property which, either by their nature or by reason of the purpose for which they are used or intended to be used, or otherwise, are by the laws and customs of this Island, including this Law, deemed to be real property ;
- (vii) any other information which the Committee may deem necessary for the compilation or rectification of the Cadastre.

**ARTICLE 7.—RECTIFICATION OF
CADASTRE.**

The new Cadastre shall be rectified at least once in each calendar year and so much oftener, either wholly or in part, as the Committee may from time to time deem necessary.

ARTICLE 8.—NOTIFICATION OF CHANGES
IN AND ADDITIONS TO PROPERTY AND
OF CHANGES IN USE OF PROPERTY.

Every owner of a property, the curator bonis, guardian, attorney or agent of any owner of a property, and every usufructuary or saisi of a property shall, not later than the thirty-first day of December in every year, send to the Committee particulars of all changes in and additions to the property and in the purposes for which the property is used made during the calendar year ending on that day.

ARTICLE 9.—NOTIFICATION OF CHANGES
OF OWNERSHIP.

(1) When the ownership or usufruct of a property is transferred between living parties, the transferee or his agent shall within fifteen days from the registration of the conveyance or other instrument effecting the transfer furnish to the Committee information as follows :—

- (i) the name and address of the transferee ;
- (ii) the designation and description of the property transferred and in the case of a subdivision of land the area of the part transferred.

(2) When property passes on the death of the owner, then, save as is otherwise provided in paragraphs (3) and (4) of this Article, every person who thereby becomes an owner or usufructuary of the whole or any part thereof shall, within one month of the former owner's death, notify the Committee of his name and address and furnish the Committee with the designation or description of the property to the ownership or usufruct of which he has become entitled.

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(3) In the case of a partage the person to whom the first lot has fallen shall within fifteen days after the registration of the partage furnish to the Committee information as follows :—

- (i) the names and addresses of each co-partageant ;
- (ii) the designation and description of the property vested in each co-partageant (including the préciput) and in the case of the sub-division of a property the area of each part into which land included in the property is subdivided.

(4) The person at whose instance the registration of the Will of Guernsey realty of a deceased person has been effected shall within fifteen days after the registration of the Will furnish to the Committee a summary of the Will containing the information, as regards each devisee having an interest under such Will, which a transferee is required to furnish under paragraph (1) of this Article.

(5) In the case of a saisie the person to whom ownership of the saisie property or part thereof has been adjudged (saisi propriétaire) shall within fifteen days after the date of the Act of Court adjudging to him that ownership furnish to the Committee the information which a transferee is required to furnish under paragraph (1) of this Article.

ARTICLE 10.—PENALTIES.

Any person failing to furnish to the Committee within the time hereinbefore specified the information which he is required under this Part of this Law to furnish shall be liable on conviction to a fine at the discretion of the Court not exceeding One Pound sterling.

ARTICLE 11.—COST OF CADASTRE.

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One-half of the cost of the preparation of the new Cadastre and of the rectification thereof under the provisions of this Law shall be met out of States funds and the remainder shall be met out of parochial funds to be provided by the several parishes in proportion to their respective rateable values.

Part III.—Valuation.ARTICLE 12.—RULES FOR VALUATION
TO BE ENACTED BY ORDINANCE.

The capital value and the annual rental value in sterling of every property for the purposes of the new Cadastre shall be determined under the direction of the Committee in accordance with Rules approved by the States and enacted by Ordinance of the Royal Court and such values so determined shall be entered in the new Cadastre.

Part IV.—Exhibition and Appeals.

ARTICLE 13.—EXHIBITION OF CADASTRE.

(1) The Committee shall cause the new Cadastre, with any rectifications which may have been made therein in pursuance of this Law, to be exhibited at the States Offices on such twelve consecutive working days in each calendar year as shall be appointed by the Committee and during such hours on the days so appointed as shall be decided by the Committee and on those days and during those hours any person claiming to be the proprietor, usufructuary or occupier of any property whose description appears in the Cadastre shall be entitled without charge to inspect and take notes of the particulars concerning that property which appear in the Cadastre.

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(2) The States Supervisor shall in each calendar year give previous notice on at least three occasions in *La Gazette Officielle* of the exhibition of the Cadastre and of the dates and hours during which, in that calendar year, such exhibition will take place.

(3) During the period of the exhibition of the Cadastre in any calendar year and during the five days next following the last date of the exhibition thereof the proprietor, usufructuary or occupier of any property of which particulars appear in the Cadastre may notify the Committee of any incorrectness in the Cadastre concerning that property whereby he is prejudiced. Any such notification shall be in writing upon a Form provided by the Committee.

(4) Upon the receipt of any such notification as is referred to in paragraph (3) of this Article, the Committee shall consider whether or not there are grounds for the rectification of the alleged incorrectness referred to in such notification and upon the Committee being satisfied that such grounds exist the Cadastre shall be rectified accordingly. The decision of the Committee in regard to the subject matter of any such notification shall be forthwith communicated in writing to the person from whom the notification was received.

(5) Any person who shall fail within the period prescribed in paragraph (3) of this Article to give the notification referred to in that paragraph shall, until the next exhibition of the Cadastre, be disentitled to require the rectification of any incorrectness alleged by that person to exist in the Cadastre.

ARTICLE 14.—APPEALS.

Any person who is aggrieved by the decision of the Committee in relation to a notification sent by that person under the provisions of paragraph (3)

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of Article 13 of this Law may by way of appeal therefrom, take proceedings against the President of the Committee in the Royal Court sitting as an Ordinary Court with a view to the rectification of the Cadastre in accordance with the contention of that person and the Court after hearing the appellant and any evidence properly adduced by or on behalf of the Committee may vary or confirm the entry in the Cadastre to which the contention relates or may remit the same to the Committee for reconsideration as it thinks fit. Any such proceedings by way of appeal shall be commenced within the ten days next following the receipt by the appellant of the decision of the Committee appealed from. The decision of the Ordinary Court in the matter shall be final and conclusive.

Part V.—Miscellaneous.

ARTICLE 15.—COMMENCEMENT.

(1) The provisions of this Law specified in the first column of the First Schedule to this Law shall come into operation on the date of the registration of this Law upon the Records of this Island.

(2) The provisions of this Law specified in the second column of that Schedule shall come into operation on such date as shall be appointed by Ordinance of the Royal Court.

ARTICLE 16.—AMENDMENT OF PAROCHIAL TAXATION LAW OF 1923.

In paragraph (h) of Article III. of the “ Loi supplémentaire à la Loi relative à la Taxation Paroissiale (1923) ” sanctioned by Order in Council of the 24th July, 1925, and registered on the Records of this Island on the 13th August, 1925, for the words

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“ sous le contrôle du Conseil Administratif des Etats ” there shall be substituted the words “ qui sont occupés par les Etats ”.

ARTICLE 17.—REPEALS.

(1) The Laws referred to in the first column of the Second Schedule to this Law shall be repealed to the extent stated in the second column and at the times stated in the third column of that Schedule.

Provided that such repeal shall not affect :—

- (a) any such claim for the rectification of the Cadastre prepared under the Law of 1919 as is undetermined at the time of such repeal:
- (b) any liability to the States or Parochial Taxation which relates to the Cadastre in being under the Law of 1919 as is unsatisfied at the time of such repeal :
- (c) any penalty incurred in respect of a breach of any of the provisions of the Law of 1919 :
- (d) any legal proceedings in respect of any such claim, liability or penalty :

and any such legal proceedings may be instituted, continued or enforced and any such penalty may be imposed as if the Law of 1919 had not been repealed.

ARTICLE 18.—POWER TO ROYAL COURT TO PASS ORDINANCES.

The Royal Court is authorised to pass such Ordinances as it may deem necessary for giving effect to this Law.

ARTICLE 19.—APPORTIONMENT OF
FINES.

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All fines recovered in virtue of this Law shall be allocated as to one half to the Crown and as to the remainder to the States.

ARTICLE 20.—SHORT TITLE.

This Law may be cited as the Cadastre Law, 1938.

FIRST SCHEDULE.

Provisions of the Cadastre Law, 1938, which are to come into operation on the date of registration of that Law on the Records of this Island.	Provisions of the Cadastre Law, 1938, which are to come into operation on a date to be appointed by Ordinance of the Royal Court.
Articles 1 to 6 inclusive. Articles 8 to 12 inclusive. Articles 15 to 20 inclusive.	Article 7. Articles 13 and 14.

SECOND SCHEDULE.

REPEALS.

LAW.	EXTENT OF REPEAL.	TIME OF REPEAL.
Loi portant modification à la Loi relative au Cadastre Général de l'Ile, registered on the Records of this Island on the 27th September, 1918.	The whole Law.	On the date of the registration on the Records of this Island of the Cadastre Law, 1938.
Loi relative au Cadastre Général de l'Ile, registered on the Records of this Island on the 15th November, 1919.	Articles 13 and 14. Articles 1 to 12 inclusive. and Articles 15 to 20 inclusive.	The same date. On such date as shall be appointed by Ordinance of the Royal Court.
Loi pour l'Entretien des Rues de la Paroisse de St. Pierre Port et la reconstitution du Comité des Voies Publiques de l'Ile, registered on the Records of this Island on the 13th December, 1919.	Article 4 (which relates to the payment of road tax on a frontage basis in certain cases)	On such date as shall be appointed by Ordinance of the Royal Court.