

V.

1938

# ORDRE EN CONSEIL

INTITULÉ

## Loi relative à la Protection des Monuments de l'île.

(Enregistré sur les Records de l'île de Guernesey le  
26 mars 1938.)



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1938.

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## A LA COUR ROYALE DE L'ÎLE DE GUERNESEY

*Le vingt-six mars, mil neuf cent trente-huit, par  
devant Victor Gosselin Carey, écuyer, Baillif;  
présents: Jean Allès Simon, John Roussel,  
Osmond Priaulx Gallienne, Arthur Dorey,  
Ernest de Garis, Jean Nicolas Robin, Cyril de  
Putron, Aylmer Mackworth Drake, John  
Leale, James Frederick Carey, écuyers, et  
Messire Abraham James Lainé, K.C.I.E.,  
Jurés.*

Monsieur le Baillif ayant ce jour communiqué  
à la Cour un Ordre de Sa Majesté en Conseil en  
date du vingt-huit février, mil neuf cent trente-  
huit ratifiant un *Projet de Loi* intitulé "*Loi rela-  
tive à la Protection des Monuments de l'Île,*"—La  
Cour, après avoir eu lecture du dit Ordre, ouïes  
les conclusions des Officiers du Roi, a ordonné  
que le dit Ordre en Conseil sera enregistré sur les  
Records de cette Île, duquel Ordre la teneur  
suit :—

**At the Court at Buckingham Palace,**

The 28th day of February, 1938.

**Present,**

**The King's Most Excellent Majesty**

LORD CHANCELLOR

SIR ALEXANDER HARDINGE

LORD PRESIDENT

MR. CHANCELLOR OF THE EXCHEQUER

**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

**LIE 26 MARS 1938.**

Guernsey and Jersey, dated the 23rd day of February, 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 :—

‘1. That on the 30th day of June, 1937, the States of Deliberation, on the recommendation of their Committee for the protection of the Ancient Monuments of the Island, resolved (a) that all Martello Towers, Coastal Batteries and Magazines belonging to the States be scheduled as Ancient Monuments, and (b) that no alteration be made to any Martello Tower, Battery or Magazine so as to weaken its structure or change its exterior appearance, except by permission of the Ancient Monuments Committee; and the Royal Court was requested to prepare a Bill or “Projet de Loi,” in order to give effect to the resolution of the States on the subject. 2. That arising out of the aforeaid resolution, the Royal Court on the 11th day of December, 1937, adopted a Bill or “Projet de Loi” intituled “Loi relative à la Protection des Monuments de l’Ile,” and requested the Bailiff to submit the same to the States for approval. 3. That on the 29th 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 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 à la Protection des Monuments de l'Ile," and to order and direct that the same shall have the force of Law within 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."

**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 À LA PROTECTION DES MONUMENTS DE L'ILE

VU la Délibération 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.

1.—The Royal Court is hereby authorised from time to time by Ordinance to direct as regards any building, structure or other object, whether natural or artificial, or as regards the remains of any such building, structure or object, whether in public or private ownership, (being a building, structure, object or remains referred to in such Ordinance or in a Schedule thereto) of which the preservation has, by Resolution of the States, been declared to be of public interest, by reason of the historic, traditional, archaeological, or other interest attaching thereto, that such building, structure, object or remains shall thenceforth be a monument subject to the provisions of this Law.

2.—(a) As regards any building, structure, object or remains so directed by the Royal Court to be a monument subject to the provisions of this Law, it shall be an offence, save with the written authority of the States Ancient Monuments Committee (hereinafter called "the Committee") previously obtained to demolish or efface or to effect any alteration or addition to, or change in the appearance of, any part thereof or to aid, abet or procure the carrying out of such demolition, effacement, alteration, addition or change of appearance.

(b) Any person aggrieved by the refusal of the Committee to authorise the demolition, effacement or alteration of a monument which is subject to the provisions of this Law or to authorise an addition thereto or a change in the appearance thereof shall be entitled, within the ninety days next following the date of the communication to him of such refusal, to appeal by way of petition to the Royal Court sitting as a Full Court against such refusal and thereupon, if in the opinion of the Court there were insufficient grounds for such refusal, the Court may direct the Committee to authorise such demolition, effacement, alteration, addition or change of appearance, or some part thereof. No appeal shall lie from the decision of the Court.

3.—If any person shall be guilty of an offence under this Law, such person shall be liable upon conviction to a fine not exceeding One hundred Pounds and, upon any such conviction, the Court may order that the monument to which the offence relates shall be restored, as nearly as may be, to the condition in which it was before the demolition, effacement, alteration, addition or change of appearance was begun and may direct that the restoration shall be effected under the supervision of the Committee at the expense of the proprietor of the monument or of any other person or persons by whom or at whose instance the demolition, effacement, alteration, addition or change of appearance was effected or begun or at the joint expense of such proprietor and such other person or persons.

4.—It shall be the duty of the Committee to publish in " La Gazette Officielle " once in every calendar year a list of the buildings, structures, objects and remains directed up to the date of such publication to be monuments subject to the provisions of this Law, setting forth the situation thereof and accompanied by a notice to the effect that the demolition,

effacement or alteration thereof or any addition thereto or change of appearance thereof without the written sanction of the Committee is prohibited.

5.—Notwithstanding anything contained in this Law, no building, structure, object or remains in the ownership or occupation of any Department of the Crown shall, without the previous written consent of that Department, be directed to be a monument subject to the provisions of this Law.

QUERTIER LE PELLEY,  
Greffier du Roi.