

# ORDER IN COUNCIL

**VIII**

Sanctioning a Projet de Loi

**1948**

ENTITLED

**"The Housing Control (Emergency Provisions) (Guernsey) Law, 1948."**

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(Registered on the Records of the Island of Guernsey  
on the 10th day of July, 1948.)

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1965.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 10th day of July, 1948, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present : Osmond Priaulx Gallienne, Esquire, Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 22nd day of June, 1948, ratifying a *Projet de Loi* entitled "The Housing Control (Emergency Provisions) (Guernsey) Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur ordered that the said Order in Council be registered on the Records of this Island, of which *Projet de Loi* the tenor followeth:—

# At the Court at Buckingham Palace

The 22nd day of June, 1948.

PRESENT,

## The King's Most Excellent Majesty.

LORD PRESIDENT

LORD PRIVY SEAL

LORD KILLEARN

MR. SECRETARY EDE

MR. SECRETARY NOEL-BAKER

MR. MACKENZIE

SIR FRANK SOSKICE

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 14th day of June, 1948, 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, in pursuance of their Resolution of the 4th day of February, 1948, the States of Deliberation at a meeting held on the 3rd day of March, 1948, approved a Bill or “Projet de Loi” entitled “The Housing Control (Emergency Provisions) (Guernsey) Law, 1948” 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 Housing Control (Emergency Provisions) (Guernsey) Law, 1948", and to order and direct that the same shall have 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."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with 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.

*E. C. E. Leadbitter.*

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

**PROJET DE LOI**

ENTITLED

**"The Housing Control (Emergency  
Provisions) (Guernsey) Law, 1948."**

THE STATES, in pursuance of their Resolution dated the 4th day of February, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) A person, other than a person who at some time during the period beginning on the first day of January, one thousand nine hundred and thirty-eight and ending on the thirtieth day of June, one thousand nine hundred and forty had his ordinary place of residence in the Island of Guernsey, shall not, save under and in accordance with the conditions, if any, of a licence granted in that behalf by the States Housing Authority (hereinafter referred to as "the Authority") occupy any dwelling in the Island of Guernsey.

(2) The Authority may attach to the grant of a licence such conditions as it may deem necessary or expedient by reason of any shortage of housing accommodation in the Island of Guernsey at the time of the granting of a licence.

(3) For the purposes of this Law the expression "dwelling" means any premises, or any part of any premises, wholly or principally used or usable for the purpose of human habitation.

(4) The provisions of subsection (1) of this section shall not apply to a person—

- (a) occupying the whole or any part of a furnished dwelling if the period of such occupation by that person in any period of twelve consecutive months does not exceed a total period of ninety days; or
- (b) occupying accommodation in any hotel, inn, guest-house or boarding-house in the ordinary course of the business of the person conducting the same or in any premises under an agreement for the provision of board and lodging by the occupier of those premises; or
- (c) as respects the occupation by that person of any dwelling which he occupied or was entitled to occupy before the commencement of this Law.

(5) The occupation by any person of any dwelling in breach of the provisions of subsection (1) of this Section shall be invalid only for the purposes of this Law and shall not be questioned except by the Authority in pursuance of the provisions thereof.

2. (1) An appeal shall lie to the Royal Court sitting as an Ordinary Court from any refusal by the Authority to grant a licence or as respects any condition attached by the Authority to the grant of a licence and thereupon the Court may dismiss the appeal or may issue a direction to the Authority to grant a licence with or without conditions attached thereto or, in the case of an appeal as respects any condition attached to the grant of a licence, may issue a direction to the Authority to grant a licence

without conditions or to grant the same subject to such variation in the conditions as the Court thinks appropriate in the circumstances.

(2) Every appeal shall be instituted by way of petition and by the service upon the President of the Authority at the office of that Authority of a summons together with a copy of the Petition.

3. (1) In the event of a breach of any of the provisions of subsection (1) of Section 1 of this Law, the Authority shall be entitled, upon citing the person occupying in breach of that provision to attend, to apply to the Royal Court sitting as an Ordinary Court for an order vesting the possession of the dwelling so occupied, or of some part or parts thereof, in the Authority, for such period and upon such reasonable terms and conditions, having regard to all the circumstances of the case, as the Court may prescribe and upon the making of such an order the possession of that dwelling or of the part or parts thereof to which the order relates shall vest in the Authority accordingly as though the Authority were a tenant thereof with power to make application for the granting of an eviction order against any person in occupation of the dwelling or part or parts thereof to which the order relates and to sub-let the same to, or permit the use thereof by, or with the assent of the owner to assign the interest of the Authority to, any person or persons for the purposes of human habitation.

(2) Upon any such application by the Authority for the granting of an eviction order against any person, the Court shall not be bound to take into account any of the matters referred to in Section 3 of the Law giving the Court increased power to stay execution in actions for eviction registered on the 31st day of August, 1946.

4. Upon the making of an order vesting the possession of a dwelling or any part thereof in the Authority, any person occupying that dwelling or that part thereof, as the case may be, at the time of the making of the order under a lease or tenancy agreement or by virtue of his ownership of that dwelling under a conveyance shall be entitled, within the ninety days next following the date of the making of the order, to take legal proceedings—

- (a) in the case of a lease or tenancy agreement, against his landlord with a view to the making by the Court of an order declaring the lease or tenancy agreement to be avoided; or
- (b) in the case of a conveyance as aforesaid, against the vendor thereunder with a view to the making by the Court of an order requiring the latter to take a reconveyance of the premises for the same consideration and on the same terms and conditions as nearly as may be as those for and on which he himself acquired the ownership of the premises;

and, in either case, for the reimbursement of the legal charges and disbursements incidental to such acquisition incurred by him, and thereupon the Court, if it is satisfied that at the time of the execution of the lease or of the making of the tenancy agreement or of the completion of the conveyance, neither the lessee, tenant or purchaser, as the case may be, nor his servant or agent, was aware of the necessity for procuring a licence under this Law in order that he should be entitled to occupy the premises so leased, let or conveyed to him, may make an order accordingly subject to such directions and conditions as shall appear to the Court to be just.



5. This Law shall not apply to the occupation of property in the possession or ownership of the Crown, of any Department of His Majesty's Government, of the States of Guernsey or of any Committee of the States.

6. (1) This Law shall commence to operate on the seventh day next following the date of the registration on the Records of the Island of Guernsey of the Order of His Majesty in Council sanctioning the same and shall remain in force during the continuance of the present housing emergency in the Island of Guernsey.

(2) The expression "the continuance of the present housing emergency in the Island of Guernsey" means the period beginning on the date of the commencement of this Law and ending on the 31st day of December, 1957, or on such earlier date as shall be prescribed by the States and declared by Ordinance.

JAMES E. LE PAGE,

H.M. Greffier.