

**XII.
1936**

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi relative au Contrôle de la Construction de Serres.

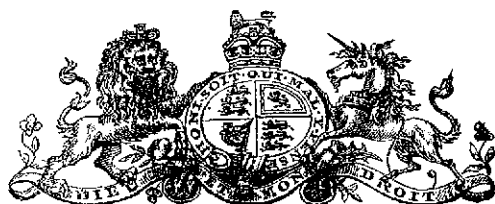
(Enregistré sur les Records de l'Île de Guernesey le
15 août 1936.)



IMPRIME ET PUBLIÉ PAR LA
GUERNSEY "STAR" AND "GAZETTE" LTD.,
IMPRIMEURS OFFICIELS AUX ÉTATS,
BUREAU DE LA GAZETTE OFFICIELLE,
RUE DU BORDAGE,

1936.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNSEY

*Le quinze août, mil neuf cent trente-six, pardevant
William de Prélaz Crousaz, écuyer, Lieutenant-
Baillif; présents: John Roussel, Osmond
Priaulx Gallienne, Arthur Dorey, Geoffrey
Alfred Carey, Ernest de Garis, Jean Nicolas
Robin, Aylmer Mackworth Drake, John Leale
et James Frederick Carey, écuyers, Jurés.*

Monsieur le Lieutenant-Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du vingt-quatre juillet, mil neuf cent trente-six, ratifiant un Projet de Loi intitulé "Loi relative au Contrôle de la Construction de Serres." La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit: —

At the Court at Buckingham Palace,

The 24th day of July, 1936.

Present,

The King's Most Excelleyst Majesty

PRIME MINISTER

LORD PRESIDENT

LORD CHAMBERLAIN

MR. CHANCELLOR OF THE DUCHY OF LANCASTER

Whereas there was this day read at the Board a report from the Right Honourable the Lords of

LE 15 AOUT 1936.

the Committee of Council for the Affairs of Guernsey and Jersey, dated the 22nd day of July, 1936, in the words following, viz.:—

“**Your Majesty** having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

- (1) That on the 2nd day of October, 1935, upon a Petition signed by various members of the States of Deliberation being submitted to that body, regarding the control of glasshouse-building in this Island, a resolution was passed requesting the States Committee for Horticulture, augmented by two further members elected at the said meeting of the States, to study the whole question and to report thereon to the States.
2. That on the 29th day of April, 1936, the report of the said Augmented Committee for Horticulture was submitted to the States, when a resolution was passed adopting the recommendations set forth in the said report and praying the Royal Court to prepare the legislation necessary to give effect to their resolution.
3. That on the 13th day of June, 1936, the Royal Court adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown intituled “*Loi relative au contrôle de la construction de Serres*” and requested the Bailiff to submit the same to the States for their approval.
4. That on the 8th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
5. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi relative au contrôle de la construction de Serres," 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 AU CONTRÔLE DE LA
CONSTRUCTION DE SERRES.**

Vu la délibération des Etats en date du 29 avril 1936:

Les Etats ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

DEFINITION.

1.—“Glasshouse” shall not include any conservatory the area of which does not exceed one thousand square feet and which adjoins and is intended for use and is used otherwise than for profit in connection with a dwelling-house.

**COMPOSITION, POWERS AND DUTIES OF
COMMITTEE.**

2.—(1) A Committee, to be styled “The States Glasshouse Control Committee” (in this Law referred to as “The Committee”) consisting of six members shall be elected by the States from among members of the States.

The Committee shall appoint two of its members to serve as President and Vice-President respectively of the Committee.

Two members of the Committee shall retire from office on the 31st day of January, 1938, and thereafter two members of the Committee shall retire from office on the 31st day of January of each calendar year.

The two members so to retire shall be the members with the longest period of service on the Committee since they were last elected thereto provided that in the case of equality of length of service of more than two members, retirement shall be determined by lot.

Every retiring member shall be eligible for re-election if willing to serve.

(a) The functions of the Committee shall be as follows: —

- (a) to receive and consider all applications made to the Committee for permission to erect glasshouses in this Island:
- (b) To issue permits for the erection of glasshouses in this Island:
- (c) To keep records of all such applications and permits and of the area of glasshouses erected in this Island in each calendar year from and after the date of the commencement of this Law:
- (d) To collect information concerning the expansion or diminution of the glasshouse industry elsewhere than in this Island in so far as such expansion or diminution may or might affect the interests of the Guernsey glasshouse industry:
- (e) To report annually to the States concerning the foregoing:
- (f) To submit to the States as and when the Committee shall deem necessary or expedient such suggestions for the withdrawal, modification or alteration of any or every limitation on the erection of glasshouses imposed by virtue of this Law as, in the opinion of the Committee, should, in the interests of the Guernsey glasshouse industry, be made:
- (g) To carry out such other mandates having relation to its functions as may be entrusted to it from time to time by the States.

ERECTION LIMITATION.

3.—(1) It shall be unlawful for any person or body of persons, in any period of twelve consecutive calendar months ending on the thirtieth day of April in any year, to erect in this Island on land in his or their ownership or occupation or otherwise in his or their control a glasshouse or glasshouses of an area exceeding the area which shall from time to time be prescribed in that behalf (hereinafter referred to as "the prescribed maximum area").

Provided that the completion during any such period of twelve months of the erection of glasshouses as regards which a permit was issued and work was commenced during the next previous such period of twelve months and as regards which a renewal of the permit is granted by the Committee, shall not be taken into account in deciding whether or not in the first mentioned such period of twelve months the area of glasshouses erected will or does exceed the prescribed maximum area.

(2) For the purposes of the last foregoing subsection—

- (a) a person and any body of persons unincorporate of whom that person is one shall together be deemed to constitute one person.
- (b) a person, corporate or unincorporate, together with any person corporate in which the first mentioned person has a preponderating financial interest, shall together be deemed to constitute one person.

(3) Until such time as the prescribed maximum area for the time being in force shall be declared by Ordinance, the prescribed maximum area shall be the area specified in the Schedule to this Law.

(4) The Royal Court, sitting as a Court of Chief Pleas, is hereby authorized from time to time and at any time by way of Ordinance to declare the prescribed maximum area for the time being to be in

force as from the coming into operation of the Ordinance declaring the same.

Provided that the prescribed maximum area so declared by Ordinance to be for the time being in force shall be the area specified in that behalf in a resolution of the States communicated to the Royal Court.

PERMIT REQUIRED FOR ERECTION.

4.—It shall be unlawful to erect any glasshouse unless before the commencement of the erection thereof the occupier of the land whereon such glasshouse is to be erected shall have received from the Committee a permit authorizing the erection thereof. The expression "to erect any glasshouse" in this Law shall include the extension of a glasshouse previously existing and the work of completion of an uncompleted glasshouse.

ERECTION TO REPLACE DEMOLISHED GLASSHOUSES.

5.—(1) Notwithstanding the prescribed maximum area from time to time in force, nothing in this Law shall operate to prohibit the erection, by any applicant who has received a permit from the Committee in that behalf, of glasshouses of which the area exceeds the prescribed maximum area, if such glasshouses are erected in replacement of glasshouses of similar or greater area belonging to that applicant demolished or to be demolished either during the twelve months next preceding the completion of the erection of the glasshouses to replace the same or within such period thereafter as shall be specified by the Committee in the permit issued to such applicant.

(2) The Committee, upon being satisfied, on any application made to it for permission to erect glasshouses in replacement of glasshouses demolished or

to be demolished (hereinafter referred to as a "replacement application"), that an area of glasshouses belonging to the applicant, such area being similar to or greater than the area of the glasshouses for the erection whereof a permit is sought by that applicant, has been or will be demolished during the twelve months next preceding the completion of the erection of the glasshouses to which the replacement application relates or during such period thereafter as shall be specified by the Committee and that no previous application to erect glasshouses in replacement of those which have been or are to be demolished has already been granted by the Committee, shall grant such application.

(3) When granting a permit in relation to any replacement application (such permit being hereinafter referred to as "a replacement permit"), the Committee may specify therein a time limit within which the demolition of the glasshouses to be demolished shall be completed to the satisfaction of the Committee and may require that after the date of the completion of the glasshouses to be erected, no tomato plants shall be grown in the glasshouses to be demolished.

(4) In considering any application, not being a replacement application, the Committee shall not take into account any permit granted by it in relation to any other application, being a replacement application, made by the same applicant and in considering any application, being a replacement application, the Committee shall not take into account any permit granted by it in relation to any other application, not being a replacement application, made by the same applicant.

VALIDITY OF PERMITS.

6.—(1) Every permit (other than a replacement permit) shall cease to be valid if the erection of the glasshouses to which it relates has not been com-

menced before the expiration of the one hundred and eighty days next succeeding the date of issue of the permit, which date shall be legibly inscribed on the permit.

(2) Every permit (other than a replacement permit) shall cease to be valid after the thirtieth day of April next succeeding the date of issue of the permit but the Committee, upon application being made to it and upon being satisfied that the erection of the glasshouses to which the permit related has been commenced but was delayed on account of circumstances not within the control of the person to whom the permit was granted, may renew the permit. A renewal permit shall cease to be valid in the same manner as an original permit would cease to be valid.

(3) If it shall appear to the Committee upon any such application as is mentioned in the last foregoing subsection that the delay in completing the erection of the glasshouses to which such application relates arose from circumstances within the control of the applicant, the Committee may refuse to renew the permit granted to that applicant and may treat the application as an original application for permission to erect the area of glasshouses as is uncompleted and in that event a permit issued by the Committee authorizing the completion of such uncompleted area shall be taken into account by the Committee when granting any other permit (other than a replacement permit) to the same applicant in the period of twelve months ending on the thirtieth day of April during which the permit to complete such uncompleted area was granted and the area sanctioned under such other permit shall be reduced accordingly.

(4) The erection of a glasshouse shall not be deemed to have been commenced until the wall plates have been fixed in position and the erection of a glasshouse shall not be deemed to have been

completed until the glasshouse has been completely glazed.

(5) A permit issued to any person or body of persons shall not entitle any other person or body of persons to erect (otherwise than as a builder working for or on behalf of the first mentioned person or body of persons) any part of any glasshouse to which the permit relates.

APPLICATIONS.

7.—Every application for a permit to erect any glasshouse shall be made in writing and the applicant shall supply the Committee with such written particulars concerning the applicant and the application as the Committee may deem necessary for the proper consideration of the application.

RETURNS.

8.—Every applicant to whom a permit to erect glasshouses is issued shall, within the fifteen days next following the completion of the erection thereof and at any other time on the written request of the Committee, deliver to the Committee in the form prescribed by the Committee a return containing such particulars concerning the area of glasshouses erected under that permit as the Committee may require.

APPEALS.

9.—(1) An appeal shall lie to the Royal Court sitting as a Full Court from the refusal of the Committee to grant or renew a permit as regards the erection or completion of the area of glasshouses contained in any application and against any condition or requirement incorporated in any permit granted by the Committee.

(2) Such appeal shall be brought by way of petition and shall be commenced within the three months

next following the date of the refusal of the Committee to grant or renew a permit.

(3) In every case in which the Committee may refuse to grant or renew a permit, the Committee shall forthwith send to the applicant written notification of such refusal and of the Committee's reasons for such refusal.

INSPECTION.

10.—(1) It shall be lawful at any time during the hours of daylight on any weekday for the Committee or any member thereof thereunto authorized by the Committee or any States' employee thereunto authorized by the Committee to enter on land whereon any glasshouse is being or has been erected or demolished or on which is situate any glasshouse which is the subject of any condition as to demolition or other requirement contained in a permit issued by the Committee for the purpose of making such inspection for the purposes of this Law as the Committee may require to make or to be made.

(2) Every person, not being a member of the Committee, authorized to enter upon land in order to make any inspection for the purposes of this Law shall be provided with written authority in that behalf signed by the President or Acting President of the Committee or by the States Supervisor on behalf of the Committee, and such person shall, on request, produce his authority to the owner or occupier of any land on which an inspection is carried out.

(3) If any person shall obstruct or impede any person authorized to carry out any inspection for the purposes of this Law, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £25.

PENALTIES.

11.—(1) If any person, either alone or jointly with any other person or persons,

- (a) without having received a permit from the Committee to erect a glasshouse or glasshouses, shall erect any glasshouse: or
- (b) having received a permit from the Committee to erect a glasshouse or glasshouses, shall—
 - (i) erect a glasshouse or glasshouses of an area greater than the area specified in the permit: or
 - (ii) erect a glasshouse or glasshouses elsewhere than at the place specified in the permit: or
 - (iii) erect a glasshouse or glasshouses or continue the erection thereof during any period occurring after the permit has ceased to be valid and before such permit has been renewed or has been replaced by a further permit: or
 - (iv) omit or neglect to demolish within the time limit specified in the permit—such permit being a permit granted in relation to a replacement application—any glasshouse to be demolished in accordance with the permit, or omit or neglect to comply with any lawful requirement contained in the permit: or
 - (v) contravene the provisions of section 3 of this Law:

he shall be guilty of an offence and shall be liable upon a first conviction to a fine not exceeding £100 and, upon any subsequent conviction to a fine not exceeding £250: upon any such conviction, the Court may order the demolition of any glasshouse erected without a permit, or erected after a permit has ceased to be valid and before it is renewed or replaced, or of any area of glasshouses in excess of the prescribed maximum area or of the area specified in the permit, or of the glasshouses omitted or neglected to be demolished together with such area of the glasshouses erected in replacement thereof, as

the case may be, within such time and upon such penalty as the Court shall determine.

(2) If any person shall supply any incorrect information to the Committee in connection with any application or return made under this Law or shall fail to make any return which he is required by or under this Law to make, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £10.

(3) Every person who shall knowingly make any false statement or false representation to the Committee in connection with any application or return made under this Law shall be liable upon conviction to a fine not exceeding £100, or to a term of imprisonment, with or without hard labour, not exceeding six months, or to both such fine and such imprisonment.

ORDINANCES.

12.—The Royal Court sitting as a Court of Chief Pleas is hereby authorized by Ordinance from time to time to make all such regulations as it may deem necessary to give effect to this Law.

SHORT TITLE.

13.—This Law may be cited as "The Glasshouse Control Law, 1936".

SCHEDULE.

The Prescribed Maximum Area = 30,000 square feet.

QUERTIER LE PELLEY,
Greffier du Roi.