

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Alderney Walls and Hedges, etc. Ordinance, 1952 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. III of 1952; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997).

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ARRANGEMENT OF SECTIONS

1-6. Sections 1-6.

(Made on the 28th April, 1951.)

The Alderney Walls and Hedges, etc. Ordinance, 1952

THE STATES, in pursuance of their Resolution dated the tenth day of May, 1951, have approved the following provisions which shall come into force on April 30th 1952.

Sections 1-6.

1. In this Ordinance, unless the context otherwise requires –

"Committee" shall mean the States [General Services Committee],

"built-up area" shall mean the following streets, roads and areas –

Braye Street, Tudor Road, Gauvains Row, Birdcage Row, Braye Road, Valley Road and the Town of St. Anne, being the area bounded by and including the following roads and places –

the Val Road, La Heche, Chemin du Meunier, Little Street, Les Mouriaux, Connaught Square, Church Road, Crabby Lane, Les Rocquettes and The Butes.

2. Every occupier of property and, in the case of unoccupied property, the owner thereof, adjoining a public road, path or place shall –

- (a) keep all hedges and vegetation between such property and such public road, path or place trimmed and cut in such a way as to avoid obstruction to the public,

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- (b) keep in good and proper repair walls, fences and gates adjoining, fronting or abutting on such public road, path or place,
 - (c) within the built-up area, keep public roads and paths adjoining such property free from weeds, rubbish or obstructions.
- 3.
 - (a) The Committee may issue directions to owners and occupiers of property for the purpose of enforcing the provisions of section 2 of this Ordinance.
 - (b) Every such direction shall be issued by the Secretary of the Committee and shall quote the date and number of the Minutes of the meeting of the Committee at which such direction was ordered to be issued, and shall quote the section of this Ordinance applied thereby.
 - (c) A direction issued in pursuance of this section shall state as precisely as may be the nature of the work which the owner or occupier is required to carry out, and shall also state a reasonable time within which the work shall be performed.
 - (d) When the Committee resolves to issue a direction under this section, it shall at the same time appoint one or more of its members to inspect at the expiry of the time appointed for the performance of the work and

report to the Committee the manner in which it has been performed.

- (e) All directions issued in accordance with this section shall be served personally upon the person named therein or sent to him by registered post and the day following the posting or delivery of such direction shall be the day from which the time appointed for the performance of the work described therein shall begin.

4. A person to whom a direction has been sent in accordance with the provisions of this Ordinance, may, within fifteen days of the receipt thereof, appeal to the Court of Alderney, and the court may confirm, set aside or amend such directions as may appear to be just and reasonable –

Provided that –

- (a) the date of the lodging of an appeal under this section shall be that upon which intimation of the appeal is given in writing to the Clerk to the Court, and
- (b) that before passing orders upon an appeal, the court shall give the Committee or a person appointed to represent them an opportunity of being heard.

5. It shall be an offence under this Ordinance to fail to comply with the terms of a direction issued under the provisions of this Ordinance. A person convicted of an offence under this Ordinance shall be liable to a fine not exceeding [level 1 on the Alderney uniform scale] or, in default of payment thereof, to imprisonment not exceeding one month.

6. This Ordinance may be cited as "The Alderney Walls and Hedges, etc. Ordinance, 1952".

NOTES

In this Ordinance,

the words in square brackets in the definition of the expression "Committee" in section 1 were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 3, with effect from 2nd April, 1997;

the words and figure in square brackets in section 5 were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

The Ordinance was made on 28th April, 1951 and came into operation on 30th April, 1952.

The functions of the Committee for Public Works under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 3, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.
