

# Island of Guernsey

## Ordinance of the States XIV 1992

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Made	...	...	...	...	...	...	...	...	...	24th June, 1992.
Coming into operation	...	...	...	...	...	...	...	...	...	1st July, 1992.

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### The Building Control (Transfer of Functions) Ordinance, 1992

THE STATES, in pursuance of their Resolution of 29th January 1992, (a), and in exercise of the powers conferred upon them by sections 1 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991, (b), hereby order:-

#### Transfer of functions to Island Development Committee.

1. The functions of the States Housing Authority and of its President under the provisions of the enactments set out in Schedule 1 to this Ordinance are transferred respectively to the Island Development Committee and to its President.

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(a) on Article 15 of Billet d'Etat No. I of 1992.

(b) Order in Council No. XXI of 1991.

**Consequential amendments.**

2. The provisions of the enactments specified in column (1) of Schedule 2 to this Ordinance are amended as set out in column (2) of that Schedule.

**Interpretation.**

3. In this Ordinance (including the Schedules), unless the context otherwise requires, -

"the Authority" means the States Housing Authority;

"commencement" means 1st. July 1992;

"the Committee" means the Island Development Committee;

"the 1956 Law" means the Building (Guernsey) Law, 1956;

"the 1957 Law" means the Clearance of Ruins (Guernsey) Law, 1957.

**Savings and transitional provisions.**

4.(1) Anything done before commencement, or in the process of being done at commencement, by or in relation to the Authority or its President under any of the provisions set out in Schedule 1 to this Ordinance shall have effect as if done, or (as the case may be) may be continued, by or in relation to the Committee or (as the case may be) its President.

(2) Without prejudice to the generality of subsection (1) of this section, the transitional provisions in Schedule 3 to this Ordinance shall have effect.

**Citation.**

5. This Ordinance may be cited as the Building Control (Transfer of Functions) Ordinance, 1992.

**Commencement.**

6. This Ordinance shall come into force on 1st. July 1992.

## SCHEDULE 1

## Section 1

FUNCTIONS TRANSFERRED TO THE ISLAND DEVELOPMENT  
COMMITTEE

1. The Building (Guernsey) Law, 1956, (c).
2. Section 10 of the Sewerage (Guernsey) Law, 1974, (d).
3. The Clearance of Ruins (Guernsey) Law, 1957, (e).
4. Section 24 of the Fire Services (Guernsey) Law, 1989, (f).
5. Articles 16, 34 and 35 of the Ordinance entitled "Ordonnance ayant rapport à la Construction de Maisons, Salles Publique et Bâtiments, et au Tracement de Routes et Chemins" of 25th April 1931, (g).
6. The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance relative à la Construction de Maisons, Salles Publique et Bâtiments, et au Tracement de Routes et Chemins du 25 avril 1931" of 3rd December 1938, (h).
7. The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February 1936, (i).

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(c) Ordres en Conseil Vol. XVII, p.56; No. V of 1989.

(d) Ordres en Conseil Vol. XXIV, p.372; Recueil d'Ordonnances Tome XX, p.364.

(e) Ordres en Conseil Vol. XVII, p.167; Recueil d'Ordonnances Tome XVIII, p.20.

(f) Order in Council No. XIX of 1989.

(g) Recueil d'Ordonnances Tome VIII, pp.123 and 140; Tome XI, p.338: These functions were transferred to the Authority by the Building (Amendment) Ordinance, 1957 (Tome XI, p.338); Article 34 was substituted by the Ordinance supplémentaire of 8th February 1936 (Tome VIII, p.140).

(h) Recueil d'Ordonnances Tome VIII, p.147.

(i) Recueil d'Ordonnances Tome VIII, p.312; Tome XXII, p.173.

## SCHEDULE 2

## Section 2

## CONSEQUENTIAL AMENDMENTS

(1) Enactment	(2) Amendment
<p>The Building (Guernsey) Law, 1956 section 1(1)</p> <p>sections 2, 3, 4, 5 and 6</p>	<p>For "The States Housing Authority (hereinafter referred to as "The Authority")" substitute "The Island Development Committee (hereinafter referred to as "the Committee")".</p> <p>For "the Authority", wherever appearing, substitute "the Committee".</p>
<p>The Clearance of Ruins (Guernsey) Law, 1957 section 1(1)</p> <p>sections 2, 3, 4, 5, 6, 7, 8 and 9</p>	<p>Delete the definition of "the Authority";</p> <p>insert after the definition of "building" the following: "the Committee" means the Island Development Committee."</p> <p>For "the Authority", wherever appearing, substitute "the Committee".</p>
<p>The Schedule</p>	<p>For "the States Housing Authority", wherever appearing, substitute "the Island Development Committee";</p> <p>for "the said Authority" substitute "the said Committee".</p>

(1) Enactment	(2) Amendment
<p>The Sewerage (Guernsey) Law 1974 sections 10 and 24</p> <p>section 29(1)</p>	<p>For "the Authority", wherever appearing, substitute "the Island Development Committee".</p> <p>Delete the definition of "the Authority".</p>
<p>The Fire Services (Guernsey) Law, 1989 section 24(1) and (3)(a)</p>	<p>For "the Housing Authority", wherever appearing, substitute "the Island Development Committee".</p>
<p>The Ordinance entitled "Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins" of 25th April 1931</p>	
<p>The Article containing the definitions(j)</p>	<p>For "the States Housing Authority" substitute "the Island Development Committee".</p>
<p>The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February 1936 Article 1</p>	<p>For the definition of "the Committee" substitute ""the Committee" means the Island Development Committee.".</p>

(j) which was substituted by the Building (Amendment) Ordinance, 1957 (Tome XI, p.338).

## SCHEDULE 3

## Section 4(2)

## TRANSITIONAL PROVISIONS

1. Any regulations made by the Authority before commencement under section 1 of the 1956 Law are deemed after commencement to have been made by the Committee; and all references in any such regulations to the Authority are deemed after commencement to be references to the Committee and every licence or permit issued or other thing done under any such regulations by the Authority or its President before commencement is deemed after commencement to have been issued or done by or in relation to the Committee or its President.
2. Any authorisation given by the Authority, and any written authorisation signed by the President of the Authority, under section 3 of the 1956 Law, before commencement is deemed thereafter to have been given, or as the case may be signed, by the Island Development Committee, or as the case may be by its President.
3. Any Order served before commencement by the President of the Authority under section 4 of the 1956 Law is deemed after commencement to have been served by the President of the Committee.
4. Any application made or notice served by the Authority under section 6 of the 1956 Law before commencement is deemed after commencement to have been made or served by the Committee.
5. Any order signed, published or served before commencement by the President of the Authority under section 2 or 3 of the 1957 Law is deemed after commencement to have been signed, published or served by the President of the Committee.
6. Any agreement entered into or other thing done by the Authority before commencement under section 7 of the 1957 Law is deemed after commencement to have been entered into or done by the Committee.
7. Any person who is immediately before commencement duly authorised in writing under section 9 of the 1957 Law is deemed after commencement to have been duly authorised in writing by the Committee.

8. Any plans rejected by the Authority before commencement under section 10 of the Sewerage (Guernsey) Law, 1974 and any appeals against such rejections instituted before commencement under section 24 of that Law are deemed after commencement to have been rejected by the Committee, or instituted against its President as the case may be.
9. Any consultation by, or of, the Authority before commencement under section 24 of the Fire Services (Guernsey) Law, 1989 is deemed after commencement to have been undertaken by, or of, the Committee.
10. Any particulars submitted to the Authority, and any approval given, certificate issued or requirement or condition imposed by the Authority, before commencement under Article 16, 34 or 35 of the Ordinance entitled "Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins" of 25th April 1931 is deemed after commencement to have been submitted to, or to have been given issued or imposed by, the Committee.
11. Any appeal pending at commencement under Article 2(f) of the Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February 1936 shall be dealt with by the Committee.

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