

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

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

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

©States of Guernsey

---

\* Ordinances of the States, Vol. XXVI, p. 57; as amended by the Land Planning and Development (Guernsey) Law, 2005 (No. XVI of 2005). See also the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007 (No. XXX of 2007); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

ORDINANCE  
OF THE STATES OF DELIBERATION

ENTITLED

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

ARRANGEMENT OF SECTIONS

1. Transfer of functions to Island Development Committee.
2. Consequential amendments.
3. Interpretation.
4. Savings and transitional provisions.
5. Citation.
6. Commencement.

SCHEDULE 1	Functions Transferred to the Island Development Committee.
SCHEDULE 2	Consequential Amendments.
SCHEDULE 3	Transitional Provisions.

(Made on 24th June, 1992.)

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

**THE STATES**, in pursuance of their Resolution of 29<sup>th</sup> January 1992<sup>a</sup>, 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<sup>b</sup>, 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.

---

#### **NOTE**

*In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004, the Island Development Committee has since been replaced by the Environment Department; and the functions, rights and liabilities of the Island Development Committee and of its President arising under or by virtue of this Ordinance have been transferred to and vested in, respectively, the Environment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from that same date, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, the Environment Department has since been replaced by the Committee for the Environment & Infrastructure; and the functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

---

---

<sup>a</sup> On Article 15 of Billet d'État No. I of 1992.

<sup>b</sup> 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 1<sup>st</sup> 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.

---

**NOTE**

*The Building (Guernsey) Law, 1956 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 1, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.*

---

**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 1<sup>st</sup> July 1992.

SCHEDULE 1 Section 1  
FUNCTIONS TRANSFERRED TO THE ISLAND DEVELOPMENT  
COMMITTEE

1. ...
2. Section 10 of the Sewerage (Guernsey) Law, 1974<sup>d</sup>.
3. The Clearance of Ruins (Guernsey) Law, 1957<sup>e</sup>.
4. Section 24 of the Fire Services (Guernsey) Law, 1989<sup>f</sup>.
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 25<sup>th</sup> April 1931<sup>g</sup>.
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 3<sup>rd</sup> December 1938<sup>h</sup>.
7. The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29<sup>th</sup> February 1936<sup>i</sup>.

---

**NOTES**

---

<sup>d</sup> Ordres en Conseil Vol. XXIV, p. 372; Recueil d'Ordonnances Tome XX, p. 364.

<sup>e</sup> Ordres en Conseil Vol. XVII, p. 167; Recueil d'Ordonnances Tome XVIII, p. 20.

<sup>f</sup> Order in Council No. XIX of 1989.

<sup>g</sup> 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 8<sup>th</sup> February 1936 (Tome VIII, p.140).

<sup>h</sup> Recueil d'Ordonnances Tome VIII, p. 147.

<sup>i</sup> Recueil d'Ordonnances Tome VIII, p. 312; Tome XXII, p. 173.

*Consolidated text*

*In Schedule 1, paragraph 1 was repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part II, paragraph 1(a), with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.*

*The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February, 1936 has since been repealed by the Fire Services (Guernsey) (Amendment) Law, 2014, section 14(a), with effect from 1st March, 2015, subject to the saving and exclusion in section 15 to the 2014 Law.*

---

SCHEDULE 2  
CONSEQUENTIAL AMENDMENTS

Section 2

(1) Enactment	(2) Amendment
<p>[...]</p> <p>The Clearance of Ruins (Guernsey) Law, 1957</p> <p>section 1(1)</p> <p>sections 2, 3, 4, 5, 6, 7, 8 and 9</p> <p>The Schedule</p> <p>The Sewerage (Guernsey) Law, 1974</p> <p>sections 10 and 24</p>	<p>[...]</p> <p>Delete the definition of "the Authority",</p> <p>insert after the definition of "building" the following –</p> <p>    "<b>the Committee</b>" means the Island Development Committee."</p> <p>For "the Authority", wherever appearing, substitute "the Committee".</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> <p>For "the Authority", wherever</p>

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

---

**NOTES**

*In Schedule 2, the words omitted in square brackets were repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93,*

---

<sup>j</sup> Which was substituted by the Building (Amendment) Ordinance, 1957 (Tome XI, p.338).

*Consolidated text*

*Schedule 3, Part II, paragraph 1(a), with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.*

*The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February, 1936 has since been repealed by the Fire Services (Guernsey) (Amendment) Law, 2014, section 14(a), with effect from 1st March, 2015, subject to the saving and exclusion in section 15 to the 2014 Law.*

---

SCHEDULE 3  
TRANSITIONAL PROVISIONS

Section 4(2)

1. ...

2. ...

3. ...

4. ...

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.

---

**NOTES**

*In Schedule 3, paragraph 1, paragraph 2, paragraph 3 and paragraph 4 were repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part II, paragraph 1(b), with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.*

*The Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques" of 29th February, 1936 has since been repealed by the Fire Services (Guernsey) (Amendment) Law, 2014, section 14(a), with effect from 1st March, 2015, subject to the saving and exclusion in section 15 to the 2014 Law.*

---