

Island of  Guernsey

**Ordinance of the States**

**IV  
2003**

---

Made ..... 26th March, 2003  
Coming into operation ..... 31st March, 2003

---

**The Control of Borrowing  
(Bailiwick of Guernsey)  
(Amendment) Ordinance, 2003**

## **The Control of Borrowing (Bailiwick of Guernsey) (Amendment) Ordinance, 2003**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> October, 2002<sup>a</sup>, and in exercise of the powers conferred upon them by section 1 of the Borrowing (Control) (Bailiwick of Guernsey) Law, 1946<sup>b</sup>, hereby order:-

### **Amendment of Ordinance of 1959**

**1.** (1) After section 12(2) of the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959, as amended<sup>c</sup>, insert the following subsections -

“(3) The Committee may, subject to the provisions of subsection (4), issue and publish guidance concerning the policies to be followed -

- (a) in relation to the granting and refusal of consents under this Ordinance and the imposing of conditions and limitations in respect of such consents; and
- (b) otherwise in relation to the administration of this Ordinance;

---

<sup>a</sup> Article IX of Billet d'État No. XXII of 2002.

<sup>b</sup> Ordres en Conseil Vol. XIII, p.43; amended by No. XII of 1995 and by Recueil d'Ordonnances Tome XVIII, p.20.

<sup>c</sup> Recueil d'Ordonnances Tome XII, p.105; amended by Tome XV, p.197; Tome XVI, p.473; Tome XX, p.412; and Tome XXV, p.80. Also amended by Order in Council No. XII of 1995.

Ordinance No. IV of 2003

and it shall be the duty of the Committee to take any such guidance into account when carrying out its functions under this Ordinance.

(4) Where the Committee has delegated any function under this Ordinance to another person, the power conferred by subsection (3) to issue and publish guidance concerning the policies to be followed in relation to the exercise of that function shall be exercisable not by the Committee but by that other person; and it shall be the duty of that other person to take any such guidance into account when carrying out that function.

(5) Guidance issued and published under this section –

(a) may make different provision for different cases or classes of case;

(b) may contain consequential, incidental, supplementary and transitional provisions; and

(c) may be amended or replaced by subsequent guidance issued and published under this section.

(6) In this section and in section 12A the expression a “person” includes a body.”.

(2) After section 12 of the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959, as amended, insert the following section -

Ordinance No. IV of 2003

**“Fees.**

**12A** (1) The Committee may, subject to the provisions of subsection (2), and after consultation with the Policy and Finance Committee of the States of Alderney and the General Purposes and Finance Committee of the Chief Pleas of Sark, by regulation prescribe fees payable to the Committee in respect of the exercise of its functions under this Ordinance.

(2) Where the Committee has delegated any function under this Ordinance to another person, that person (and not the Committee) may by regulation, after consultation with the Committee, the Policy and Finance Committee of the States of Alderney and the General Purposes and Finance Committee of the Chief Pleas of Sark, prescribe the fees payable to him in respect of the exercise of that function.

(3) Regulations under this section –

- (a) may prescribe different fees in respect of different cases or classes of case;
- (b) may contain consequential, incidental, supplementary and transitional provisions; and
- (c) may be amended or repealed by subsequent regulations under this section.”.

**Citation.**

**2.** This Ordinance may be cited as the Control of Borrowing (Bailiwick

Ordinance No. IV of 2003

of Guernsey) (Amendment) Ordinance, 2003.

**Commencement.**

3. This Ordinance shall come into force on the 31<sup>st</sup> March, 2003.