

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Glasshouse Control (Amendment) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 22nd day of December, 1956.)



1956.

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of December, 1956, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 29th day of November, 1956, ratifying a *Projet de Loi* entitled "The Glasshouse Control (Amendment) Law, 1956",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 29th day of November, 1956.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY BIRCH

MR. BROOKE

MR. WATKINSON

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 12th day of November, 1956, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :

‘ 1. That, in pursuance of their Resolutions of the 18th day of April, 1956, and of the 25th day of April, 1956, the States of Deliberation at a meeting held on the 19th day of September, 1956, approved a Bill or “*Projet de Loi*” entitled “*The Glasshouse Control (Amendment) Law, 1956*” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. 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 might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de*

Loi” of the States of Guernsey entitled “The Glasshouse Control (Amendment) Law, 1956” and to order that the same shall have the force of Law in the Islands of Guernsey and Herm.’

“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.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her 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 Islands of Guernsey and Herm.

AND HER 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her 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.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Glasshouse Control (Amendment) Law, 1956.

THE STATES, in pursuance of their Resolutions of the eighteenth day of April, nineteen hundred and fifty-six, and the twenty-fifth day of April, nineteen hundred and fifty-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and Herm.

1. In this Law the expression "the principal Law" means the Glasshouse Control Law, 1936, as amended by the Glasshouse Control (Amendment) Law, 1952.

2. Section one of the principal Law and the heading to that section are hereby repealed and the following section one and heading thereto are hereby substituted therefor:—

"INTERPRETATION

1. In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"glasshouse" includes any structure which would be a glasshouse were it not for the fact that in the construction thereof translucent material

other than glass is used instead of glass, but does not include any conservatory the area of which does not exceed one thousand square feet and which is adjacent to and is intended for use and is used otherwise than for profit in connection with a dwelling-house;

“glazed” includes the fixing of any translucent material;

“this Island” means the Island of Guernsey and the Island of Herm.”

3. Section three of the principal Law is hereby repealed and the following section three is hereby substituted therefor:—

“3. (1) Subject to the provisions of this Law, the States may, from time to time, by Ordinance made under this subsection, prohibit the erection of glasshouses in this Island.

(2) During such time as an Ordinance under subsection (1) of this section is not in force a person shall not, in any period of twelve consecutive calendar months ending on the thirtieth day of April in any year, erect in this Island a glasshouse or glasshouses of an area exceeding the maximum area which shall from time to time and may at any time be prescribed in that behalf by the States by Ordinance:

PROVIDED that the completion during any such period of twelve months of the erection of glasshouses, as respects which a permit was issued and work was commenced during the next previous such period of twelve months and as respects 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 any maximum area for the time being prescribed as aforesaid.

(3) An Ordinance under the last foregoing subsection may prescribe a maximum area to apply generally or in relation to any class or description of person and may prescribe different maximum areas in relation to different classes or descriptions of person.

(4) An Ordinance under subsection (2) of this section which prescribes a maximum area in relation to any class or description of person but not generally may, in addition, prohibit the erection of glasshouses in this Island by any class or description of person in relation to whom a maximum area is not prescribed by that Ordinance.

(5) For the purposes of subsections (2) and (3) of this section, a person together with any other person being a body corporate in which the first mentioned person has a preponderating financial interest shall together be deemed to constitute one person.

(6) Subject to the provisions of this Law, a person—

(a) who, during the continuance in force of an Ordinance under subsection (1) of this section; or

(b) who, during the continuance in force of an Ordinance under subsection (2) of this section, and who, not being a person of a class or description of person in relation to whom a maximum area is prescribed by that Ordinance;

erects any glasshouse in this Island, shall contravene the provisions of this section.

(7) On the commencement of an Ordinance made under subsection (1) of this section any Ordinance then in force under subsection (2) of this section shall cease to have effect.”

4. Subsection (1) of section five of the principal Law is hereby repealed and the following subsection (1) is hereby substituted therefor:—

“5. (1) Notwithstanding the provisions of any Ordinance for the time being in force under subsection (1) or subsection (2) of section three of this Law, 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 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.”

5. In subsection (1) of section eleven of the principal Law there is hereby inserted before the word “prescribed” the word “relevant”.

6. The Schedule to the principal Law is hereby repealed.

7. This Law and the Glasshouse Control Laws, 1936 and 1952, may be cited together as the Glasshouse Control Laws, 1936 to 1956.

JAMES E. LE PAGE,

Her Majesty's Greffier.