

# ORDER IN COUNCIL

V

ratifying a Projet de Loi

1960

ENTITLED

## **The Glasshouse Control (Amendment) Law, 1960**

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(Registered on the Records of the Island of Guernsey  
on the 3rd day of October, 1960.)

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1960.

# ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of October, 1960, before William Henry Arnold, Esquire, C.B.E., Bailiff; present:—Sir John Leale, William Robert Freake Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, and Gilbert Carey de Jersey, Esquire, C.B., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of September, 1960, ratifying a *Projet de Loi* entitled "The Glasshouse Control (Amendment) Law, 1960",—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 Balmoral

The 12th day of September, 1960.

PRESENT,

**The Queen's Most Excellent Majesty.**

EARL OF PERTH

EARL OF DUNDEE

MR. SECRETARY MACLAY

SIR MICHAEL ADEANE

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 24th day of August, 1960, 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 Resolution of the 16th day of September, 1959, the States of Deliberation at a meeting held on the 9th day of March, 1960, approved a Bill or “Projet de Loi” entitled “The Glasshouse Control (Amendment) Law, 1960” 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, 1960 ” 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, 1960**

THE STATES, in pursuance of their Resolution of the sixteenth day of September, nineteen hundred and fifty-nine, 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.

Interpreta-  
tion.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the basic area” means an area of thirteen thousand five hundred square feet;

“owned” means beneficially owned and the expressions “owns” and “owner” shall be construed accordingly;

“a person suffering undue hardship” has the meaning assigned to it by section two of this Law;

“the principal Law” means the Glasshouse Control Law, 1936, as amended by the Glasshouse Control (Amendment) Law, 1952, and the Glasshouse Control (Amendment) Law, 1956;

“the Register” has the meaning assigned to it by section five of this Law.

(2) For the purposes of this Law a husband and wife shall be deemed to be one person unless they are judicially separated or the wife is permanently living apart from her husband.

2. (1) In and for the purposes of this Law, a person suffering undue hardship is a person who was on the twenty-third day of January, nineteen hundred and fifty-seven, and since that day has been continuously both the owner and occupier of a glasshouse or glasshouses of an area not exceeding the basic area and—

Person suffering undue hardship.

- (a) the whole of which was erected or acquired or both erected and acquired during the period commencing on the seventeenth day of May, nineteen hundred and fifty, and ending on the twenty-second day of January, nineteen hundred and fifty-seven, both days inclusive; and of which an area of not less than three thousand square feet is comprised in one holding; or
- (b) such person was not at any time before the seventeenth day of May, nineteen hundred and fifty, the owner of a glasshouse and during the period commencing on that day and ending on the twenty-second day of January, nineteen hundred and fifty-seven, both days inclusive, erected or acquired or both erected and acquired, in one holding, a glasshouse or glasshouses of an area not less than three thousand square feet; and since the said twenty-second day of January has erected or acquired or both erected and acquired a glasshouse or glasshouses.

(2) In subsection (1) of this section the expression "person" where that expression first occurs does not include—

- (a) a person who on the twenty-third day of January, nineteen hundred and fifty-seven, was a minor unless—

- (i) since that day he himself has been actually working for his own benefit the glasshouse or glasshouses of which he was the owner and occupier on that day; and
  - (ii) if he is a person suffering undue hardship within the meaning of the provisions of that subsection excluding those of paragraph (a) thereof, he himself has been actually working for his own benefit the glasshouse or glasshouses erected or acquired or both erected and acquired by him since the twenty-second day of January, nineteen hundred and fifty-seven;
- (b) a body of persons corporate or unincorporate;
  - (c) a person who has a financial interest whether by way of share, debenture or loan in a body of persons corporate or unincorporate which owns a glasshouse or glasshouses;
  - (d) a person who, on or after the seventeenth day of May, nineteen hundred and fifty, has sold, let, transferred or otherwise disposed of any glasshouse;
  - (e) a person who employs labour, other than casual labour, to work in any glasshouse owned and occupied by him or who, having an occupation other than, or in addition to, that of working any such glasshouse, employs labour, other than casual labour, to work any such glasshouse or for the purposes of such occupation.

3. (1) Subject to the provisions of this section, the Committee shall, upon application being made to it in that behalf at any time during the three years next following the commencement of this Law by a person suffering undue hardship, grant to that person a permit authorising him to erect a glasshouse or glasshouses of an area not greater than that of the difference between the area of the glasshouse or glasshouses owned and occupied by him and the basic area.

Erection by persons suffering undue hardship.

(2) Notwithstanding anything contained in subsection (1) of this section, the Committee may, in relation to any particular person suffering undue hardship and for any reason which may seem to it good or sufficient, in its absolute discretion—

- (a) refuse to grant to that person a permit under that subsection; or
- (b) grant to that person such a permit subject to such conditions as the Committee may deem proper.

(3) The Committee may from time to time vary or revoke any conditions attached to the grant of a permit under paragraph (b) of subsection (2) of this section.

(4) A permit granted under the foregoing provisions of this section shall only authorise the erection of a glasshouse or glasshouses—

- (a) on land which was on the twenty-third day of January, nineteen hundred and fifty-seven, and since that day has been continuously owned by the grantee of that permit; and
- (b) where the glasshouse or glasshouses owned by the person in whose favour the permit is

granted is or are comprised in one holding, on such part of that holding as shall be specified on the permit; or

- (c) where the glasshouses owned by such person are comprised in two or more holdings, on such holding, and on such part of such holding, as shall be specified in the permit.

(5) An appeal shall not lie from the refusal of the Committee to grant a permit under the foregoing provisions of this section or against any condition attached to the grant of a permit under those provisions.

Restriction  
on sale etc.  
of certain  
glasshouses.

4. (1) A person who is for the time being the owner of a glasshouse erected under the authority of a permit granted under the provisions of section three of this Law shall not sell, let, transfer or otherwise dispose of that glasshouse during the five years next following the day on which such permit was granted except under the authority of a licence in that behalf granted by the Committee in such special circumstances as may be approved by the Committee.

(2) The sale, letting, transfer or other disposal of a glasshouse to which subsection (1) of this section applies not authorised by licence of the Committee granted under the provisions of that subsection shall be void and illegal.

(3) A person who purports to sell, let, transfer or otherwise dispose of a glasshouse to which subsection (1) of this section applies and which by virtue of the provisions of the said subsection may not be sold, let, transferred or otherwise disposed of shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred pounds.

(4) A person who purports to buy, rent, take a transfer of or otherwise acquire a glasshouse to which subsection (1) of this section applies and which may not by virtue of the provisions of that subsection be sold, let, transferred or otherwise disposed of shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred pounds.

(5) In this section—

- (a) the expression “glasshouse” includes an uncompleted glasshouse; and
- (b) the expression “disposal of” does not include disposition by testament and the expressions “dispose of” and “disposed of” shall be construed accordingly.

5. (1) On the commencement of this Law Her Majesty's Greffier shall establish and shall thereafter maintain a public register to be styled the Glasshouse (Restricted Transactions) Register (hereafter in this Law referred to as “the Register”).

Registration  
of permits  
and licences  
at the  
Greffe.

(2) The President of the Committee shall within the seven days next following the grant of a permit under section three of this Law transmit to Her Majesty's Greffier a copy of that permit which shall be certified by the said President as a true copy thereof.

(3) On receipt of a certified copy of a permit transmitted to him in accordance with the provisions of subsection (2) of this section, Her Majesty's Greffier shall forthwith enter the same in the Register and enter the name of the grantee thereof in an Index to that Register.

(4) The President of the Committee shall within the seven days next following any variation or revocation under subsection (3) of section three of this Law of any conditions attached to the grant of a permit under that section transmit to Her Majesty's Greffier a copy of that permit as amended by such variation or revocation, as the case may be, and certified by the said President as a true copy thereof and on receipt of a certified copy of that permit as amended Her Majesty's Greffier shall forthwith—

- (a) enter the same in the Register and enter the name of the grantee thereof in the Index to the Register; and
- (b) cancel any previous entry in the Register relating to that permit and any relevant entry in the Index to the Register.

(5) The President of the Committee shall within the seven days next following the grant of a licence under section four of this Law transmit to Her Majesty's Greffier a copy of that licence which shall be certified by the said President as a true copy thereof.

(6) On receipt of a certified copy of a licence transmitted to him in accordance with the provisions of the last foregoing subsection, Her Majesty's Greffier shall forthwith enter the same in the Register and enter the name of the grantee thereof in the Index to the Register.

(7) The names entered in the Index to the Register shall be in alphabetical order.

(8) The Register and the Index thereto shall be available for inspection without charge during the hours in which the Greffe is open for public business and extracts thereof may be taken without charge.

(9) A certified copy of a permit transmitted to Her Majesty's Greffier in accordance with the provisions of subsection (2) or of subsection (4) of this section and a certified copy of a licence transmitted to Her Majesty's Greffier in accordance with the provisions of subsection (5) of this section shall, in the absence of proof to the contrary, be evidence of the matters contained therein.

6. Section eleven of the principal Law is hereby amended as follows, that is to say:—

Amendment  
of section  
eleven  
of the  
principal  
Law.

- (a) in subsection (1) thereof, the expression "upon a first conviction to a fine not exceeding £100 and, upon any subsequent conviction to a fine not exceeding £250" is hereby repealed and the expression "upon conviction to a fine not exceeding five hundred pounds" is hereby substituted therefor;
- (b) in subsection (2) thereof, the figures "£10" are hereby repealed and the words "fifty pounds" are hereby substituted therefor;
- (c) subsection (3) thereof is hereby repealed and the following subsection (3) is hereby substituted therefor:—

"(3) Every person who shall knowingly make any false statement or false representation to the Committee in connection with any application or return made under this Law shall be guilty of an offence and on conviction thereof liable to a fine not exceeding five hundred pounds and on any such conviction the Court may order the demolition of any glasshouse in

relation to which the offence was committed within such time and upon such penalty as the Court shall determine.”.

Construction and citation.

7. (1) This Law shall be construed as one with the principal Law.

(2) This Law may be cited as the Glasshouse Control (Amendment) Law, 1960, and this Law and the Glasshouse Control Laws, 1936 to 1956, may be cited together as the Glasshouse Control Laws, 1936 to 1960.

R. H. VIDELO,

Her Majesty's Greffier.