

ORDER IN COUNCIL

X

ratifying a Projet de Loi

1961

ENTITLED

The Glasshouse Control (Amendment) Law, 1961

(Registered on the Records of the Island of Guernsey
on the 17th day of October, 1961.)



1961.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of October, 1961, before William Henry Arnold, Esquire, C.B.E., Bailiff; present:— Sir John Leale, William Robert Freaque Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavay, Esquires, Gilbert Carey de Jersey, Esquire, C.B., and Albert Victor Dorey, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of September, 1961, ratifying a *Projet de Loi* entitled "The Glasshouse Control (Amendment) Law, 1961",—the Court, after the reading of the said Order in Council and after having heard Her Majesty 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 25th day of September, 1961.

PRESENT,

The Queen's Most Excellent Majesty.

ARCHBISHOP OF YORK
 LORD PRESIDENT
 MR. SECRETARY SANDYS
 MR. SECRETARY MACLEOD
 MR. VOSPER

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 7th day of September, 1961, 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 22nd day of April, 1959, the States of Deliberation at a meeting held on the 5th day of July, 1961, approved a Bill or “Projet de Loi” entitled “The Glasshouse Control (Amendment) Law, 1961” 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,

1961" 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, 1961**

THE STATES, in pursuance of their Resolution of the twenty-second day of April, 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.

1. The Glasshouse Control Law, 1936, as amended (hereinafter referred to as "the principal Law") shall be further amended as follows:—

Amendment
of principal
Law.

(a) section five thereof shall be repealed and the following section substituted therefor—

"5. (1) Notwithstanding the provisions of any Ordinance for the time being in force under the provisions of subsection (1) or subsection (2) of section three of this Law, nothing in this Law contained shall operate to prohibit the erection of glasshouses by any person who has received a permit in that behalf from the Committee in pursuance of the provisions of the next succeeding subsection.

(2) The Committee may, on application being made to it in writing in that behalf (hereinafter referred to as "a replacement application") grant permission in writing (hereinafter referred to as "a replacement permit") for the applicant to erect glasshouses if it is satisfied

that an area of glasshouses belonging to the applicant, being an area equal to or greater than the area of the glasshouses for the erection whereof permission is being sought by the applicant—

- (a) was demolished prior to the date upon which the replacement application was made and that the erection of the glasshouses to replace the same will be completed within such period as shall be specified by the Committee in the replacement permit; or
- (b) will be demolished to the satisfaction of the Committee during such period next preceding the completion of the erection of the glasshouses to replace the same as shall be specified by the Committee in the replacement permit; or
- (c) will be demolished to the satisfaction of the Committee during such period after the completion of the erection of the glasshouses to replace the same as shall be specified by the Committee in the replacement permit;

and that no replacement permit to erect glasshouses in replacement of those which have been or will be demolished has previously been granted by the Committee.

(3) The period specified in a replacement permit may from time to time be extended by the Committee on application being made to it in that behalf save that in the case of a replacement permit issued in pursuance of paragraph (a) or paragraph (b) of the last preceding subsection the period between the

demolition of the glasshouses to be replaced and the completion of the erection of the replacement glasshouses shall in no circumstances exceed five years and in the case of a replacement permit issued in pursuance of paragraph (c) of that subsection the period between completion of the replacement glasshouses and the demolition of the glasshouses to be replaced shall in no circumstances exceed one year.

(4) A replacement permit issued in pursuance of the provisions of paragraphs (a) or (b) of subsection (2) of this section shall cease to be valid—

- (a) on the completion of the erection of the glasshouses to which it relates;
- (b) on the expiration of the period specified therein or of any extension thereof in pursuance of the provisions of subsection (3) of this section; or
- (c) on the expiration of the five years next following the demolition of the glasshouses to be replaced;

whichever first occurs.

(5) In a replacement permit the Committee may require that after the date of the completion of the glasshouses to be erected, no crops shall be grown in the glasshouses to be demolished.

(6) In considering any replacement application the Committee shall not take into account any permit granted by it in relation to any other application not being a replacement application made by the same applicant.”;

(b) section eight thereof shall be re-numbered as section "8 (1)" and the following additional subsection numbered "(2)" shall be inserted immediately thereafter—

"(2) Every applicant to whom a replacement permit is issued under the provisions of paragraph (b) or paragraph (c) of subsection (2) of section five of this Law, shall within the fifteen days next following the demolition of the glasshouses in respect of the replacement of which the replacement permit has been issued deliver to the Committee in the form prescribed by the Committee a return containing such particulars concerning the area of glasshouses demolished under that permit as the Committee may require."

Validation
of constitution
of
Committee.

2. Any reference in the principal Law to "the Committee" shall be deemed to be and from the twenty-third day of April, nineteen hundred and forty-seven, always to have been a reference to the States Committee for Horticulture as constituted from time to time by Resolution of the States.

Repeals.

3. Section three of the States Committees (Amendment) Law, 1948, and section four of the Glasshouse Control (Amendment) Law, 1956, shall be repealed.

Citation and
collective
title.

4. This Law may be cited as the Glasshouse Control (Amendment) Law, 1961, and this Law and the Glasshouse Control Laws, 1936 to 1960, may be cited together as the Glasshouse Control Laws, 1936 to 1961.

R. H. VIDELO,

Her Majesty's Greffier.