

Island of  Guernsey

Ordinance of the States **XX**
1968

Made 29th May, 1968.
Came into Operation 29th May, 1968.

The Glasshouse Control Ordinance, 1968

THE STATES, in pursuance of their Resolution of the thirty-first day of January, nineteen hundred and sixty-eight, and in pursuance of the powers conferred upon them by section one and section six of the Glasshouse Control (Guernsey) Law, 1965(a), and of all other powers enabling them in that behalf, hereby order:—

1. A person shall not erect or attempt to erect a glasshouse in this Island unless he holds a permit granted in pursuance of the provisions of section three of this Ordinance for the erection of a glasshouse (hereinafter referred to as "a glasshouse permit"). Restriction on erection of glass-houses.
2. (1) Any person desirous of obtaining a glasshouse permit shall make application in that behalf to the Committee and every such application:— Application for glass-house permit.

(a) Ordres en Conseil Vol. XX, p. 84.

- (a) shall be in such form and accompanied by such information, including site plans, as the Committee may, from time to time, require; and
 - (b) shall, subject to the provisions of the next succeeding subsection, be made before the thirty-first day of December of the year next preceding the year in which the applicant proposes to erect the glasshouse to which the application relates.
- (2) The Committee may accept an application for a glasshouse permit:—
- (a) to erect a glasshouse in the year nineteen hundred and sixty-eight, at any time after the date of the coming into force of this Ordinance if the applicant satisfies the Committee that the erection of the glasshouse to which the application relates will be completed before the expiration of that year;
 - (b) to erect a glasshouse in any year thereafter, at any time after the thirty-first day of December of the year next preceding the year in which the applicant proposes to erect the glasshouse to which the application relates if the applicant satisfies the Committee—
 - (i) that the delay in submitting the application was due to circumstances beyond his control,
 - (ii) that a delay in considering whether or not to grant the glasshouse permit applied for would not be in his best interest,

(iii) that the erection of the glasshouse will be completed before the expiration of the year in which the application is made.

(3) Upon receipt of an application under the provisions of either of the last two preceding subsections, or at any time thereafter, the Committee may require an applicant to supply such further information, including further site plans, as the Committee may consider desirable.

3. (1) Upon receipt of an application under the provisions of the last preceding section the Committee may either:— Grant or refusal of glasshouse permit.

- (a) grant the glasshouse permit applied for;
- (b) refuse to grant such glasshouse permit; or
- (c) grant such glasshouse permit subject to such conditions as the Committee may think it necessary or expedient to impose.

(2) The Committee may, from time to time, revoke or vary any condition attached to any glasshouse permit granted in pursuance of the provisions of the last preceding subsection.

4. In exercising its powers under the provisions of the last preceding section the Committee shall take into account the effect of the proposed siting of the glasshouse to which the application relates on the remainder of the holding, of which the proposed site of the said glasshouse forms part, available for the erection of additional glasshouses. Factors to be taken into account by the Committee.

5. (1) A glasshouse permit granted under the provisions of section three of this Ordinance:— Validity and renewal of glasshouse permits.

- (a) for the erection of a glasshouse in the year nineteen hundred and sixty-eight, shall be

valid during the period commencing on the date of such grant and ending on the thirty-first day of December in that year both dates inclusive;

(b) for the erection of a glasshouse in any year thereafter—

(i) if granted on or before the thirty-first day of December in the year next preceding the year in which it is proposed to erect the glasshouse, shall be valid during the period commencing on the first day of January of the year next following the date of such grant and ending on the thirty-first day of December of that year, both dates inclusive,

(ii) if granted at any time after the thirty-first day of December of the year next preceding the year in which it is proposed to erect the glasshouse, shall be valid during the period commencing on the date of such grant and ending on the thirty-first day of December of that year, both dates inclusive.

(2) A glasshouse permit granted under the provisions of section three of this Ordinance may be renewed for any year by the Committee on an application being made to it in that behalf on or before the thirty-first day of December of the year next preceding if the holder of the permit satisfies the Committee that the erection of the glasshouse to which the permit relates has been commenced but has not been completed due to circumstances beyond his control.

Returns.

6. Every person to whom a glasshouse permit has been granted under the provisions of section three of this Ordinance shall, within the fifteen days next

following the completion of the erection of the glasshouse to which the permit relates, and at any other time at the request in writing of the Committee, deliver to the Committee in such form as the Committee may, from time to time, determine a return containing such particulars concerning the erection of the glasshouse to which that glasshouse permit relates as the Committee may require.

7. (1) Any person authorised in writing by or on behalf of the Committee may, at any reasonable time, enter upon any land for the purposes of ascertaining whether there is or has been any contravention of, or failure to comply with, any provisions of this Ordinance, or any condition attached to a glasshouse permit granted to any person by the Committee in pursuance of the provisions of section three of this Ordinance. Inspection of land.

(2) Any person authorised in pursuance of the provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before so entering and shall not demand admission as of right to any land unless twenty-four hours' notice of the intended entry has been given to the occupier.

8. (1) For the purposes of this Ordinance, the erection of a glasshouse shall not be deemed to have been commenced until the wall plates have been fixed in position and the erection of a glasshouse shall not be deemed to have been completed until the glasshouse has been completely glazed. Commencement and completion of glasshouses.

(2) In this section the expression "glazed" includes the fixing of any translucent material.

9. Nothing in section one of this Ordinance shall apply to the States or to any servant or agent of the Exemption.

States when acting for and on behalf of the States within the course of his employment or agency.

Penalties.

10. (1) Any person who contravenes the provisions of section one of this Ordinance or fails to comply with any condition attached to a glasshouse permit granted in pursuance of the provisions of section three of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

(2) Any person who fails to comply with the provisions of section six of this Ordinance or who wilfully obstructs any person exercising any power or performing any duty conferred or imposed on him under any of the provisions of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

False statements.

11. Any person who for the purpose of obtaining a glasshouse permit in pursuance of the provisions of section three of this Ordinance or in supplying any information or making any return which he is required to supply or make in pursuance of the provisions of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or produces or furnishes, or causes or allows to be produced or furnished, any document or information which he knows to be false in a material particular, shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

Power to demolish or re-site.

12. (1) Where any person has been convicted in respect of—

- (a) a contravention of section one or section eleven of this Ordinance; or

- (b) a failure to comply with any condition attached to a glasshouse permit granted in pursuance of the provisions of section three of this Ordinance;

the Committee may apply to the Royal Court sitting as an Ordinary Court (hereinafter referred to as "the Ordinary Court") for an order requiring the person convicted to demolish or to re-site the glasshouse to which the conviction relates, as the Ordinary Court may require.

(2) If a person in respect of whom an order has been made in pursuance of the provisions of the last preceding subsection fails to comply with the order within such period as the Ordinary Court may direct or within such longer period as the Ordinary Court may, on his application, allow, the Committee may apply to the Ordinary Court for permission to enter the premises concerned and there do such works as may be necessary to give effect to such order and the Ordinary Court after hearing evidence as to the estimated cost of such works may make such order as it deems just and, upon application in that behalf made by the Committee after the completion of such works, may order that any expenses reasonably incurred by the Committee in carrying out such works shall be recoverable by the Committee as a civil debt.

(3) The Ordinary Court shall not make any order under this section unless the person against whom such order is sought has been served by the Committee with notice of its intention to apply for such order and unless such person has had a reasonable opportunity of being heard thereon.

13. Where a person convicted of an offence under this Ordinance is a body corporate, every person who, Offences by
bodies
corporate.

at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Interpretation.

14. In this Ordinance the expression "glasshouse" includes part of a glasshouse.

Repeals.

15. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Citation.

16. This Ordinance may be cited as the Glasshouse Control Ordinance, 1968.

SCHEDULE Section fifteen

Ordinances repealed

The Glasshouse (Prescribed Maximum Area) Ordinance, 1956(b).

The Glasshouse Control (Prohibition and Prescribed Maximum Area) Ordinance, 1961(c).

The Glasshouse (Prescribed Maximum Area) Ordinance, 1967(d).

(b) Recueil d'Ordonnances Tome XI, p. 199.

(c) Recueil d'Ordonnances Tome XIII, p. 48.

(d) No. XXVII of 1967.

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