

Island of



Guernsey

Ordinance of the States **XL**

1975

Made 18th December, 1975.
Coming into Operation ... 1st January, 1976.

**The Housing (Control of Occupation)
(Implementation) Ordinance, 1975**

THE STATES, in pursuance of their Resolution of the first day of March, nineteen hundred and seventy-three, and in exercise of the powers conferred upon them by paragraph (q) of subsection (1) and subsection (2) of section six, section ten, section fifteen and section twenty-six of the Housing (Control of Occupation) (Guernsey) Law, 1975(a), and of all other powers enabling them in that behalf, hereby order:—

PART I

Provisions supplementary to the Housing (Control of Occupation) (Guernsey) Law, 1975

1. The period of occupation of a self-catering unit by a person in any period of twelve consecutive months which may not be exceeded for the purposes of paragraph (q) of subsection (1) of section six of the Law shall be a period or periods in the aggregate of ninety days.

Occupation of self-catering units.

(a) No. XII of 1975.

Suspension
of certain
provisions of
Law.

2. The provisions of paragraphs (b), (c), (d), (e), (f), (g), (j), (k) and (l) of subsection (1) of section six of the Law are hereby suspended.

Additional
classes of
dwellings to
which Part
II of Law
applies.

3. The following classes of dwellings, namely:—

- (a) a dwelling which, but for the provisions of this section, would not be a dwelling to which Part II of the Law applies by reason only of the fact that on the twenty-sixth day of January, nineteen hundred and sixty-six, was not occupied by a person who did not require a licence to occupy that dwelling under the provisions of the Law of 1948(b);
- (b) a dwelling in respect of the construction or purchase of which the owner satisfies the Authority that he had entered into a contract prior to the twenty-sixth day of January, nineteen hundred and sixty-six, and which, but for the provisions of this section, would not be a dwelling to which Part II of the Law applies;
- (c) a dwelling:—
 - (i) which, but for the provisions of this section, would not be a dwelling to which Part II of the Law applies;
 - (ii) which was not a dwelling to which Part II of the Law of 1969(c) applied; and
 - (iii) which was purchased prior to the date of the coming into force of the Law by the owner for the time being who satisfies the Authority that at the time of the purchase of the dwelling he had

(b) Ordres en Conseil Vol. XIII, p. 262.

(c) Ordres en Conseil Vol. XXII, p. 260.

reasonable cause to believe that it was a dwelling to which the provisions of Part II of the Law of 1969 applied; shall be classes of dwellings to which Part II of the Law applies.

PART II

The Housing Control Register

4. (1) The Housing Control Register (hereinafter referred to as "the Register") shall consist of a book which may be a loose-leaf book and of which each page shall be in the form and shall contain the particulars set out in the First Schedule to this Ordinance. Form of Register.

(2) There shall be a separate page in the Register for each dwelling inscribed therein.

5. (1) The owner of a dwelling to which Part II of the Law applies who is desirous of having that dwelling inscribed in the Register shall make application to the Authority in that behalf in the form set out in the Second Schedule to this Ordinance and shall furnish all relevant particulars specified therein. Application for inscription in Register.

(2) Upon receipt of an application under and in accordance with the provisions of the last preceding subsection the Authority may make such inquiries relating to the application as it may consider necessary or desirable and may, by notice in writing signed by the President or Vice-President of the Authority and served on the applicant in accordance with the provisions of section twenty-three of the Law, require the applicant to supply to the Authority such further information, in addition to any information supplied in accordance with the provisions of the last preceding subsection, as the Authority may consider necessary or desirable.

Inscription
in the
Register.

6. When the Authority is satisfied that a dwelling, in respect of which an application has been made under and in accordance with the provisions of subsection (1) of the last preceding section, is a dwelling to which Part II of the Law applies the Authority shall inscribe that dwelling in the Register by entering therein the particulars relating to the dwelling and the ownership thereof set out in the First Schedule to this Ordinance.

Further
information.

7. The owner of a dwelling which is inscribed in the Register shall, prior to the expiration of the period of twenty-eight days next following the date of the service, in accordance with the provisions of section twenty-three of the Law, of a notice in writing in that behalf signed by the President or Vice-President of the Authority, supply the Authority with such information relating to the dwelling or his ownership thereof or to both such dwelling and such ownership as shall be specified in the notice.

Notification
by
subsequent
owners.

8. (1) Any person who purchases or otherwise acquires the ownership of a dwelling which is inscribed in the Register shall, prior to the expiration of the period of twenty-eight days next following the date of such purchase or acquisition, inform the Authority in writing of the fact and the date of such purchase or such acquisition, as the case may be.

(2) Any person who fails to comply with the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Application
for deletion
from
Register.

9. (1) The owner, being a person who possesses the specified residential qualifications, of a dwelling which is for the time being inscribed in the Register

who is desirous of having the inscription relating to that dwelling deleted from the Register shall make application to the Authority in that behalf in the form set out in the Third Schedule to this Ordinance and shall furnish all relevant particulars specified therein.

(2) Upon receipt of an application made under and in accordance with the provisions of the last preceding subsection the Authority may make such inquiries relating to the application as it may consider necessary or desirable and may, by notice in writing signed by the President or Vice-President of the Authority and served on the applicant in accordance with the provisions of section twenty-three of the Law, require the applicant to supply to the Authority such further information, in addition to any information supplied in accordance with the provisions of the last preceding subsection, as the Authority may consider necessary or desirable.

10. When the Authority is satisfied:—

Deletion
from
Register.

- (a) that a person who makes an application under and in accordance with the provisions of subsection (1) of the last preceding section is the owner of the dwelling to which the application relates;
- (b) that that person possesses the specified residential qualifications; and
- (c) that that dwelling is for the time being inscribed in the Register;

the Authority shall delete the inscription relating to that dwelling from the Register.

11. The Register shall be available for inspection by the public at the office of the Authority on any

Availability
of Register.

weekday, other than a Saturday or a bank holiday, during such hours as the Authority may, from time to time, determine.

Amend-
ments to
Register.

12. The Authority may, from time to time, amend the Register by correcting any particular entered therein and shall amend the Register if the owner of a dwelling which is inscribed in the Register satisfies the Authority that any particular relating to the dwelling has been omitted or that there is an error in any such particular entered in the Register.

PART III

General

Interpre-
tation.

13. In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Authority” means the States Housing Authority;

“bank holiday” has the meaning assigned to it by section one of the Bills of Exchange (Guernsey) Law, 1958(d);

“the Law” means the Housing (Control of Occupation) (Guernsey) Law, 1975;

“specified residential qualifications” has the meaning assigned to it by the Law;

and other expressions have the same meaning as they have in the Law.

Repeals.

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

(d) Ordres en Conseil Vol. XVII, p. 384.

15. This Ordinance may be cited as the Housing Citation.
(Control of Occupation) (Implementation) Ordinance, 1975.

16. This Ordinance shall come into force on the Commence-
first day of January, nineteen hundred and seventy-
ment.
six.

FIRST SCHEDULE
The Housing Control Register

Section four

Name and/or number of dwelling	
Situation of dwelling	
.....	
.....	
Description of dwelling	
Rateable value inscribed in the Cadastre on 31st December, 1962	
If no rateable value inscribed in the Cadastre on 31st December, 1962, rateable value when first so inscribed	
Name of owner when first inscribed in Housing Control Register	
Address of such owner	
.....	
.....	
Subsequent owners	
Name	Address
OTHER INFORMATION OR REMARKS	
FILE REF:	

SECOND SCHEDULE Section five
**THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY)
 LAW, 1975.**

*Application for inscription of a dwelling in the
 Housing Control Register*

1. Name of applicant
2. Address of applicant
3. Situation, name and/or number of dwelling to which applica-
 tion relates if different from above
4. Previous name of dwelling if changed by you
5. Name of owner(s) of the dwelling
-
6. Date of acquisition of dwelling/site
7. Description of dwelling, i.e. private residence, guest house,
 etc.
-
8. Cadastre No. **Rateable Value at**
 31st December, 1962
9. If the rateable value was not inscribed in the Cadastre on
 31st December, 1962, please state—
 (a) rateable value when first inscribed
- (b) date of first inscription
10. If no rateable value is inscribed in the Cadastre at the date
 of this application, the rateable value if it were so inscribed

11. Had you entered into a contract to purchase or construct the
 dwelling—
 (i) before 26th January, 1966
- (ii) before 19th July, 1968
12. Full name of owner occupier(s)
- on 23rd December, 1968.
13. Present address of owner occupier(s) on 23rd December, 1968

-

- 14. Full name of tenant(s) on 23rd December, 1968
- 15. Present address of tenant(s) on 23rd December, 1968
- 16. Do you possess any of the residential qualifications specified in paragraphs 1, 2 or 3 below
- 17. If your answer to Question 16 is yes, enter number of paragraph below which applies to you
- 18. Does the tenant of your dwelling to which this application relates possess any of the residential qualifications specified in paragraphs 1, 2 or 3 below
- 19. If your answer to Question 18 is yes, enter number of paragraph below which applies to him

Residential qualifications

Paragraph 1. A person who was born in this Island and thereafter has been continuously ordinarily resident in this Island otherwise than during any period of absence not exceeding or periods of absence in the aggregate not exceeding a period of five years.

Paragraph 2. A person—
 (i) who, at any time during the period commencing on the first day of January, nineteen hundred and thirty-eight, and ending on the thirtieth day of June, nineteen hundred and fifty-seven, was ordinarily resident in this Island, and
 (ii) who, on the thirty-first day of July, nineteen hundred and sixty-eight, was occupying a dwelling in this Island.

Paragraph 3. A person who, on the thirty-first day of July, nineteen hundred and sixty-eight, was the spouse or child of such a person as is mentioned in Paragraph 2 above and who, prior to the twenty-sixth day of March, nineteen hundred and seventy-five, had been ordinarily resident in this Island for a period or periods in the aggregate of at least five years.

Owners signature(s) Date

FOR OFFICIAL USE ONLY

.....
Checks carried out
.....
.....
.....
.....

N.B. Section twenty-five of the Housing (Control of Occupation) (Guernsey) Law, 1975, provides as follows:—

“Any person:—

(a) who,

..... in connection with an application for the inscription of a dwelling in the Housing Control Register under the provisions of an Ordinance made under this Law, knowingly makes any false statement or recklessly makes any statement which is false in a material particular or produces or furnishes any information which he knows to be false; or

(b) who knowingly fails to produce or furnish any information which he is required to produce or furnish under the provisions of this Law or any Ordinance made thereunder;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.”

THIRD SCHEDULE

Section nine

THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, 1975.

Application for deletion of a dwelling from the Housing Control Register

1. Name of owner(s) of the dwelling
2. Address of owner(s) of the dwelling
3. Situation, name and/or number of dwelling to which application relates if different from above
4. Previous name of dwelling if changed by you
5. Cadastre No.
6. Date of inscription of dwelling in Housing Control Register
7. Do you possess any of the residential qualifications specified in paragraphs 1, 2 or 3 below
8. If your answer to Question 7 is yes, enter number of paragraph below which applies to you

Residential qualifications

Paragraph 1. A person who was born in this Island and thereafter has been continuously ordinarily resident in this Island otherwise than during any period of absence not exceeding or periods of absence in the aggregate not exceeding a period of five years.

Paragraph 2. A person—

- (i) who, at any time during the period commencing on the first day of January, nineteen hundred and thirty-eight, and ending on the thirtieth day of June, nineteen hundred and fifty-seven, was ordinarily resident in this Island, and
- (ii) who, on the thirty-first day of July, nineteen hundred and sixty-eight, was occupying a dwelling in this Island.

Paragraph 3. A person who, on the thirty-first day of July, nineteen hundred and sixty-eight, was the spouse or

child of such a person as is mentioned in Paragraph 2 above and who, prior to the twenty-sixth day of March, nineteen hundred and seventy-five, had been ordinarily resident in this Island for a period or periods in the aggregate of at least five years.

Owners signature(s) Date

N.B. Subsection (2) of section nine of the Housing (Control of Occupation) (Guernsey) Law, 1975, provides as follows:—

“If the inscription of a dwelling in the Housing Control Register is deleted therefrom upon the application of the owner, being a person who possesses the specified residential qualifications, that dwelling shall, on the said owner thereafter selling or otherwise disposing of or ceasing to occupy that dwelling, cease to be a dwelling to which this Part of this Law applies.”.

The Part of the Law referred to above is Part II of the Housing (Control of Occupation) (Guernsey) Law, 1975, which sets out the classes of dwellings which may be inscribed in the Housing Control Register.

FOURTH SCHEDULE Section fourteen

Ordinances repealed

The Housing Control Ordinance, 1970(e)

The Housing Control Register Ordinance, 1970(f)

R. H. VIDELO,

Her Majesty's Greffier.

(e) Recueil d'Ordonnances Tome XVI, p. 214.

(f) Recueil d'Ordonnances Tome XVI, p. 214.