

Island of Guernsey

Ordinance of the States **XXVIII** 1982

Made 27th October, 1982.

Coming into Operation ... 1st November, 1982.

The Housing (Control of Occupation) (Implementation) Ordinance, 1982

THE STATES, in pursuance of their Resolution of the twenty-eighth day of October, nineteen hundred and eighty-one, and in exercise of the powers conferred upon them by section eighteen, section thirty-four and section forty-three of the Housing (Control of Occupation) (Guernsey) Law, 1982(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, 1982

1. In any period of twelve consecutive months the period or periods in the aggregate during which a person who is a tourist may, under the provisions of section eighteen of the Law, occupy a self-catering unit to which that section refers without a housing licence shall not exceed ninety days.

Occupation of self-catering units by tourists.

(a) No. VIII of 1982.

PART II

The Housing Register

Form of
Register.

2. (1) The Housing 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 indicate whether it refers to an entry in Part A or Part B of the Register, as the case may be, and subject thereto, shall be in the form and shall contain the particulars set out in the First Schedule to this Ordinance.

(2) The book referred to in the last preceding sub-section shall be divided into two sections one of which shall contain only entries relating to dwellings inscribed in Part A of the Register and the other of which shall contain only entries relating to dwellings inscribed in Part B of the Register.

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

Application
for inscription
in
Register.

3. (1) The owner of a dwelling to which Part IV 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.

(2) Upon receipt of an application under and in accordance with the provisions of the last preceding sub-section 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 any other mem-

ber of the Authority authorised in that behalf by the Authority and served on the applicant in accordance with the provisions of section forty-nine 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.

4. 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 IV of the Law applies and is satisfied:—

Inscription
in the
Register.

- (a) that that dwelling is eligible to be inscribed in Part A of the Register, the Authority shall inscribe that dwelling in the said Part A;
- (b) that that dwelling is eligible to be inscribed in Part B of the Register, the Authority shall inscribe that dwelling in the said Part B;

by entering in the said Part A or the said Part B, as the case may be, the particulars relating to the dwelling and the ownership thereof set out in the First Schedule to this Ordinance.

5. 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 forty-nine of the Law, of a notice in writing in that behalf signed by the President or any other member of the Authority authorised in that behalf

Further
information.

by 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
of altera-
tions and
change of
use.

6. The owner of a dwelling which is inscribed in the Register who intends to effect any alteration to the said dwelling whether structural or by way of change of use shall, prior to the commencement of the period of seven days next preceding the date on which it is proposed that the work to effect such alteration should commence, inform the Authority in writing of the fact and the nature and extent of such alteration together with such specifications, plans and elevations as may be necessary to illustrate or clarify the alteration.

Notification
by sub-
sequent
owners.

7. (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 two hundred pounds.

Information
by occupiers.

8. The occupier, other than 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 forty-nine of the Law, of a notice in writing in that behalf signed by the

President or any other member of the Authority authorised in that behalf by the Authority, supply the Authority with such information relating to the dwelling or his occupation thereof or to both such dwelling and such occupation as shall be specified in the notice.

9. (1) The owner 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.

Application
for deletion
from
Register.

(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 any other member of the Authority authorised in that behalf by the Authority and served on the applicant in accordance with the provisions of section forty-nine 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; and

(b) 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.

Avail-
ability of
Register.

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

Interpreta-
tion.

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(b);

“change of use” includes the combination of two or more dwellings so as to be used as a single dwelling and the use of a single dwelling or making a single dwelling usable as two or more dwellings;

“ the Law ” means the Housing (Control of Occupation) (Guernsey) Law, 1982;

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

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

15. This Ordinance may be cited as the Housing Citation. (Control of Occupation) (Implementation) Ordinance, 1982.

16. This Ordinance shall come into force on the first day of November, nineteen hundred and eighty-two. Commence-
ment.

FIRST SCHEDULE
THE HOUSING REGISTER
PART

Section two

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 Register

Address of such owner

.....

.....

<p>CADASTRE No.:</p>

Subsequent owners

Name	Address

OTHER INFORMATION OR REMARKS

<p>FILE REF:</p>

SECOND SCHEDULE

Section three

THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY)
LAW, 1982

Application for inscription of a dwelling in the Housing Register

1. Name of applicant
 2. Address of applicant
 3. Situation, name and/or number of dwelling to which this application 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, hotel, guest house, etc.
- Rateable Value at
Cadastre No. 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. Are you a qualified resident within the meaning of that expression in section nine of the Law of 1982
- 17. If your answer to Question 16 is yes, enter the letter of the paragraph of subsection (2) of section nine of the Law of 1982 which applies to you
- 18. Is the tenant or occupier of the dwelling on 23rd December, 1968 a qualified resident within the meaning of that expression in section nine of the Law of 1982
- 19. If your answer to Question 18 is yes, enter the letter of the paragraph of subsection (2) of section nine of the Law of 1982 which applies to him
- 20. Is the dwelling to which this application relates identified and named in the First or Second Schedule to the Law of 1982
- 21. If the answer to Question 20 is yes enter the number of the said Schedule in which the dwelling is identified and named

Owners signature(s) Date

N.B.1 The Law of 1982 means the Housing (Control of Occupation) (Guernsey) Law, 1982.

N.B.2 Section forty-two of the Law of 1982 provides as follows:—

“Any person:—

(a) who, in connection with any application for the grant of a housing licence, in connection with any application for a status declaration or in connection with an application for the inscription of a dwelling in the Housing 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:—

(c) on conviction on indictment, to a fine not exceeding five thousand pounds;

(d) on summary conviction, to a fine not exceeding one thousand pounds.”

THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, 1982

Application for deletion of a dwelling from the Housing 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 Register
- 7. Are you a qualified resident within the meaning of that expression in section nine of the Law of 1982
- 8. If your answer to Question 7 is yes, enter the letter of the paragraph of subsection (2) of section nine of the Law of 1982 which applies to you

Owners Signature(s) Date

N.B.1. The Law of 1982 means the Housing (Control of Occupation) (Guernsey) Law, 1982.

N.B.2. Subsection (2) of section twenty-seven of the Law of 1982 provides as follows:—

“(2) If the inscription in the Housing Register relating to a dwelling is deleted therefrom by the Authority under the provisions of the last preceding subsection the said dwelling shall not, notwithstanding any other provision of this Law, thereafter be eligible to be inscribed, in whole or in part, in Part A of the Housing Register.”.

FOURTH SCHEDULE Section fifteen

Repeals

The Housing (Control of Occupation) (Implementation) Ordinance, 1975(c).

The Registration of New Residents (Guernsey) Ordinance, 1975(d).

The Housing (Control of Occupation) (Implementation) (Amendment) Ordinance, 1976(e).

K. H. TOUGH,

Her Majesty's Greffier.

(c) Recueil d'Ordonnances Tome XX, p. 222.
(d) Recueil d'Ordonnances Tome XX, p. 234.
(e) Recueil d'Ordonnances Tome XX, p. 242.