

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Housing (Control of Occupation) (Implementation) Ordinance, 1982 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XXII, p. 369; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384); the Housing (Control of Occupation) (Guernsey) Law, 1994 (No. IV of 1994, Ordres en Conseil Vol. XXXV(1), p. 75). This Ordinance has been repealed by the Population Management (Guernsey) Law, 2016 (No. VI of 2016).

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

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

### ARRANGEMENT OF SECTIONS

#### PART I

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REPEALED

(Made on 27th October, 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<sup>a</sup>, 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**

##### **Occupation of self-catering units by tourists.**

**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.

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##### **NOTE**

*The Housing (Control of Occupation) (Guernsey) Law, 1982 has since been repealed by the Housing (Control of Occupation) (Guernsey) Law, 1994, section 73, Schedule, with effect from 1st July, 1994, subject to the savings in section 68, section 69 and section 70 of the 1994 Law.*

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<sup>a</sup> No. XI of 1981.

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 subsection 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 Committee] 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 subsection [the Committee] 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 Committee] authorised in that behalf by [the Committee] and served on the applicant in accordance with the provisions of section forty-nine of the Law, require the applicant to supply to [the Committee] such further information, in addition to any

information supplied in accordance with the provisions of the last preceding subsection, as [the Committee] may consider necessary or desirable.

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**NOTE**

*In section 3, the words, first, "the Committee" and, second, "the President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 7(b), Schedule 2, Part 5, with effect from 1st May, 2016.<sup>1</sup>*

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**Inscription in the Register.**

4. When [the Committee] 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 –

- (a) that that dwelling is eligible to be inscribed in Part A of the Register, [the Committee] 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 Committee] 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.

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**NOTE**

*In section 4, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer*

*of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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**Further information.**

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 Committee] authorised in that behalf by [the Committee], supply [the Committee] 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.

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**NOTE**

*In section 5, the words, first, "the President" and, second, "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 7(b), Schedule 2, Part 5 and section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.<sup>2</sup>*

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**Notification of alterations 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 Committee] 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.

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**NOTE**

*In section 6, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016,*

*section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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**Notification by subsequent 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 Committee] 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 [level 3 on the uniform scale].

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**NOTES**

*In section 7,*

*the words in the first pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016;*

*the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**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 Committee] authorised in that behalf by [the Committee], supply [the Committee] 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.

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**NOTE**

*In section 8, the words, first, "the President" and, second, "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 7(b), Schedule 2, Part 5 and section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.<sup>3</sup>*

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**Application for deletion from Register.**

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 Committee] 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 Committee] 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 Committee] authorised in that behalf by [the Committee] and served on the applicant in accordance with the provisions of section forty-nine of the Law, require the applicant to supply to [the Committee] such further information in addition to any information supplied in accordance with the provisions of the last preceding subsection, as [the Committee] may consider necessary or desirable.

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**NOTE**

*In section 9, the words, first, "the Committee" and, second, "the President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 7(b), Schedule 2, Part 5, with effect from 1st May, 2016.<sup>4</sup>*

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**Deletion from Register.**

**10.** When [the Committee] is satisfied –

- (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 Committee] shall delete the inscription relating to that dwelling from the Register.

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**NOTE**

*In section 10, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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**Availability of Register.**

**11.** The Register shall be available for inspection by the public at the office of [the Committee] on any weekday, other than a Saturday or a bank holiday, during such hours as [the Committee] may, from time to time, determine.

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**NOTES**

*In section 11, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*In accordance with the provisions of the Bills of Exchange (Guernsey) Law,*

*1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27 July, 1993.*

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**Amendments to Register.**

**12.** [ The Committee] 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 Committee] that any particular relating to the dwelling has been omitted or that there is an error in any such particular entered in the Register.

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**NOTE**

*In section 12, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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PART III  
GENERAL

**Interpretation.**

**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 Committee]"** means the States [Committee for Home Affairs],

**"bank holiday"** has the meaning assigned to it by section one of the Bills of Exchange (Guernsey) Law, 1958<sup>b</sup>,

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<sup>b</sup> Ordres en Conseil Vol. XVII, p. 384.

"**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.

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## NOTES

*In section 13, the words in the first and second pairs of square brackets in the definition of the expression "the Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 7(b), Schedule 2, Part 5, with effect from 1st May, 2016.<sup>5</sup>*

*The functions, rights and liabilities of the Housing Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 7(b), Schedule 2, Part 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>6</sup>*

*In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27 July, 1993.*

*The Housing (Control of Occupation) (Guernsey) Law, 1982 has since been repealed by the Housing (Control of Occupation) (Guernsey) Law, 1994, section 73, Schedule, with effect from 1st July, 1994, subject to the savings in section 68, section 69 and section 70 of the 1994 Law.*

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## **Repeals.**

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

**Citation.**

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

**Commencement.**

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

REPEALED

FIRST SCHEDULE  
THE HOUSING REGISTER

Section two

PART .....

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Name and/or number of dwelling .....

Situation of dwelling .....

.....

.....

Description of dwelling .....

Rateable value inscribed in the Cadastre on 31<sup>st</sup>

December, 1962 .....

Name of owner when first inscribed in Housing Register

.....

Address of such owner .....

.....

.....

CADASTRE

No.:

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Subsequent owners

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| Name | Address |
|------|---------|
|      |         |

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OTHER INFORMATION OR REMARKS

|            |
|------------|
| FILE REF.: |
|------------|

REPEALED

SECOND SCHEDULE

Section three

THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, [1994]

*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. .... 31<sup>st</sup> December, 1962 .....

9. If the rateable value was not inscribed in the Cadastre on 31<sup>st</sup> 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 26<sup>th</sup> January, 1966 .....
- (ii) before 19<sup>th</sup> July, 1968 .....
12. Full name of owner occupier(s) on 23<sup>rd</sup> December, 1968 .....
13. Present address of owner occupier(s) on 23<sup>rd</sup> December, 1968 .....
- .....
14. Full name of tenant(s) on 23<sup>rd</sup> December, 1968 .....
- .....
15. Present address of tenant(s) on 23<sup>rd</sup> December, 1968.....
- .....
16. Are you a qualified resident within the meaning of that expression in [section ten] of the Law of [1994] .....

17. If your answer to Question 16 is yes, enter the letter of the paragraph of subsection (2) of [section ten] of the Law of [1994] which applies to you .....
18. Is the tenant or occupier of the dwelling on 23<sup>rd</sup> December, 1968 a qualified resident within the meaning of that expression in [section ten] of the Law of [1994] .....
19. If your answer to Question 18 is yes, enter the letter of the paragraph of subsection (2) of [section ten] of the Law of [1994] which applies to him .....
20. Is the dwelling to which this application relates identified and named in [Part A, B, C or D of the Housing Register] .....
21. If the answer to Question 20 is yes enter the [letter of the said Part] in which the dwelling is identified and named .....

Owners signature(s) ..... Date .....

N.B. 1 The Law of [1994] means the Housing (Control of Occupation) (Guernsey) Law, [1994].

N.B. 2 Section [fifty-eight] of the Law of [1994] provides as follows –

"[A person who –

- (a) in connection with an application for a housing licence, for a status declaration, for a declaration of lawful residence, for a declaration of registration or for the inscription of a dwelling in the Housing Register or for the consent of the Authority under section 36(1)(b), or in compliance or purported compliance with section 36(4) or any requirement of the Authority or of any Ordinance under this Law –
- (i) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
  - (ii) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
  - (iii) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
  - (iv) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,
- (b) 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 under it,

is guilty of an offence and liable –

- (c) on conviction on indictment, to a fine, to imprisonment for a term not exceeding six months or to both,
- (d) on summary conviction, to a fine not exceeding level 5 on the uniform scale or (on a second or subsequent conviction, and whether or not the prior convictions were summary convictions) to a fine not exceeding twice level 5 on the uniform scale, to imprisonment for a term not exceeding three months or to both.]".<sup>7</sup>

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**NOTE**

*In accordance with the provisions of the Housing (Control of Occupation) (Guernsey) Law, 1994, section 71(7), with effect from 1st July, 1994, all references in this Schedule to the Housing (Control of Occupation) (Guernsey) Law, 1982 have been substituted with references, in square brackets, to the 1994 Law.*

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THIRD SCHEDULE

Section nine

THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, [1994]

*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 ten] of the Law of [1994] .....
8. If your answer to Question 7 is yes, enter the letter of the paragraph of subsection (2) of [section ten] of the Law of [1994] which applies to you .....

Owners Signature(s) ..... Date .....

N.B. 1. The Law of [1994] means the Housing (Control of Occupation)

(Guernsey) Law, [1994].

N.B. 2. [ Section thirty-three] of the Law of [1994] provides as follows –

"[Subject to the provisions of this Law and of any Ordinance made under it the Authority shall, upon application being made to it in accordance with the provisions of any such Ordinance by the owner of a dwelling inscribed in the Housing Register, delete the inscription relating to that dwelling from the Housing Register; and, notwithstanding any other provision of this Law, the dwelling shall not thereafter be eligible to be inscribed, in whole or in part, in the Housing Register.]"<sup>8</sup>

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**NOTE**

*In accordance with the provisions of the Housing (Control of Occupation) (Guernsey) Law, 1994, section 71(7), with effect from 1st July, 1994, all references in this Schedule to the Housing (Control of Occupation) (Guernsey) Law, 1982 have been substituted with references, in square brackets, to the 1994 Law.*

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FOURTH SCHEDULE

Section [fifteen]

REPEALS

The Housing (Control of Occupation) (Implementation) Ordinance, 1975<sup>c</sup>.

The Registration of New Residents (Guernsey) Ordinance, 1975<sup>d</sup>.

The Housing (Control of Occupation) (Implementation) (Amendment) Ordinance, 1976<sup>e</sup>.

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**NOTE**

*In the printed version of this section, the word in square brackets shown, incorrectly, as "fifteen" should read "fourteen".*

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<sup>1</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

<sup>2</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

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<sup>c</sup> Recueil d'Ordonnances Tome XX, p. 222.

<sup>d</sup> Recueil d'Ordonnances Tome XX, p. 234.

<sup>e</sup> Recueil d'Ordonnances Tome XX, p. 242.

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<sup>3</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

<sup>4</sup> The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

<sup>5</sup> The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

<sup>6</sup> The functions, rights and liabilities of the Housing Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them from, respectively, the Housing Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 17, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>7</sup> For subsequent amendments, see the consolidated text of the Housing (Control of Occupation) (Guernsey) Law, 1994.

<sup>8</sup> For subsequent amendments, see the consolidated text of the Housing (Control of Occupation) (Guernsey) Law, 1994.