

16



ORDINANCE OF THE CHIEF PLEAS

ENTITLED

**The Natural Amenities and Land Control
(Implementation) Ordinance, 1962**

THE CHIEF PLEAS OF SARK, in pursuance of the powers conferred upon them by sections three and nine of the Natural Amenities and Land Control Law, 1961, and of all other powers enabling them in that behalf, hereby order:—

PART I

Preservation of Natural Amenities

1. (1) A person shall not, without the permission in writing of the Committee in that behalf—

Permission to carry out certain works.

- (a) place, erect or re-erect on any site, or make any structural alteration to the exterior of, any movable or immovable structure which is visible from any public or other place to which the public has access or from the sea, or which, when so erected or re-erected, will be so visible;
- (b) place, erect or re-erect on any site, or make any structural alteration to the exterior of, any movable or immovable structure which

is situated on the cliffs, or on the land adjacent to the foreshores, of this Island.

(2) For the purposes of the last preceding subsection the expression "movable structure" shall mean any movable structure the cubic capacity of which is not less than one hundred and twenty-five cubic feet.

Application for permission to carry out certain works.

2. (1) Any person desirous of obtaining permission to carry out any work referred to in the last preceding section shall make application in that behalf to the Committee and such application shall be in such form and shall be accompanied by such information, including plans, elevations and site plans, as the Committee may, from time to time, require.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Committee may require an applicant to supply the Committee with such information, including plans, elevations and site plans, in addition to any information, plans, elevations or site plans supplied in accordance with the provisions of the last preceding subsection, as the Committee may require.

Grant or refusal of permission.

3. (1) Upon the receipt of an application under the provisions of the last preceding section, the Committee may either—

- (a) grant the permission applied for to carry out the work concerned;
- (b) refuse such permission; or
- (c) grant such permission 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 conditions attached to any per-

mission granted in accordance with the provisions of the last preceding subsection upon application being made to it in writing in that behalf by the person to whom such permission was granted.

4

4. The Committee may, from time to time, by notice served upon the owner or the occupier of any movable structure, or upon the owner of any movable structure, order the removal of any refuse dump from any site in any case where in the opinion of the Committee, its presence is offensive or unsightly, within such time as may be specified in the notice.

Power of Committee to serve notices.

4

5. Except where otherwise specifically provided, any person who contravenes the provisions of section one of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Contraventions of section one.

6. Any person who places, erects or re-erects on any site, or structurally alters the exterior of, any movable structure in contravention of the provisions of section one of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

Contraventions of section one in relation to movable structures.

7. Any person who fails to comply with a notice served under the provisions of section four of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

Contraventions of section four.

8. Any person who fails to comply with any condition attached to the grant of any permission under the provisions of section three of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

Contraventions of conditions attached to permission under this Part.

Power of the
Court to
make orders
requiring
work to be
done.

9. (1) Where there has been a conviction against any person in respect of—

- (a) any work done in contravention of section one of this Ordinance; or
- (b) any work done in contravention of any condition attached to any permission granted under the provisions of section three of this Ordinance; or
- (c) a failure to comply with any notice served in pursuance of the provisions of section four of this Ordinance;

the Committee may apply to the Ordinary Court to make an order requiring the convicted person—

- (d) to demolish, carry out such structural alterations or modifications to, any immovable structure, to which the conviction relates, as the Ordinary Court may require; or
- (e) to re-site or to remove from any site any movable structure to which the conviction relates; or
- (f) to comply with any conditions, to which the conviction relates, attached to any permission granted under the provisions of section three of this Ordinance; or
- (g) to comply with the provisions of any notice, to which the conviction relates, served in pursuance of the provisions of section four of this Ordinance;

as the case 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 to do such works as may be necessary to give effect to the said 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 the Ordinary Court may, upon application in that behalf by the Committee, as soon as may be after the completion of such works 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.

PART II

General

10. If the Committee refuse any permission applied for by any person under the provisions of Part I of this Ordinance, notice of such refusal shall be served upon the applicant within the eight days next following the date of the meeting of the Committee at which the decision was taken to refuse such permission. Notification
of refusals.

11. In this Ordinance, the following expressions have the meanings hereby respectively assigned to them, that is to say— Definitions.

"Ordinary Court" means the Royal Court of Guernsey sitting as an Ordinary Court;

"owner" in relation to any immovable structure, includes—

- (a) where that immovable structure, is the subject of a vested right of usufruct, the usufructuary;
- (b) where that immovable structure is held in trust, the trustees thereof.

Citation. 12. This Ordinance may be cited as the Natural Amenities and Land Control (Implementation) Ordinance, 1962.

Commence-
ment. 13. This Ordinance shall come into force on the 18th day of January, nineteen hundred and sixty-two.
