

Island of  Guernsey

Ordinance of the States **XI**
1960

Made 3rd August, 1960.

Came into Operation 3rd August, 1960.

**The Natural Beauty and Land Control
(Implementation) (Amendment)
Ordinance, 1960**

THE STATES, in pursuance of the powers conferred upon them by sections three, six and eleven of the Natural Beauty and Land Control Law, 1959, and of all other powers enabling them in that behalf, hereby order:—

1. The Natural Beauty and Land Control (Implementation) Ordinance, 1959 (hereinafter referred to as “the principal Ordinance”) is hereby amended as follows:—

Amend-
ments to
principal
Ordinance.

- (a) section five thereof and the marginal note thereto are hereby repealed and the following section and marginal note substituted therefor—

“ Permission
required to
remove
surface or
subsoil.

5. (1) Subject to the provisions of section six of this Ordinance a person shall not, without the permission in writing of the Committee in that behalf, remove from agricultural land any materials forming part of the surface or subsoil thereof.

(2) Any person desirous of obtaining permission to remove from agricultural land any materials forming part of the surface or subsoil thereof 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 site plans, as the Committee may, from time to time, require.

(3) The Committee may require an applicant to supply the Committee with such information, including site plans, in addition to any information or site plans supplied in accordance with the provisions of the last preceding subsection, as the Committee may require.

(4) The Committee may either—

(a) grant permission for the applicant to remove any materials forming part of the surface or subsoil of the agricultural land 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 including a condition that the land be restored, when in the opinion of the Committee such restoration is possible, in such manner and with such materials as may be necessary to render the land capable of being cultivated as agricultural land.

(5) The Committee may, from time to time, revoke or vary any conditions attached to any permission 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.”;

- (b) in subsection (1) of section six thereof the words “section three” are hereby deleted and the words “subsection (4) of section five” are hereby substituted therefor, the following words in that subsection are hereby deleted, that is to say—

“the development of agricultural land which consists of”

and the words “that land” are hereby deleted and the words “agricultural land” substituted therefor;

- (c) subsections (1) and (2) of section seven thereof are hereby repealed and the following subsections are hereby substituted therefor—

“ 7. (1) Any person who—

- (a) develops agricultural land without first having obtained the permission of the Committee in accordance with the provisions of this Part of this Ordinance;
- (b) fails to comply with any condition attached to any permission granted under the provisions of section three of this Ordinance;
- (c) removes any materials forming part of the surface or subsoil of any agricultural land without first having obtained the permission of the Committee in accordance with the provisions of subsection (4) of section five of this Ordinance; or
- (d) fails to comply with any condition attached to any permission granted under the provisions of subsection (4) of section five of this Ordinance;

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

(2) Where there has been a conviction against a person in respect of—

- (a) any development of agricultural land in contravention of section one of this Ordinance;
- (b) any development of agricultural land in contravention of any condition attached to any permission granted under the provisions of section three of this Ordinance;
- (c) any removal of any materials forming part of the surface or subsoil of any agricultural land in contravention of subsection (1) of section five of this Ordinance; or
- (d) any removal of any materials forming part of the surface or subsoil of any agricultural land in contravention of any condition attached to any permission granted under the provisions of subsection (4) of section five of this Ordinance;

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

- (e) to restore the land concerned in such manner and with such materials as

may be necessary to render the land capable of being cultivated as agricultural land; or

- (f) to comply with such condition as aforesaid.”.

Citation and
Collective
Title.

2. This Ordinance may be cited as the Natural Beauty and Land Control (Implementation) (Amendment) Ordinance, 1960, and this Ordinance and the principal Ordinance may be cited together as the Natural Beauty and Land Control (Implementation) Ordinances, 1959 and 1960.

R. H. VIDELO,

Her Majesty's Greffier.