

Island of  Guernsey

Ordinance of the States **I**

1963

Made 27th February, 1963.
Came into Operation .. 27th February, 1963.

**The Natural Beauty and Land Control
(Implementation) (Amendment)
Ordinance, 1963.**

THE STATES, in pursuance of their Resolution of the eighth day of December, nineteen hundred and sixty-one, and of the powers conferred upon them by sections three, six and eleven of the Natural Beauty and Land Control Law, 1959(*a*), and of all other powers enabling them in that behalf, hereby order:—

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

Amendments
to Ordinance
of 1959.

- (*a*) immediately after section ten thereof there is hereby inserted the following additional section and marginal note numbered “10A”—

(*a*) Ordres en Conseil Vol. XVIII, p. 110.

(*b*) Recueil d'Ordonnances Vol. XII, p. 299.

“Permission
required to
remove
surface or
subsoil.

10A (1) Subject to the provisions of sections five and six of this Ordinance (which relate to agricultural land) and to the provisions of subsection (6) of this section, a person shall not, without the permission in writing of the Committee in that behalf, remove from any land which is visible from any public or other place to which the public has access, any materials forming part of the surface or subsoil thereof.

(2) Any person desirous of obtaining permission to remove from any 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 sup-

plied 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 land concerned;
 - (b) refuse such permission;
 - (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 seem to the Committee to be desirable.
- (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.

- (6) Nothing in this section contained shall be taken to prohibit the removal of any materials forming part of the surface or subsoil of any land within a garden belonging to, or usually enjoyed with, any dwelling house for use in connection with such garden, otherwise than by way of sale, by the owner of the dwelling house.”;

- (b) in section thirteen thereof immediately after the words “section eight” there are hereby inserted the words “or subsection (1) of section ten A of this Ordinance or who contravenes any condition attached to any permission granted under the provisions of subsection (4) of section ten A” and in the marginal note to that section immediately after the words “section eight” there are hereby inserted the words “and subsections (1) and (4) of section ten A”;
- (c) subsection (1) of section nineteen thereof is hereby repealed and the following subsection is hereby substituted therefor—

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

- (a) any work done in contravention of section eight or subsection (1) of section ten A of this Ordinance; or
- (b) any work done in contravention of any condition attached to any permission granted under the provisions of section ten or subsection (4) of section ten A of this Ordinance; or
- (c) a failure to comply with any notice served in pursuance of the provisions of section eleven 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 rebuild, in whole or in part, any wall, hedge, bank or fence, to which the conviction relates; or
- (g) to remove from any site, or from the exterior of any movable or immovable structure whether attached thereto or painted or otherwise exhibited thereon, any sign to which the conviction relates; or

- (h) in the case of a conviction for a contravention of section ten A of this Ordinance, to deal with the land concerned in such manner as it may think necessary or expedient so as to restore as far as practicable the natural beauty of the area within which the land is situate; or
- (i) to comply with any conditions, to which the conviction relates, attached to any permission granted under the provisions of section ten or subsection (4) of section ten A of this Ordinance; or
- (j) to comply with the provisions of any notice, to which the conviction relates, served in pursuance of the provisions of section eleven of this Ordinance;

as the case may require.”.

Citation and
collective
title.

2. This Ordinance may be cited as the Natural Beauty and Land Control (Implementation) (Amendment) Ordinance, 1963, and this Ordinance and the Natural Beauty and Land Control (Implementation) Ordinances, 1959 and 1960(c), may be cited together as the Natural Beauty and Land Control (Implementation) Ordinances, 1959 to 1963.

(c) Recueil d'Ordonnances Vol. XII, p. 299 and p. 378.

R. H. VIDELO,

Her Majesty's Greffier.