

# ORDER IN COUNCIL

**I**  
**1990**

ratifying a Projet de Loi

ENTITLED

## **The Island Development (Amendment) (Guernsey) Law, 1990**

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(Registered on the Records of the Island of Guernsey  
on the 20th March, 1990.)

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1990

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 20th day of March, 1990 before Sir Charles Frossard, Kt., Bailiff; present:— Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th February, 1990, approving and ratifying a *Projet de Loi* entitled "The Island Development (Amendment) (Guernsey) Law 1990", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

## At the Court of Saint James

The 14th day of February 1990

PRESENT,

### The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 18th day of January 1990, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 26th day of January 1990 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolutions of the 29th day of April 1987 and the 26th day of July 1989, the States of<sup>4</sup> Deliberation at a meeting held on the 27th day of September 1989 approved a Bill or “Projet de Loi” entitled “The Island Development (Amendment) (Guernsey) Law, 1990”, and requested the

Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or "Projet de Loi" is set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Island Development (Amendment) (Guernsey) Law, 1990", and to order that the same shall have force of law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

NOW, THEREFORE, Her Majesty Queen Elizabeth, The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of and ratify the said Projet de Loi, and order, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*G. I. de Deney.*

# PROJET DE LOI

ENTITLED

## **The Island Development (Amendment) (Guernsey) Law, 1990**

THE STATES, in pursuance of their Resolutions of the 29th day of April, 1987 and the 26th day of July, 1989, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. The Island Development (Guernsey) Law, 1966, <sup>Amendments to Law of 1966.</sup> as amended, (hereinafter referred to as "the Law of 1966")<sup>(a)</sup>, is further amended as follows:—

(a) section 2 is repealed and the following section is substituted therefor—

" 2. The constitution of the Committee shall be such as shall, from time to time, be prescribed by the States by Resolution.";

(b) sections 3, 4 and 5 and the words in section 6(1) "As soon as may be after the Outline Development Plan has been approved by the States" are repealed;

(c) in section 16(3) and section 27(2) the words "one year" wherever they appear are repealed and the words "three years" are substituted therefor;

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(a) Ordres en Conseil Vol. XX, p. 276; Vol. XXII, p. 573; Vol. XXIII, p. 231; Vol. XXVII, p. 355; No. VIII of 1988.

(d) in section 17(a) the words "Outline Development Plan" are repealed and the words "Strategic and Corporate Plan" are substituted therefor;

(e) section 27(3) is repealed;

(f) section 29 is repealed and the following section is substituted therefor:—

" 29. In the exercise of its powers under this Law the Committee may for the purposes of arriving at any decision enter upon and visit the site of any application."

(g) in section 31(2) all the words after "on conviction" are repealed and the following words are substituted therefor—

"to a fine not exceeding level 2 on the uniform scale";

(h) in section 35 all the words after "on conviction" are repealed and the following words are substituted therefor—

"to a fine not exceeding twice the amount of level 5 on the uniform scale and, in the case of a continuing offence, to a further fine not exceeding level 3 on the uniform scale for each day during which the offence continues after conviction";

(i) in section 36(1) all the words after "on conviction" are repealed and the following words are substituted therefor—

"to a fine not exceeding level 5 on the uniform scale and, in the case of a continuing offence, to a further fine not exceeding

level 3 on the uniform scale for each day during which the offence continues after conviction”;

- (j) in section 36(2) all the words after “on conviction” are repealed and the following words are substituted therefor—

“to a fine not exceeding level 4 on the uniform scale and, in the case of a continuing offence, to a further fine not exceeding level 2 on the uniform scale for each day during which the offence continues after conviction”;

- (k) in section 36(3) all the words after “on conviction” are repealed and the following words are substituted therefor—

“to a fine not exceeding level 4 on the uniform scale and, in the case of a continuing offence, to a further fine not exceeding level 2 on the uniform scale for each day during which the offence continues after conviction”;

- (l) in section 38 all the words after “on conviction” are repealed and the following words are substituted therefor—

“to a fine not exceeding level 4 on the uniform scale”;

- (m) in section 39 all the words after “on conviction” are repealed and the following words are substituted therefor—

“to a fine not exceeding level 4 on the uniform scale”;

(n) in section 40, after the definition of "public highway" there is inserted:—

"Strategic and Corporate Plan" means the Plan prepared and approved in accordance with the provisions of section 2 of the Island Development (Amendment) (Guernsey) Law, 1990".

The Strategic  
and Cor-  
porate Plan.

2. (1) The States Advisory and Finance Committee shall as soon as may be after the commencement of this Law prepare a Strategic and Corporate Plan which shall consist of a written statement setting out, as that Committee may deem appropriate, the strategic, economic and social objectives to be followed by the Committee under the Law of 1966 in relation to the development of the Island.

(2) The States Advisory and Finance Committee may from time to time prepare such amendments to the Strategic and Corporate Plan as they deem appropriate.

(3) As soon as may be after the Strategic and Corporate Plan or any amendment thereto has been prepared it shall be laid before the States who may approve it without modification or subject to such modifications as they consider necessary or expedient.

(4) The Committee shall, when preparing and reviewing Detailed Development Plans, take into account the provisions of the Strategic and Corporate Plan, and any amendment thereto, when they have been approved by the States.

(5) Nothing contained in any Strategic and Corporate Plan shall entitle the Committee to permit

any development which it would otherwise be precluded from permitting under the terms of such Detailed Development Plan.

3. (1) Notwithstanding the provisions of section 16(3) and 27(2) of the Law of 1966 the Committee may when granting permission under section 16 or 27 of the Law of 1966 limit the validity of such permission to such period being less than three years as the Committee may deem expedient. Power to limit validity of consents.

(2) Where the Committee decides to exercise its powers under subsection (1) it shall give to the applicant in writing the reasons why it has decided to limit the period of validity of the permission granted.

4. (1) The Committee may from time to time resolve that any of its functions under the Law of 1966 may be performed on its behalf by:— Delegation.

(a) any sub-committee comprising of not less than two members of the Committee; or

(b) any individual member of the Committee; or

(c) any officer responsible to the Committee named or described in such resolution.

(2) A function performed in pursuance of a resolution made under this section is for all purposes performed by the Committee.

(3) Any resolution made under this section may be revoked or varied by the Committee.

(4) Nothing in this section, and no resolution made under it, prevents the carrying out of a function by the Committee.

(5) This section has effect for the removal of any doubt and is not to be construed as impliedly invalidating anything done in accordance with the provisions of the Law of 1966 before or after the coming into force of this Law.

**Savings.**

5. On the date of the reconstitution of the Committee first occurring as shall be prescribed by the States by Resolution in accordance with the provisions of section 2 of the Law of 1966, as amended by section 1 of this Law, the President and every other member of the former Committee in office on that date shall be deemed to have resigned:

Provided that such President and every such other member shall be deemed lawfully to continue in office during the period between the date of registration of this Law on the records of the Island of Guernsey and the date of the reconstitution of the Committee as aforesaid and the acts of the former Committee during such aforesaid period shall be valid and binding for all purposes and on all persons accordingly and anything in process of being done under or by virtue of the Law of 1966 by, or in relation to the former Committee, at such aforesaid date, whether by way of legal proceedings or otherwise, may be continued by, or in relation to the reconstituted Committee and in this section, the expression "former Committee" means the Committee constituted under the Law of 1966, the expression "reconstituted Committee" means the Committee constituted under the Law of 1966 as amended by this Law and the expression "Committee" shall be construed accordingly.

**Interpretation.**

6. Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that

enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Law.

7. This Law shall be construed as one with the Construction Law of 1966.

8. The Island Development (Amendment) (Guernsey) Law, 1981(b) is repealed.

9. This Law may be cited as the Island Development (Amendment) (Guernsey) Law, 1990.

10. This Law and the Island Development (Guernsey) Laws, 1966 to 1988, may be cited together as the Island Development (Guernsey) Laws, 1966 to 1990. Collective title.

11. This Law shall come into force on the first day of the month following registration on the records of this Island. Commencement.

K. H. TOUGH,  
Her Majesty's Greffier.