

Island of



Guernsey

Ordinance of the States

XLI
2010

Made27th October, 2010

Coming into Operation1st November, 2010

The Public Health (Amendment) Ordinance, 2010

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THE STATES, in pursuance of their Resolution of the 27th day of May, 2009^a and in exercise of the powers conferred on them by section 4 of the Law entitled "Loi relative à la Santé Publique, 1934"^b, section 1 of the Alderney (Application of Legislation) Law, 1948^c, Article 71 of the Reform (Guernsey) Law, 1948^d and all other powers enabling them in that behalf, hereby order:-

Amendment of section 3 of Article V of the principal Ordinance.

1. Section 3 of Article V of the principal Ordinance is amended by substituting, for paragraph (a), the following paragraph –

"(a) A dwelling-house or part of a dwelling-house is deemed to be so overcrowded as to be injurious to, or prejudicial to, the health of its inmates if any overcrowding standard specified in Schedule III to this Ordinance is contravened in relation to the dwelling-house or the relevant part of the dwelling-house."

^a Article V of Billet d'État No. XIII of 2009.

^b Ordres en Conseil Vol. IX, p.386, as amended by Vol. XIX, p.213; Vol. XXIX, p.329; Vol. XXXIX, p. 64.

^c Ordres en Conseil Vol. XIII, p. 448.

^d Ordres en Conseil Vol. XIII, p. 288, as amended by Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, p. 84; Vol. XIX, p. 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; No. V of 1993; No. II of 1996; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; No. II and XX of 2007; No. XIII of 2008; also amended by Ordinances XXXIII of 2003; III of 2004 and LI of 2006.

Insertion of new Schedule III into the principal Ordinance.

2. The principal Ordinance is amended by inserting, immediately after Schedule II, the schedule set out in the Schedule to this Ordinance.

Interpretation.

3. (1) In this Ordinance, "**the principal Ordinance**" means the Public Health Ordinance, 1936^e.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

4. This Ordinance applies in Guernsey, Herm and Jethou, and has effect in Alderney subject to the modifications set out in Part VII of the First Schedule to the Alderney (Application of Legislation) Ordinance, 1948^f in relation to the principal Ordinance.

Citation.

5. This Ordinance may be cited as the Public Health (Amendment) Ordinance, 2010.

Commencement.

6. This Ordinance comes into force on 1st November, 2010.

^e Recueil d'Ordonnances Tome VIII, p. 316; as amended by Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, pp. 239 and 387; Tome XIX, p. 91; Tome XXIII, p. 427.

^f Recueil d'Ordonnances Tome IX, p. 280.

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

SCHEDULE

NEW SCHEDULE III TO THE PRINCIPAL ORDINANCE

Section 2

"SCHEDULE III OVERCROWDING STANDARDS

Paragraph (a) of section 3 of Article V

1. Section 3(a) of Article V refers to the following overcrowding standards –
 - (a) **volume standard** – the ratio of volume of space in any room (in cubic metres) to the number of persons inhabiting the room shall be at least 13 to 1,
 - (b) **room standard 1** – the number of rooms available as sleeping accommodation shall be such that no male and female, of the age of 10 years or more, have to sleep in the same room, unless they are married together or cohabiting in a relationship which is equivalent to the relationship of husband and wife,
 - (c) **room standard 2** – the number of persons sleeping in the dwelling-house or the relevant part of it shall not exceed the maximum number specified in Table 1 in relation to the number of rooms available as sleeping accommodation, and
 - (d) **space standard** – the number of persons sleeping in any room available as sleeping accommodation shall not exceed the maximum

number specified in Table 2 in relation to the floor area of the room.

2. Table 1 and Table 2 are set out below –

Table 1
(room standard 2)

Number of rooms available as sleeping accommodation	Maximum number of persons
1	2
2	3
3	5
4	7.5
5 or more	2 per room

Table 2
(space standard)

Floor area of room available as sleeping accommodation	Maximum number of persons
10.2 m ² or more	2
8.3 m ² or more but less than 10.2 m ²	1.5
6.5 m ² or more but less than 8.3 m ²	1
4.6 m ² or more but less than 6.5 m ²	0.5

3. For the purposes of this schedule, including Table 1 and Table 2 –
- (a) a child under the age of one year shall not be counted as a person,
 - (b) a child aged one year or more but below 10 years of age shall be counted as 0.5 of one person,
 - (c) a room is available as sleeping accommodation if –
 - (i) it is not a kitchen, bathroom or hallway,
 - (ii) it is of a type normally used in the locality either as a living room or as a bedroom, and
 - (iii) it has a floor area of 4.6 m² or more, and
 - (d) the floor area of a room excludes any part of the room that has a ceiling height of less than 1.5 m."

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