

Island of



Guernsey

Ordinance of the States

XLV
2006

Made25th October, 2006

Coming into Operation.....25th October, 2006

The Real Property (Housing Schemes and Miscellaneous Provisions) (Guernsey) (Amendment) Ordinance, 2006

**The Real Property (Housing Schemes and
Miscellaneous Provisions) (Guernsey) (Amendment)
Ordinance, 2006**

THE STATES, in pursuance of their Resolutions of the 26th September, 2003^a and the 24th November, 2004^b, and in exercise of the powers conferred on them by sections 1 and 4 of the Real Property (Housing Schemes, Leaseholds and Miscellaneous Provisions) (Guernsey) Law, 2004^c and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance of 2006.

1. After section 8 of the Real Property (Housing Schemes and Miscellaneous Provisions) (Guernsey) Ordinance, 2006^d insert the following section-

"Application of Ordinance to leasehold arrangements.

8A. (1) Sections 3 to 8 apply in relation to a leasehold arrangement as they apply in relation to a partial ownership arrangement described in section 1(1).

(2) A leasehold arrangement is one whereby -

(a) a housing provider makes real property

^a Article XXI of Billet d'État No. XXI of 2003.

^b Article IV of Billet d'État No. XX of 2004.

^c Order in Council No. X of 2005.

^d Ordinance No. XIII of 2006.

available for letting under a housing scheme,

- (b) pursuant to the scheme, a leasehold interest granted by the housing provider is held by a qualifying individual, and
- (c) the reversion immediately expectant on the term of that interest is vested in the housing provider or its successor in title.

(3) For the purposes of a leasehold arrangement, references in sections 3 to 8 -

- (a) to the qualifying individual, the housing provider, the real property and the housing scheme, are references to (respectively) the qualifying individual, the housing provider, the real property and the housing scheme mentioned in subsection (2),
- (b) to the original conveyance, are references to a leasehold interest granted by a housing provider to a qualifying individual for the purposes of a housing scheme,
- (c) to successors in title of the qualifying individual, are references to his assignees,

- (d) to the undivided share held by the housing provider or the qualifying individual, are references to their respective interests as reversioner and lessee,
- (e) to a mortgagee, include references to any person who has lent money to the qualifying individual to enable him to acquire the leasehold interest and which is secured in accordance with the terms of the housing scheme.

(4) In this section a "**leasehold interest**" means any interest in or in respect of real property which confers or vests rights of possession or enjoyment for a fixed term of 60 years or more and which, apart from the provisions of an Ordinance under section 2(b) of the Real Property (Housing Schemes, Leaseholds and Miscellaneous Provisions) (Guernsey) Law, 2004^e, is treated by law as or is deemed to be personal or movable property.

For the avoidance of doubt, a "**leasehold interest**" does not include a periodic tenancy."

Citation.

2. This Ordinance may be cited as the Real Property (Housing Schemes and Miscellaneous Provisions) (Guernsey) (Amendment) Ordinance, 2006.

^e Order in Council No. X of 2005.

Commencement.

3. This Ordinance shall come into force on the 25th October, 2006.