

Island of  Guernsey

Ordinance of the States **XVII**

1973

Made 28th March, 1973.
Coming into Operation ... 1st April, 1973.

**The Rent Control (Tenement Houses)
Ordinance, 1973**

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The Rent Control (Tenement Houses) Ordinance, 1973

THE STATES, in exercise of the powers conferred upon them by section eighteen of the Rent Control (Tenement Houses) (Guernsey) Law, 1972(a), hereby order:—

PART I

GRADING OF TENEMENT HOUSES

1. For the purposes of subsection (2) of section three of the Law, the Cadastre Committee shall not grade as Grade A any part of a tenement house which—

Standards to be applied in grading of tenement houses.

- (a) is not in a good state of repair; or
- (b) does not provide for the exclusive use of its occupants all of the following amenities—
 - (i) a kitchen containing cooking facilities and a sink with hot and cold running water;
 - (ii) a bathroom or shower-room with hot and cold running water;
 - (iii) a hand basin with hot and cold running water;
 - (iv) a water closet; or
- (c) does not comply with any requirement of any enactment or statutory instrument for the time being in force and relating to the structure or design of buildings for human occupation.

PART II

PROCEEDINGS BEFORE THE COMMITTEE

Manner of
making
application.

2. Every application under the Law shall be made in writing in such form and containing such information as may be prescribed and shall be delivered or sent to the Clerk.

Notice of
hearing.

3. The Committee shall appoint the date, time and place of the hearing of an application and shall give not less than fourteen days notice of such date, time and place to each party, informing him that he may either—

- (a) give notice to the Clerk that he desires to be heard by the Committee; or
- (b) if he does not wish to be heard, send to the Clerk representations in writing for the consideration of the Committee.

Documents.

4. (1) The Committee shall take all reasonable steps to ensure that there is supplied to each of the parties before the date of the hearing—

- (a) a copy of, or sufficient extracts from or particulars of, any document relevant to the application which has been received from a party (other than a document which is in the possession of such party); and
- (b) a copy of any document which embodies the results of any enquiries made by or for the Committee for the purposes of the application.

(2) Where at any hearing—

- (a) any document relevant to the application is not in the possession of a party present at that hearing; and

(b) that party has not been supplied with a copy of, or sufficient extracts from or particulars of, that document in accordance with subsection (1) of this section, then unless,

(i) that party consents to the continuation of the hearing; or

(ii) the Committee considers that that party has a sufficient opportunity of dealing with that document without an adjournment of the hearing,

the Committee shall adjourn the hearing for a period which it considers will afford that party a sufficient opportunity of dealing with that document.

(3) Where any party has, pursuant to the provisions of paragraph (b) of section three of this Ordinance, informed the Clerk that he does not wish to be heard, the Committee shall supply to that party a copy of, or sufficient extracts from or particulars of, any such document as is mentioned in subsection (1) of this section (other than a document excepted from that subsection) and the Committee shall not reach its decision until it is satisfied that such party has been given a sufficient opportunity of commenting upon any such document.

5. At a hearing a party may appear in person or be represented or accompanied by any person whom he may wish to represent or assist him thereat and for the purposes of the proceedings any representative shall have all the rights and powers to which the person whom he represents is entitled under this Ordinance.

Appearance
at hearing.

Procedure
at hearing.

6. At a hearing—

- (a) subject to the provisions of this Part of this Ordinance the parties shall be heard in such order and the procedure shall be such as the Committee may determine;
- (b) a party may call witnesses, give evidence on his own behalf and put questions to any witness called at the hearing.

Inspection
of premises.

7. (1) Subject to the provisions of section fifteen of the Law, the Committee or any member thereof may, with the consent of the occupier, inspect any premises which are the subject of an application.

(2) Such inspection may be made at such time before the close of the hearing of the application as the Committee shall decide.

Adjourn-
ment.

8. The Committee may postpone or adjourn a hearing from time to time as it thinks fit and in any such case shall give to each of the parties such notice of the postponed or adjourned hearing as is reasonable in the circumstances.

Non-
appearance.

9. If a party does not appear at a hearing the Committee, on being satisfied that the requirements of the Law and of this Ordinance regarding the giving of notice of hearing have been duly complied with, may proceed to deal with the application upon the oral representations of any party present and upon the documents and information which they may properly consider.

Decisions
of the
Committee.

10. (1) The decision of the majority of the Committee shall be the decision of the Committee.

(2) The person presiding at the hearing of an application shall have no original vote, but, in the

event of an equality of votes, shall have a casting vote.

(3) The Committee shall—

(a) record all its decisions in writing; and

(b) include in the record of every decision a statement of its reasons for the decision.

(4) As soon as may be after deciding an application, the Committee shall send to each party a notice informing him of the decision and of the right of appeal conferred by section twelve of the Law.

PART III

GENERAL

11. (1) A landlord or an occupier of a tenement house or a part of a tenement house who is in possession of a rent book relating to such tenement house or such part thereof shall, on being so required by a person authorised in writing by the Committee in that behalf or by a police officer, produce such rent book for examination.

Production
of rent
book for
examina-
tion.

(2) If a person required under the foregoing provisions of this section to produce a rent book for examination fails to do so, he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

12. The Committee may from time to time by order prescribe forms for use in connection with the hearing of applications and may vary or revoke any such order.

Orders.

13. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“the Clerk” means the Clerk to the Committee;

“the Committee” means the States Cadastre Committee;

“hearing” means a hearing by the Committee of one or more of the parties to an application and includes the determination of an application in which all the parties have elected to rely upon written representations and “heard” shall be construed accordingly;

“the Law” means the Rent Control (Tenement Houses) (Guernsey) Law, 1972;

“the Ordinary Court” means the Royal Court sitting as an Ordinary Court;

“party” includes the landlord and the occupier of any premises in respect of which an application is made;

“rent book” means a rent book supplied under the provisions of section eleven of the Law; and any other expressions shall have the same meaning as in the Law.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that other enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

Citation and commencement.

14. This Ordinance may be cited as the Rent Control (Tenement Houses) Ordinance, 1973, and shall come into force on the first day of April, nineteen hundred and seventy-three.

R. A. MALLETT,

Her Majesty's Deputy Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

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