

Island of



Guernsey

Ordinance of the States **XLI**

1976

Made 28th July, 1976.
Coming into Operation ... 2nd August, 1976.

The Rent Control Ordinance, 1976

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The Rent Control Ordinance, 1976

THE STATES, in exercise of the powers conferred upon them by section twenty of the Rent Control (Guernsey) Law, 1976(a), hereby order:—

PART I

PROCEEDINGS BEFORE A DETERMINING BODY

Notice of hearing.

1. (1) Where a reference or application is received by the determining body, such body shall appoint the date, time and place for the hearing thereof and shall serve upon each party to such reference or application a notice in writing informing him of the date, time and place appointed for the hearing and that he may either—

(a) give notice in writing to the determining body that he wishes to be heard, in person or by a representative; or

(b) if he does not wish to be heard, send to the determining body representations in writing upon the reference or application not less than five days before the date appointed for the hearing.

(2) A notice under the provisions of the last preceding subsection shall be served—

(a) where the determining body is the Rent Officer, not less than ten days before the date appointed for the hearing; or

(b) where the determining body is the Committee, not less than fourteen days before the date appointed for the hearing.

2. (1) The determining body may, by notice in writing served upon a party to a reference or an application, require him to give to such body, within such period as may be specified in the notice, such information as the determining body may reasonably require regarding such of the particulars contained in the reference or application as may be specified in the notice. Further information.

(2) Where a notice is served under the provisions of the last preceding subsection, the period specified in such notice shall be not less than seven days from the date of the notice.

3. (1) The determining body shall take all reasonable steps to ensure that there is supplied to each of the parties not less than three days before the date appointed for the hearing— Documents.

(a) a copy of, or sufficient extracts from or particulars of, any document relevant to the hearing 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 on behalf of the determining body for the purposes of the hearing.

(2) Where at any hearing—

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

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

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

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

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

(3) Where a party does not appear at a hearing, the determining body shall not determine the matter under consideration unless satisfied that such party has been given a sufficient opportunity of commenting upon any copy of, or 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).

**Procedure
at hearing
by the
Committee.**

4. (1) At a hearing by the Committee—

- (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.

(2) A decision of the majority of the members of the Committee shall be the decision of the Committee.

(3) The person presiding at the hearing shall have no original vote, but, in the event of an equality of votes, shall have a casting vote.

**Adjourn-
ment.**

5. The determining body 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.

6. Where one or more of the parties does not appear at a hearing the determining body, on being satisfied that the requirements of the Law and of this Ordinance regarding the giving of notice of the hearing have been duly complied with, may proceed to deal with the reference or application which is the subject of the hearing—

Non-
appearance.

- (a) where any party appears in person or by a representative, upon the representations of such party and upon the documents and information which the determining body may properly consider; or
- (b) where no party appears in person or by a representative, upon the documents and information which the determining body may properly consider.

7. (1) Where the Rent Officer—

- (a) in accordance with the provisions of paragraph (b) of subsection (5) of section two of the Law serves upon a party to a reference a notice of the particulars of the matter referred and of the determination of the Rent Officer thereon; or
- (b) in accordance with the provisions of paragraph (c) of subsection (4) of section three of the Law serves upon a party to an application for the assessment or re-assessment of the basic rent of a controlled dwelling a notice of the particulars of the basic rent determined by the Rent Officer,

Notification
of right of
review or
appeal.

such notice shall, in addition to the particulars required by the said provisions of the Law, inform

such party of his right under the provisions of subsection (1) of section eight of the Law to apply to the Committee to review the decision of the Rent Officer.

(2) Where the Committee in accordance with the provisions of paragraph (b) of subsection (3) of section eight of the Law serves upon a party to a hearing a notice of the decision of the Committee thereon, such notice shall, in addition to the matters required by the said paragraph, inform such party of his right under the provisions of subsection (1) of section ten of the Law to appeal to the Ordinary Court.

PART II

GENERAL

Orders.

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

Interpretation.

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

“application” means an application made to the determining body in accordance with the provisions of the Law;

“the Committee” means the States Cadastre Committee;

“determining body” means the Rent Officer or the Committee, as the case may require;

“hearing” means the consideration by the determining body of a reference or application after due notice to the parties;

“the Law” means the Rent Control (Guernsey) Law, 1976;

“party” includes the landlord and the tenant of any premises in respect of which an application or a reference is made to the determining body;

“reference” means a reference made to the Rent Officer in accordance with the provisions of section two of the Law;

“the Rent Officer” means the Rent Officer for the time being appointed by the States Civil Service Board and includes a Deputy Rent Officer acting by or under the authority of the Rent Officer;

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 a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Ordinance.

10. The enactments set out in the Schedule to this Ordinance are hereby repealed. Repeals.

11. This Ordinance may be cited as the Rent Control Ordinance, 1976, and shall come into force on the second day of August, nineteen hundred and seventy-six. Citation and
commence-
ment.

ENACTMENTS REPEALED

The Rent Control Law (Guernsey) 1946, Amendment Law, 1947, (Commencement) Ordinance, 1950(*b*).

The Rent Control (Amendment) (Guernsey) Law, 1956 (Commencement and Implementation) Ordinance, 1957(*c*).

The Rent Control Ordinance, 1963(*d*).

The Rent Control (Tenement Houses) (Guernsey) Law, 1972 (Commencement) Ordinance, 1973(*e*).

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

R. H. VIDELO,

Her Majesty's Greffier.

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- (*b*) Recueil d'Ordonnances Tome X, p. 117.
 - (*c*) Recueil d'Ordonnances Tome XI, p. 313.
 - (*d*) Recueil d'Ordonnances Tome XIII, p. 297.
 - (*e*) Recueil d'Ordonnances Tome XIX, p. 46.
 - (*f*) Recueil d'Ordonnances Tome XIX, p. 47.

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