

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made 2nd March, 1988
Coming into force 2nd March, 1988

**THE SELF-CATERING TOURIST ACCOMMODATION
ORDINANCE, 1988**

THE STATES, in pursuance of their Resolution of the second day of March, 1988, and in exercise of the powers conferred upon them by section 13A(2) of the Building and Development Control (Alderney) Law, 1975 (a) hereby order:-

Requirement for accommodation permit

1. A designated self-catering unit may not be occupied unless there is in force in respect of it an accommodation permit granted under the Tourist (Alderney) Law, 1956(b).

Restrictions on occupation

2. A designated self-catering unit may only be occupied -

(a) by a person who has not been physically present in Alderney for more than 90 days during the preceding 12 months and who is in Alderney:

- (i) for the purpose of a holiday;
- (ii) to undertake scientific research;
- (iii) in the course of his employment as an employee of the States of Alderney or the States of Guernsey; or

(b) with the written permission of the Committee, by a person who:

-
- (a) Ordres en Conseil Vol.XXV, 8; Vol.XXVI,p.560; Nos.II and III of 1985; No.III of 1987: Section 13A was inserted by the Building and Development Control (Amendment)(Alderney) Law, 1987 (No.III of 1987)
 - (b) Ordres en Conseil Vol.XVII,p.29; Vol.XXII,p.6; Vol.XXVI p.51.

- (i) has been physically present in Alderney for more than 90 days during the preceding 12 months, for any of the purposes mentioned in paragraph (a) of this section.
 - (ii) is in Alderney for the purpose of performing any contractual obligation to the States of Alderney or the States of Guernsey;
 - (iii) is in Alderney for the purposes of his employment and who has not been physically present in Alderney for more than 90 days during the preceding 12 months;
 - (iv) by reason of some circumstance of an exceptional nature, ought in the opinion of the Committee to be permitted to occupy that designated self-catering unit; or
- (c) by the spouse or child of any person mentioned in paragraph (a) or paragraph (b) of this section.

Applications for permission

3.(1) An application for the permission required by virtue of paragraph (b) of section 2 may be made to the Committee by –

- (a) a person who wishes to occupy a designated self-catering tourist unit; or
- (b) the owner of a designated self-catering tourist unit

and shall be in such form, and accompanied by such information, as the Committee may from time to time require.

(2) The Committee may require an applicant to furnish it with such other information, and with such verification, as it may in any particular case consider desirable.

Grant or refusal of applications

4.(1) Upon receipt of an application made in accordance with section 3(1), and of any further information and verification required under section 3(2), the Committee shall either –

- (a) grant the application and issue its written permission:
 - (i) to the owner of the designated self-catering unit for its occupation by named persons or by persons of specified descriptions; or
 - (ii) to a named person for his occupation of the designated self-catering unit; or

(b) refuse to grant the application.

(2) The Committee may, on granting an application under this section, attach to its permission such conditions as it considers desirable.

Withdrawal and variation of permissions

5.(1) Subject to subsection (2) of this section, the Committee may withdraw any permission issued under section 4 or vary any condition of such a permission if –

- (a) its holder has breached any condition subject to which it was issued; or
- (b) there has been a material change in the circumstances pertaining at the time of its issue which the Committee could not reasonably have been expected at that time to foresee as being likely to occur.

(2) Before withdrawing a permission or varying a condition under this section the Committee shall –

- (a) serve on the holder of the permission notice inviting him to make within 14 days (himself or by a representative) written or oral representations as to why the Committee should not withdraw the permission or vary the condition; and
- (b) consider any representations made in response to a notice served under paragraph (a) of this subsection.

(3) Sections 21, 23 and 24 of the Law (appeals, service of notices and notification of refusals) apply when the Committee withdraws a permission or varies a condition as those provisions apply when the Committee refuses a permission or grants a permission subject to conditions.

Offences

6. (1) A person who occupies a designated self-catering unit in contravention of this Ordinance is guilty of an offence and liable –

- (a) on conviction, to a fine not exceeding £500; and
- (b) to a fine not exceeding £50 in respect of each day on which the offence continues after his conviction thereof

(2) A person who permits the occupation of a designated self-catering unit in contravention of this Ordinance is guilty of an offence and liable –

- (a) on conviction, to a fine not exceeding £1,000; and

- (b) to a fine not exceeding £100 in respect of each day on which the offence continues after his conviction thereof.

Interpretation

7.(1) In this Ordinance, unless the context otherwise requires, -

“**child**” means a person’s issue of the first degree (whether legitimate or not) and his step-child or adopted child;

“**designated self-catering unit**” means a building for the erection or use of which the Committee has granted permission under section 13A of the Law subject to the condition that it be designated as ‘as self-catering tourist accommodation’ “;

“**the Law**” means the Building and Development Control (Alderney) Law, 1975;

and other expressions have the meanings assigned to them by the Law.

(2) Unless the context otherwise requires, a reference in this Ordinance –

- (a) to a numbered provision is a reference to the provision of this Ordinance which is so numbered;
- (b) to an enactment is a reference to that enactment as amended, repealed and replaced, varied or applied by or under any other enactment.

(3) The Interpretation (Guernsey) Law, 1948 (c) applies to the interpretation of this Ordinance as it applies to the interpretation of enactment in force on the Island of Guernsey.

Application of the Law

8.(1) This Ordinance shall be construed as one with the Law and, in particular, the provisions of the Law listed in subsection (2) of this section shall have effect as if any reference in them to the Law included a reference to this Ordinance.

(2) The provisions of the Law referred to in subsection (1) of this section are:

- section 21 (appeals);
- section 22 (no compensation payable by States);
- section 23 (service of notices);
- section 24 (notification of refusals);
- section 25 (inspection of land);

section 30 (false statements);
section 31 (offences by bodies corporate) (d);
section 32 (obstruction).

Citation

9. This Ordinance may be cited as the Self-Catering Tourist Accommodation Ordinance, 1988.

(c) Ordres en Consil Vol. XIII, p.355.

(d) Section 31 was substituted by the Building and Development Control (Amendment) (Alderney) Law, 1978 (Ordres en Conseil Vol. XXVI, p.560).