

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. III of 2014

The Development Control (Signs) (Sark) Ordinance, 2014

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 14th April, 2010, and in exercise of the powers conferred upon them by sections 4 and 9 of the Development Control (Sark) Law, 1991^a, hereby order:-

Prohibition on the display of signs.

1. A person may not exhibit, or cause or permit to be exhibited, outdoors any sign which bears any reference to a commercial or industrial undertaking-

- (a) on, or attached to, or otherwise exhibited on, the exterior of any moveable or immovable structure,
- (b) which is painted on the exterior of any such structure, or
- (c) which is otherwise placed, whether directly or indirectly, on land,

without the permission of the Committee and otherwise than in compliance with any conditions attached to such permission.

Applications for permission.

2. (1) A person who wishes to obtain the permission of the Committee to display a sign as otherwise prohibited by section 1 shall make a

^a Ordres en Conseil, Vol. XXXIII, p. 155; amended by Order in Council No. X of 2009.

written application in that behalf to the Committee.

(2) The application shall be in such form, and shall be accompanied by such information and plans, as the Committee may require, and by payment of the prescribed fee (if any).

(3) Upon receipt of an application, or at any time thereafter, the Committee may require the applicant to submit such further information and plans as the Committee may consider necessary.

(4) If the applicant fails to provide the information required by the Committee under subsection (3) within 3 months of the date of the Committee's request then the application shall be deemed to be withdrawn.

Matters to be taken into account.

3. In exercising its powers under this Ordinance, the Committee shall take into account such factors as it may consider to be appropriate to the case in question, including (without limitation) –

- (a) the effect of the sign on the natural beauty of the area,
- (b) whether the sign would be incongruous with its surroundings because of its siting, design or appearance or because of the materials to be used, and
- (c) the extent to which the sign would detract from the character or the amenity of the locality concerned or of the Island.

Grant or refusal of permission.

4. (1) Upon receipt of an application under section 2, the Committee may -

- (a) grant permission,
- (b) refuse permission, or
- (c) grant permission subject to -
 - (i) conditions relating to dimensions, design, structure, appearance or materials, or
 - (ii) such other conditions as the Committee may consider necessary or expedient.

(2) The Committee may vary or revoke any such condition of its own motion, or upon written application being made to it in that behalf by the person to whom the permission was granted.

(3) The Committee shall serve notice on the applicant of any decision made under this section within fourteen days after the day on which the decision was made.

Register of applications.

5. (1) The Committee shall keep a register of all applications made under section 2.

(2) The register shall contain such information as the Committee may consider necessary or expedient, including the name of the applicant, the date of the application and brief particulars of the application.

(3) The register shall be available for public inspection during Committee Office opening hours.

(4) The Committee may cause extracts from the register to be published from time to time in such manner as the Committee may think fit.

Penalties.

6. A person who –

- (a) contravenes section 1 of this Ordinance, or
- (b) for the purpose of obtaining the permission of the Committee under this Ordinance, or in submitting any information or plan to the Committee under section 2–
 - (i) makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or
 - (ii) produces or furnishes or causes or permits to be produced or furnished any information or plan which he knows to be false in a material particular,

is guilty of an offence and liable on conviction to a fine not exceeding level 4 on the Sark uniform scale, a term of imprisonment not exceeding one month, or both.

Restoration orders.

7. (1) Where a person is convicted of an offence under section 6, being an offence consisting of a contravention of section 1, the Committee may apply to the Court for an order under this section (a "**restoration order**").

(2) A restoration order shall require the person convicted or any other person who, at the time of the application, is the owner or occupier of the land in relation to which the contravention took place, to take such action specified in the order as the Court may consider necessary to remedy the contravention.

(3) A restoration order may specify a time limit within which the order is to be complied with.

(4) Without prejudice to the generality of the powers of the Court under this section, a restoration order may require -

(a) the over-painting or removal of any sign, or

(b) compliance with any condition subject to which a permission was granted by the Committee under section 4.

(5) Where a person contravenes a restoration order, the Committee may (without prejudice to the institution of criminal proceedings under section 6 in respect of the contravention) apply to the Court for an order authorising it to take such action specified in the order as the Court may consider necessary to enforce the restoration order.

(6) The Court may, upon the hearing of an application under subsection (5) -

(a) allow the respondent further time to comply with the restoration order,

(b) direct that any expenses reasonably incurred by the Committee in procuring the enforcement of the restoration order shall be recoverable by the Committee from the respondent as a civil debt.

(7) Applications under this section shall be inter partes.

(8) Where the Court makes an order under subsection (5) authorising the Committee to take action to implement a restoration order, no person shall without reasonable excuse (proof whereof shall lie on him) obstruct or hinder any person acting or purporting to act under the authority of, or in the execution of, the order.

Interpretation.

8. (1) In this Ordinance, except where the context excludes -

"**Committee**" means the Development Control Committee,

"**contravention**" includes failure to comply and cognate expressions shall be construed accordingly,

"**Court**" means the Court of the Seneschal,

"**the Law**" means the Development Control (Sark) Law, 1991,

"**plan**" includes any specification, elevation, site plan or drawing,

"**restoration order**" has the meaning given in section 7(1), and

"**sign**" includes any poster, bill, notice, advertising banner or flag.

(2) Words and phrases in this Ordinance have the same meaning as in the Law, unless a different meaning is assigned by subsection (1).

(3) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

(4) References in this Ordinance to any enactment are references thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

9. This Ordinance may be cited as the Development Control (Signs) (Sark) Ordinance, 2014.

Commencement.

10. This Ordinance shall come into force on the 3rd March 2014.

^b Ordres en Conseil Vol. XIII, p.355.