

Le 13 octobre 1945, par devant Victor Gosselin Carey, écuyer, Baillif; présents: etc.

The Control of the Building and Allied Trades and of Building Materials Ordinance, 1945.

THE ROYAL COURT, in exercise of the powers vested in it under the Defence Regulations (Guernsey), 1945, as a Competent Authority in relation to Regulation 55 of those Regulations, having heard the conclusions of His Majesty's Procureur, has ordered and hereby orders as follows:—

1.—In this Ordinance —

Definitions

“the Authority” means the States Housing Authority;

“scheduled business” means any business specified in the First Schedule to this Ordinance;

Registration and Licensing of Scheduled Businesses.

2.—It shall be the duty of every person who at the date of this Ordinance is carrying on a scheduled business in the Island of Guernsey or who at any time thereafter commences to carry on a scheduled business in that Island, to furnish to the Authority within the fifteen days next following the date of this Ordinance or the date on which the scheduled business is first carried on, as the case may be, a return in the form prescribed in the Second Schedule to this Ordinance correctly setting forth the particulars concerning the scheduled business in accordance with the requirements contained in that form.

Particulars
concerning
Scheduled
Businesses

Issue of
Licences

3.—Upon the Authority being satisfied as to the correctness of the particulars furnished to the Authority as aforesaid, the Authority shall enter such particulars in a register to be kept by the Authority and shall issue, without fee, to the person or persons carrying on the scheduled business concerned a licence in the form prescribed in the Third Schedule to this Ordinance authorising such person or persons to carry on the scheduled business.

Conditions
may be
attached
to a licence

4.—The Authority may attach to a licence issued under the provisions of this Ordinance, whether at the time of issue or subsequently, and whether by incorporating the same in the licence or by notice addressed to the licensee or published in “La Gazette Officielle” on any weekday, any such specified conditions as the Authority may from time to time deem proper for the effectual carrying out of the provisions of this Ordinance.

Revocation
or suspension
of licences

5.—The Authority may at any time revoke or suspend the operation of any licence issued under the provisions of this Ordinance in the event of—

- (a) The conviction of any holder of a licence of a contravention of any of the provisions of this Ordinance; or
- (b) any condition attaching to the licence not being complied with; or
- (c) the licensee proving to be incompetent or untrustworthy; or
- (d) the licensee being guilty of professional misconduct in accordance with the general acceptance of the meaning of that expression in the trade in relation to which the scheduled business is carried on;

and, upon the revocation or suspension of any such licence, that licence shall, on the expiration of the ten days next following the date on which the licensee is notified thereof, cease permanently or temporarily to be

valid, as the case may be, unless the licensee shall by then have instituted an appeal from such revocation or suspension, in which event the licence shall continue to be valid pending the decision in such appeal. Upon a licence ceasing permanently or temporarily to be valid by reason of revocation or suspension, the licensee shall return the licence to the Authority for cancellation or temporary retention, as the case may require.

6.—In the event of the transfer of a scheduled business in connection with which a licence under this Ordinance is held or in the event of the death of the holder of such a licence, the transferee or other person succeeding to the business of such holder shall be entitled, upon making application to the Authority for a licence and pending the issue thereof to carry on the scheduled business in accordance with the conditions of the first mentioned licence.

Transfer of
a Scheduled
Business

7.—(i) Any person whose licence under this Ordinance has been revoked or suspended by the Authority may appeal from the decision of the Authority in respect of such revocation or suspension to the Royal Court sitting as an Ordinary Court whose decision in the matter shall be final.

Appeals

(ii) Such appeal shall be instituted by summons served on the President or Acting President of the Authority within the ten days next following the date on which the appellant was notified of the revocation or suspension of the licence and shall set forth the grounds of the appeal.

(iii) Upon the determination of the appeal, the Royal Court, unless it upholds the decision of the Authority, shall issue such direction to the Authority as is appropriate and the Authority shall implement such direction.

8.—A person now carrying on a scheduled business in this Island or hereafter commencing to carry on a scheduled business therein shall not continue to carry on that scheduled business after the expiration of the

No
Scheduled
Business to
be carried
on without
a licence

thirty days next following the date of this Ordinance or the date on which the scheduled business is first carried on, as the case may be, without being in possession of a valid licence issued by the Authority as respects such scheduled business.

Corrections
in
particulars

9.—It shall be the duty of every person to whom a licence is issued under this Ordinance to furnish to the Authority forthwith such corrections in the particulars previously furnished to the Authority as regards the scheduled business concerned as will enable the Authority at all times to keep an accurate record in the register kept by the Authority concerning that scheduled business and to amend accordingly the licence issued in respect thereof, and such person shall forward to the Authority upon request such licence for amendment under this Section.

Limitation of Unlicensed Work.

No work
exceeding
£10 in cost
to be
carried out
without
a licence

10.—A person, whether that person is or is not carrying on a scheduled business, shall not, in any period of twelve consecutive calendar months, carry out work, of which the cost, whether in labour or material, or both, exceeds the sum of Ten Pounds, in relation to the construction, reconstruction, alteration, demolition, repair (including work done as a temporary measure), or decoration of any structure, unless application to carry out that work has been made to, and a licence to carry out the same has been issued by, the Authority and the work is carried out in accordance with the conditions (if any) set out in the licence.

Powers of Housing Authority in relation to this Ordinance

To operate
a scheme of
control of
materials

11.—The Authority is hereby authorised and empowered:—

- (i) to institute and operate a scheme of control of the distribution and use in the Island of Guernsey of all materials used in the conduct of a scheduled

business as, in the opinion of the Authority, is necessary or expedient, with power from time to time to raise and thereafter to reimpose control as regards any of such materials;

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- (ii) to issue directions to any person carrying on a scheduled business to execute in accordance with such directions any work specified therein which is certified by the Authority to be essential work of rehabilitation; To issue directions
- (iii) to decide and issue directions to any person as regards the priority sequence in which any work of rehabilitation shall be carried out; To decide priority sequence
- (iv) to require, for the period specified by the Authority, that work in relation to any structure (including work in connection with the rehabilitation of that structure) shall not be carried out; To require that work shall not be carried out
- (v) to require that all work, whether carried out under a licence issued by the Authority or not requiring a licence under this Ordinance, in relation to the construction, reconstruction, alteration, demolition, repair or decoration of any structure shall be executed as economically as possible, regard being had to the nature and situation of the premises, the current prices of materials and labour and to all other relevant circumstances; To require that work shall be executed as economically as possible
- (vi) to require the production of time sheets, invoices and other vouchers necessary for the purpose of apportioning the cost of work in relation to any structure under the following heads: To require production of time-sheets, etc.
 - (a) Replacements or repairs necessitated by War Damage;
 - (b) Replacements or repairs not necessitated by War Damage;
 - (c) Alterations and Improvements.

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To enter premises where work is being carried out

(vii) to enter, and to authorise the entry of any representative of the Authority, upon any premises on or in which such work as is referred to in paragraph (v) of this Section is being carried out for the purpose of inspecting the same.

Contraventions of this Ordinance

12.— Contraventions of this Ordinance are offences against the Defence Regulations (Guernsey), 1945.

FIRST SCHEDULE

- Builder.
- Carpenter and Joiner.
- Electrician.
- Gas Fitter.
- Heating Engineer.
- Mason.
- Painter.
- Plasterer.
- Plumber and Sanitary Engineer.
- Slater and Tiler.

SECOND SCHEDULE

To

The States Housing Authority,
Hadsley House,
Lefebvre Street, Guernsey.

(a) State the type of business carried on I hereby declare that the following particulars concerning the business of.....(a)
carried on by..... (b) are true and correct in all particulars: —

(b) State the trade name under which the business is carried on

1. If the business is carried on by a Limited Liability Company, state the address of the Registered Office:
2. If carried on by one person only, state his full name and private postal address:
.....

3. If carried on by a partnership, state the full name and private postal address of each of the partners: — 1945

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4. Give the postal address of the place (or principal place) at which the business is carried on: —

5. State the number of men employed: —

	Tradesmen	Apprentices	Labourers
Bricklayers and Masons			
Carpenters			
Joiners			
Plasterers			
Plumbers			
Painters			
General Labourers			

6. State briefly the plant at your disposal, including concrete mixers, mortar mills: —

7. What workshops have you, and have you any power plant? If so, what?

.....

.....

8. Have you any transport? If so, what?

.....

Signature (c) (c) If a Com-

Date: 19.....

pany or a partner-
ship to be
signed by
a Director
or partner

THIRD SCHEDULE

Licence.

..... of
..... is (are) hereby authorised to
carry on the business of
in the Island of Guernsey subject to the conditions (if
any) specified at the foot of this Licence.

.....
President (or Acting President)
States Housing Authority.

Date:194...

Conditions attaching to the grant of this Licence.