

Island of



Guernsey

Ordinance of the States

**XII
2016**

Made 16th February, 2016

Coming into Operation 18th February, 2016

The Compulsory Acquisition of Land (Guernsey) (Fees and Amendment) Ordinance, 2016

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THE STATES, in pursuance of their Resolutions of the 24th June, 2009^a and 25th November, 2015^b, and in exercise of the powers conferred on them by sections 12 and 12A of, and paragraph 11(5) of Schedule 1 to, the Compulsory Acquisition of Land (Guernsey) Law, 1949^c, hereby order:-

Fees charged in respect of proceedings before arbitrators or the umpire.

1. (1) Where any question of disputed compensation is required to be settled in accordance with Schedule 1 to the 1949 Law, the fees (including any expenses) to be charged in respect of proceedings before the arbitrators or the umpire, as the case may be, shall include only such reasonable fees and expenses as are appropriate in the circumstances.

(2) If there is any question as to what reasonable fees and expenses are appropriate in the circumstances, the Royal Court may on the application of any party (upon notice to the other parties) –

- (a) determine the matter, or
- (b) order that it be determined by such means and upon such terms as the court may specify.

Amendment to the 1949 Law.

^a Article IX of Billet d'État No. XVI of 2009.

^b Article XXIII of Billet d'État No. XX of 2015.

^c Ordres en Conseil Vol. XIV, p. 25; as amended by Ordres en Conseil Vol. XXII, p. 560; the Compulsory Acquisition of Land (Guernsey) (Amendment) Law, 2010 (No. VII of 2012); and Recueil d'Ordonnances Tome XXIX, p. 406.

2. The 1949 Law is further amended as follows.

3. In the arrangement of sections of the 1949 Law, for "Transfer of rights from land to compensation", substitute "Land not subject to any "droit hypothécaire".

4. In section 2 of the 1949 Law –

(a) substitute "Land not subject to any "droit hypothécaire"" for the section heading,

(b) in subsection (1) omit "but the compensation payable by way of "rente" in respect of the acquisition of that land in accordance with the provisions of this Law shall thenceforth be alone subject thereto in substitution for that land", and

(c) repeal subsections (2) and (3).

5. In section 9 of the 1949 Law -

(a) omit ""rente" created as compensation under this Law until the redemption thereof, and on any", and

(b) after "awarded as compensation" insert "under this Law".

6. In section 10 of the 1949 Law, at the end of the expression "qualifying person" insert "any person with a "rente, rente hypothèque" or other "droit hypothécaire" or a "recours en garantie"".

7. In paragraph 9 of Schedule 1 to the 1949 Law, subparagraph (8) is repealed.

8. In paragraph 4 of Schedule 2 to the 1949 Law, in subparagraph (3)(a)(ii) for "Department" substitute "acquiring department".

Interpretation.

9. In this Ordinance the "**1949 Law**" means the Compulsory Acquisition of Land (Guernsey) Law, 1949, as amended.

Extent.

10. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

11. This Ordinance may be cited as the Compulsory Acquisition of Land (Guernsey) (Fees and Amendment) Ordinance, 2016.

Commencement.

12. This Ordinance shall come into force on the 18th February, 2016.

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