

**Ordonnance supplémentaire à l'Ordonnance relative à la  
Construction de Maisons, Salles Publiques et Bâtiments.  
et au Tracement de Routes et Chemins du 25 avril 1931.  
(Le 6 février 1936)**

LA COUR, ouïes les conclusions des Officiers du Roi, a rappelé les Articles 34, 36, 37, 38 et 39 de l'Ordonnance relative à la Construction de Maisons, Salles Publiques et Bâtiments et au Tracement de Routes et Chemins passée le 25 avril 1931 et a aussi rappelé l'Ordonnance Provisoire relative aux Bornements et prohibant l'érection de Bâtiments tendant à obstruer la visibilité des Véhicules en circulation y supplémentaire passée le 15 décembre 1934 et y a substitué les Articles 34, 36, 37, 38 et 39 rédigés en anglais qui ensuivent, lesquels seront censés dorénavant former partie intégrale de la dite Ordonnance du 25 avril 1931 (ci-après désignée "l'Ordonnance principale") et a ordonné que tels rappels n'affecteront en rien aucunes pénalités encourues en conséquence d'aucune infraction déjà commise d'aucune disposition des Articles d'Ordonnance ou de l'Ordonnance présentement rappelée ni la prise de procédures légales à l'égard de telles infractions ni l'infliction de telles pénalités, lesquelles procédures

pourront être intentées et lesquelles pénalités pourront être infligés comme si tels rappels n'avaient pas eu lieu, et a aussi ordonné que toute contravention des dispositions de cette présente Ordonnance sera censée être une contravention de l'Ordonnance principale.

ADDITIONAL REGULATIONS CONCERNING  
PUBLIC HALLS AND OTHER BUILDINGS  
USED FOR PUBLIC GATHERINGS.

INSPECTION AND CERTIFICATION

34.—(1) In this Article, the expression “ public building ” shall include every building, not being a building licensed by the Royal Court as a “ Salle Publique,” which is used for the purpose of public meetings or public gatherings.

(2) No building shall be used as a public building until a certificate specifying the purposes for which it may be so used shall have been issued by the Committee. Provided that, subject to the provisions of the next succeeding section of this article, the validity of any certificate issued by the Committee before the date of this present Ordinance shall not be affected by the provisions of this Article.

(3) The Committee is hereby empowered to inspect every building intended for use as a public building and to issue a certificate in respect thereof specifying the purposes for which the building may be used as a public building and the conditions to be observed therein for the safety of the public using the same, with power, from time to time in its discretion, to inspect every building certified for use as a public building and to vary the purposes and conditions contained in any certificate previously issued in respect thereof and to suspend or cancel such certificate. Every certificate issued in respect of a public building shall contain the name and address of every person having charge of the public building

(such person or persons being hereinafter referred to as "the Manager").

(4) The Committee is hereby empowered to require the installation of separate sanitary accommodation for each sex to serve every building used or intended to be used as a public building, as the Committee may deem necessary.

(5) The certificate for the time being in force in respect of a public building shall be and remain displayed in a conspicuous position near the entrance thereof.

(6) If the purposes or conditions contained in a certificate issued in respect of a public building or any of the same, shall be varied by the Committee or if the Committee shall suspend or cancel such certificate, the Manager, upon being notified by the Committee of such variation, suspension or cancellation, shall forthwith return to the Committee the certificate which is the subject of such variation, suspension or cancellation.

#### PUBLIC HALLS

(7) The Committee is hereby empowered from time to time, in its discretion, to inspect every building licensed by the Royal Court as a "Salle Publique."

#### PLANS

(8) The Manager of every building licensed by the Royal Court as a "Salle Publique" or in respect of which it is intended that such a licence be applied for and of every building used or intended to be used as a public building shall, whenever so required by the Committee, deliver to the Committee a plan in duplicate of such hall or public building, showing the entrances, exits, galleries, passages, fireproof curtain, lighting system and the arrangement of the seating accommodation and indicating the number of persons for whom seating accommodation is provided. A copy of such plan shall be lodged at the States Office and the other copy shall be lodged with the Constables of the Parish in which the "Salle Publique" or public building is situated.

## OFFENCES

(9) If the proprietor, tenant or other person having charge of a building which is not certified for use as a public building shall use or permit the same to be used for public meetings or gatherings, or if the Manager of a public building shall use or permit the same to be used as such for any purpose not specified in the certificate issued in respect of that building, or shall infringe or fail to comply with the conditions contained in that certificate, or shall fail to display the certificate issued in respect of that public building as required by this Article, or shall fail to return to the Committee a certificate which has been varied, suspended or cancelled, or shall fail to instal the sanitary accommodation required by the Committee to be installed, or if the Manager of any building licensed as a "Salle Publique" or as regards which it is intended that a licence as such be applied for or of any building used or intended to be used as a public building shall hinder the inspection of that building by the Committee or by any agent of the Committee authorised by it to inspect the same, or shall refuse or neglect to deliver to the Committee upon being required so to do the plan described in Section 8 of this Article, he shall be deemed to have acted in contravention of this Ordinance.

## APPEALS

(10) An appeal shall lie to the Royal Court sitting as a Full Court from any decision of the Committee in regard to the issue, variation, suspension or cancellation of a certificate under this Article. The decision of the Royal Court on the matter shall be final.

ALIGNMENTS ("BORNEMENTS") AND  
PERMITS CONNECTED THEREWITH

36.—(1) For the purposes of this Article, the expression "building" shall include any well, cistern, cesspit, cellar, or other excavation below surface level, whether containing structure or not, and also any wall, hedge, fence or other structure serving as a boundary or otherwise.

(2) It is forbidden to erect a building or to re-erect on old foundations within 30 feet from any public road or way without a permit or otherwise than in accordance with an alignment granted by the competent authority, under a penalty not exceeding £5, and the demolition of the building so erected. The competent authority for granting permits and alignments shall be the Constables and Douzaine of the parish wherein the proposed erection is to be situate except in the case of a property bordering, but in so far only as it borders, any of the spaces, quays and roadways adjacent to or forming part of the harbours of St. Peter Port and St. Sampson respectively and belonging to the States of Guernsey and controlled as harbour territory by the States Board of Administration, or any of the roads and ways extending therefrom and so belonging and controlled, in which case the competent authority shall be the States Board of Administration.

(3) An appeal shall lie to the Royal Court sitting as a Full Court from the refusal of the competent authority, whether under this Article or the next succeeding Article, to permit the erection or re-erection of a wall, hedge, fence, or other structure serving only as a boundary at a distance from any public road or way greater than five feet or to permit the erection or re-erection of any other building at a distance from any public road or way greater than fifteen feet. Such appeal shall be instituted by way of petition and right of appeal shall lapse if the petition be not tabled within the six months next following the date of the "Rapport" containing the decision of the competent authority appealed from. The decision of the Royal Court in the matter shall be final.

(4) A permit to build, or an alignment granted by the Constables and Douzaine or by the States Board of Administration, as the case may be, whether under this Article or the next succeeding Article, shall cease to

be valid if the work to which it relates is not commenced within twelve months from the date thereof.

37.—(1) For the purpose of this Article:

“Building” shall include any wall, hedge, fence, or other structure serving as a boundary or otherwise.

“Vehicle” shall have the meaning assigned to it in the Ordinance entitled “Ordonnance provisoire relative au Trafic Véhiculaire en cette Ile” of the 2nd March, 1929, and in any Ordinance replacing or amending the same, and the expression “vehicular traffic” shall be construed accordingly.

(2) Where any land is so situate in relation to a public street, road or lane in which vehicular traffic is not prohibited that the erection of a building on or over such land would prevent the driver of a vehicle proceeding along that street, road or lane from seeing any other vehicle proceeding along that street, road or lane or along any other such public street, road or lane which joins or intersects the first mentioned street, road or lane at all times when the vehicles are within a distance of one hundred and fifty feet from each other, such distance being measured along the centre of that street, road or lane or of those streets, roads or lanes, it shall be unlawful on or over such land situate as aforesaid to erect a building without a permit from the competent authority or otherwise than in accordance with the directions of the competent authority as to the distance from any such street, road or lane within which no building shall be erected on that land and as to the height above the level of that land or any part thereof beyond which no building shall be erected.

Provided that the provisions of this Section shall not apply in the case of any building the erection of which in conformity with an alignment or permit previously given by the competent authority was commenced before the date of this present Ordinance.

38.—The provisions of Article 40 of the Ordinance entitled “Ordonnance Générale relative aux Routes, Rues

et Chemins” of the 20th of January, 1840, shall apply in the case of every property bordering harbour territory as specified in Article 36 hereof.

Provided that the powers and functions exercised by the Constables and Douzaine by virtue of the said Article 40 shall in respect of such properties and any of them be exercised by the States Board of Administration and not by the Constables and Douzaine. Provided also that any indemnity concerning such properties which may be payable under the said Article 40 shall be payable by the States and shall not be the subject of any option as between the States and a parish.

39.—(1) For the purposes of this Article the expression “building” shall have the meaning assigned to it in Article 36 of this Ordinance save that it shall not include any wall, hedge, fence or other structure serving only as a boundary.

(2) It is forbidden to erect any house or building within four feet from a public road or way:

Provided that this prohibition shall not apply in the area of the Parish of St. Peter Port situate within the Barriers as defined in the Law of Inheritance of 1840, and that, for the purposes of this Article, the expression “public road or way” shall be deemed not to include the spaces, quays, roads and ways situate in that parish and belonging to the States of Guernsey and controlled by the States Board of Administration as harbour territory nor the roads adjoining St. Sampson’s Harbour and known as the North Quay, St. Sampson’s Bridge and the South Quay.

Provided also that on the recommendation of the Douzaine or of the States Board of Administration as the case may be, the Royal Court sitting as an Ordinary Court may grant permission to erect houses or other buildings within four feet from a public road or way to any person who shall apply for the same and shall have given notice in “La Gazette Officielle” on two occasions of the date and hour of the application to the Court and

that any person desiring to oppose the application should appear and show cause why such application should not be granted.