

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

**The Building and Development Control (Alderney)
(Amendment) Ordinance, 2007 ***

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. III of 2007; as amended by the Building and Development Control (Alderney) (Amendment) Ordinance, 2016 (Alderney Ordinance No. ** of 2016).

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ARRANGEMENT OF SECTIONS

1. Amendment of Law.
2. Transitional measures and interpretation.
3. Citation.

(Made on 20th June, 2007.)

The Building and Development Control (Alderney) (Amendment) Ordinance, 2007

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 20th June, 2007 and in exercise of the powers conferred on them by section 75 of the Building and Development Control (Alderney) Law, 2002^a, hereby order: –

Amendment of Law.

1. (1) The Building and Development Control (Alderney) (Amendment) Law, 2002 "**the principal Law**", is amended in accordance with the following subsections.

(2) In the Arrangement of Sections,

(a) immediately after the reference to section 10, insert –

"10A. Preliminary declarations.",

(b) delete the references to sections 14 and 32, and

(c) immediately after the reference to section 69, insert –

"69A. Defence of due diligence."

(3) In section 4(1)(h), delete "wilfully".

(4) For the full stop at the end of section 4(1)h, substitute a semicolon and insert –

"(i) cause or permit the cutting down or destruction

^a Order in Council No. XII of 2003, as amended by the Building and Development Control (Alderney) (Amendment) Law, 2004 and the Building and Development Control (Alderney) (Amendment) Ordinance, 2005.

of any living tree; and in this paragraph "**destruction**" shall be construed in accordance with paragraph (h).".

(5) In sections 5(1)(a) and (2)(b), immediately after "specifications" insert "models".

(6) Delete "and" where it appears immediately after section 5(2)(a).

(7) For the full stop at the end of section 5(2)(h) substitute a semicolon and insert –

"(c) to undertake public consultation, in such manner as the Committee may prescribe,

(d) to comply with any other instruction of the Committee including, without limitation, any instruction regarding the display of notices and site poles.".

(8) After section 10, insert a new section as follows –

"Preliminary declarations.

10A. (1) A person who desires to carry out any development or work for which permission is required under this Law may, before making an application to the Committee in that behalf, apply to the Committee for a preliminary declaration as to whether, in principle, the Committee, on the submission to it of an application with such detailed plans or information or both as the Committee may require, would be likely to grant permission for such development or work.

(2) A preliminary declaration issued under the provisions of this section shall remain valid for a period of three years from the date on which it was issued.".

(9) Section 14 (and, for the avoidance of doubt, any Ordinance

made thereunder) is repealed.

(10) ...

(11) For section 27(2)(c), substitute –

"(c) any other person authorised to do so;" .

(12) After section 27(2)(c) (as amended above) insert –

"(d) by written representation." .

(13) Section 32 is repealed.

(14) ...

(15) ...

(16) After section 69, insert a new section as follows –

"Defence of due diligence.

69A. In any proceedings for an offence under section 68(a), it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself and by any person under his control." .

(17) In section 70, after paragraph (iii), insert –

"(iv) (A) to replant or plant with trees the land,
or such other land as may be agreed
between the Committee and that person;
and

(B) to maintain those trees for a period, not
exceeding ten years, or such other
period as may be specified by the

Committee."

(18) In section 76(1) –

(a) after the definition of "caravan", insert a new definition as follows –

""**cliff path**" means any path bordering the coast or cliffs which, for the avoidance of doubt may be shown marked in red on a map of the island which may be produced by the Committee and made available for inspection at the States office."

(b) in the definition of "dwelling", paragraph (b)(ii) is repealed.

(19) Section 76(3)(c) is repealed.

NOTE

In section 1, subsection (10), subsection (14) and subsection (15) were repealed by the Building and Development Control (Alderney) (Amendment) Ordinance, 2016, section 22(1), with effect from 1st January, 2017.

Transitional measures and interpretation.

2. From the date of commencement of this Ordinance –

(a) any certificates received by the Land Registrar from the Committee to the effect that a building has been designated as self-catering tourist accommodation pursuant to section 14(1), shall have no effect, and

(b) for the avoidance of doubt, any designations previously noted by the Land Registrar pursuant to section 14(3), are cancelled.

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

Citation.

3. This Law may be cited as the Building and Development Control (Alderney) (Amendment) Ordinance, 2007.

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