

Consolidated text

ORDINANCE OF THE STATES OF ALDERNEY

ENTITLED

The Regulation of Building (Alderney) Ordinance, 1949 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. VI of 1949; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Regulation of Building (Amendment) (Alderney) Ordinance, 1969 (Alderney Ordinance No. IV of 1969).

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ARRANGEMENT OF SECTIONS

1-8. Sections 1-8.

(Made on the 5th December, 1949.)

The Regulation of Building (Alderney) Ordinance, 1949

WHEREAS it is necessary to ensure that building in Alderney conforms with certain standards, the States of Alderney hereby order: –

Sections 1-8.

1. (1) A person shall not erect or attempt to erect or cause or attempt to cause to be erected any building in contravention of such regulations as may from time to time be prescribed by the Authority under this Ordinance.

(2) For the purpose of this Ordinance a reference to the erection of a building shall include –

- (i) reconstruction of a building whether wholly or in part, and
- (ii) any addition or change in the structure of any building.

2. Regulations referred to in section one of this Ordinance may be made by the Authority for the purpose of ensuring –

- (a) that all buildings are erected with due regard to the safety and solidity thereof both as respects any future occupiers of those buildings and as respects other buildings previously erected in the immediate neighbourhood of those buildings, and
- (b) that all buildings are erected with due regard to reasonable requirements of hygiene and sanitation, provision being made in respect of the purpose for which it is intended that such buildings will be used when erected, and

- (c) that all buildings are erected only in such manner and in such places as not to obstruct the development of any public roads or services in the course of, or to be, constructed in the future, either by the States or the States of Guernsey, and
- (d) that new buildings shall not be erected in such places and such manner or that existing buildings shall not be altered in such manner, as, in the opinion of the Authority, to spoil the natural beauties of this Island, and
- (e) that persons who undertake the work of building in Alderney are of sufficient substance and possess the necessary qualifications and skill; and for this purpose the Authority may licence builders.

3. (1) The Authority or any person so authorised in writing by the Authority is hereby empowered at all reasonable times, either during the erection of any building or during the period of six months thereafter, to enter upon that building or the site thereof and to examine such building or site.

(2) If any person shall hinder or obstruct the Authority, or any person authorised in writing by the Authority under the provisions of the preceding subsection, he shall be guilty of an offence under this Ordinance.

4. (1) A copy of the current regulations made under this Ordinance shall be maintained at all times at the office of the Authority and shall be available to any person for inspection, free of charge during all the usual office hours of the Authority.

(2) Any change in the building regulations shall be notified by the Authority by means of a single publication of the Gazette Officielle published in the Island of Guernsey, and shall not have legal effect until three days after the date of such publication.

5. Any regulations made by the Authority under this Ordinance shall be laid before the States immediately after they are made, in such manner as the States may by general resolution, from time to time direct, and if, at the meeting of the States in the course of which any regulations of the Authority are laid before them or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall henceforth be void, but without prejudice to the validity of anything done previously thereunder or to the making of new regulations.

6. (1) A person acting in contravention of any of the provisions of this Ordinance or of the provisions of the regulations made by the Authority or who is guilty of an offence under the provisions of this Ordinance, shall be liable on conviction to a fine not exceeding [level 1 on the Alderney uniform scale] or to a term of imprisonment not exceeding one month [...] or to both such fine and imprisonment, and in addition of in substitution therefor, the Court may order the total or partial demolition of any work done or the restoration to its original state of any building demolished or altered in whole or in part in contravention of the provisions of the regulations made under this Ordinance.

(2) Proceedings may be taken under this section against the owner of the building concerned and against his agent or either of them.

7. (1) For the purpose of this Ordinance and any regulation made thereunder, the expression "**building**" shall include a dwelling house, shop, office building, factory or warehouse, but shall not include any of the following –

(...) ...

(...) ...

(...) ...

[(a)] buildings constructed for the purpose of being used only in connection with and during the alteration or repair of any building or other work in respect thereof; and

[(b)] any other buildings or class of buildings which the Authority may by regulations under this Ordinance, from time to time, exclude from the provisions of this Ordinance or of any regulations as aforesaid.

(2) For the purposes of this Ordinance, the following expressions shall have the meanings hereby respectively assigned to them –

["**the Authority**" means the committee of the States appointed by the States for the purposes of this Ordinance,]

"**Court**" means the Court of Alderney;

"**States**" means the States of Alderney.

8. This Ordinance shall come into force on the 1st December, 1949.

NOTES

In this Ordinance,

the words and figure in the first pair of square brackets in subsection (1) of section 6 were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989;¹

the words omitted in the second pair of square brackets in subsection (1) of section 6 were repealed by the Regulation of Building (Amendment) (Alderney) Ordinance, 1969, section 1(a), with effect from 9th September, 1969;

paragraph (a), paragraph (b) and paragraph (c) of subsection (1) of section seven were repealed, and paragraph (d) and paragraph (e) thereof were re-lettered as, respectively, paragraph (a) and paragraph (b), by the Regulation of Building (Amendment) (Alderney) Ordinance, 1969, section 1(b), with effect from 9th September, 1969;

the definition of the expression "the Authority" in subsection (2) of section 7 was substituted by the Regulation of Building (Amendment) (Alderney) Ordinance, 1969, section 1(c), with effect from 9th September, 1969.

¹ These words were previously substituted by the Regulation of Building (Amendment) (Alderney) Ordinance, 1969, section 1(a), with effect from 9th September, 1969.