

# ORDINANCE

## OF THE STATES OF DELIBERATION

ENTITLED

### **Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins \***

[CONSOLIDATED TEXT]

#### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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Recueil d'Ordonnances Tome VIII, p. 123; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Bornements (Modification) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 469); the 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, 1936 (Recueil d'Ordonnances Tome VIII, p. 140); the Construction of Buildings and Roads (Regulations) Ordinance, 1948 (Recueil d'Ordonnances Tome VIII, p. 148); the Building (Amendment) Ordinance, 1957 (Recueil d'Ordonnances Tome XI, p. 338); the Building Control (Transfer of Functions) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 57); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Parochial Administration Ordinance, 2013 (No. XL of 2013); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 (No. \*\* of 2019); the Bornement (Fees) Regulations, 2015 (G.S.I. No. 60 of 2015). This Ordinance is applied, in part, to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008); the 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, 1936 (Recueil d'Ordonnances Tome VIII, p. 147).

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**Ordonnance ayant rapport à la Construction de Maisons,  
Salles Publiques et Bâtiments, et au Tracement de  
Routes et Chemins**

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*(Made on 25th April, 1931.)*

## **Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins**

**LA COUR**, ouïes les conclusions des Officiers du Roi, a rappelé et rappelle les Ordonnances suivantes savoir: –

l'Ordonnance Provisoire ayant rapport à la Construction de Maisons et Bâtiments et au Tracement de Routes et Chemins passée le 16 décembre 1922,

l'Ordonnance provisoire portant amendement à la dite Ordonnance du 16 décembre 1922, passée le 15 février 1929,

l'Ordonnance provisoire portant amendement à la dite Ordonnance du 16 décembre 1922, passée le 15 février 1930,

l'Ordonnance provisoire supplémentaire à la dite Ordonnance du 16 décembre 1922, passée le 8 novembre 1930.

et y a substitué l'Ordonnance contenant des règlements rédigés en anglais qui ensuivent.

### **DEFINITIONS**

[ In this Ordinance the expression "**the Committee**" means the States [Development & Planning Authority].]

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### **NOTES**

*In this Article,*

*the words in square brackets were substituted by the Building (Amendment) Ordinance, 1957, section 1, with effect from 1st January, 1958;<sup>1</sup>*

*the words in the square brackets within the square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016.<sup>2</sup>*

*The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Development & Planning Authority and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

*The following case has referred to this Ordinance:*

*Trinity Investments Limited and Charroterie Developments Limited v. Long Port Properties Limited (2001) (Unreported, Court of Appeal, 6th July) (Guernsey Judgment No. 3/2001).*

*In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.*

*In accordance with the provisions of the Construction of Buildings and Roads (Regulations) Ordinance, 1948, Article 3, with effect from 10th July, 1948, this Ordinance and the 1948 Ordinance may be cited together as the Construction of Buildings and Roads (Regulations) Ordinances, 1931 and 1948.*

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## ERECTION, RE-ERECTION OR MODIFICATION OF BUILDINGS PERMITS

1. ...
2. ...
3. ...

4. ...

5. ...

6. ...

7. ...

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**NOTE**

*Article 1, Article 2, Article 3, Article 4, Article 5, Article 6 and Article 7 were repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>4</sup>*

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**NON-COMBUSTIBLE EXTERIOR AND PARTY WALLS**

8. ...

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**NOTE**

*Article 8 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>5</sup>*

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**STONE WALLS**

9. ...

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**NOTE**

*Article 9 was repealed by the Building (Amendment) Ordinance, 1957,*

section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>6</sup>

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## BRICK, CONCRETE AND OTHER WALLS

10. ...

11. ...

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### NOTE

*Article 10 and Article 11 were repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>7</sup>*

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## DIVIDING WALLS

12. ...

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### NOTE

*Article 12 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>8</sup>*

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## WOODEN BUILDINGS

13. ...

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### NOTE

*Article 13 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section*

4 of the 1957 Ordinance.<sup>9</sup>

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## FIREPLACES

14. ...

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### NOTE

*Article 14 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>10</sup>*

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## FACADES IN TOWNS

15. ...

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### NOTE

*Article 15 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.*

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## PUBLIC BUILDINGS

16. Particulars of all changes, alterations or additions to a public hall or to any building in which it is intended to hold public meetings or gatherings shall be submitted to the Committee, being the competent Authority according to Law, and the proposed work shall not be undertaken until approved by the Committee.

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### NOTE

*Article 16 is applied to the Island of Herm by the Herm Laws Ordinance,*

1948 (*Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948*), Article 1, Schedule, Part III, with effect from 13th March, 1948.

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## SHUTTERS

17. ...

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### NOTE

Article 17 was repealed by the *Building (Amendment) Ordinance, 1957*, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.

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## THATCH

18. ...

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### NOTE

Article 18 was repealed by the *Building (Amendment) Ordinance, 1957*, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>11</sup>

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## TIMBER IN PARTY WALLS

19. ...

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### NOTE

Article 19 was repealed by the *Building (Amendment) Ordinance, 1957*, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>12</sup>

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FLOORS

20. ...

STAIRS AND LANDINGS

...

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**NOTE**

*Article 20 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>13</sup>*

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WATER

21. ...

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**NOTE**

*Article 21 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>14</sup>*

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CLOSETS

22. ...

23. ...

24. ...

25. ...

26. ...

27. ...

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**NOTE**

*Article 22, Article 23, Article 24, Article 25, Article 26 and Article 27 were repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>15</sup>*

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**CLOSETS, OTHER THAN WATER CLOSETS**

28. ...

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**NOTE**

*Article 28 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>16</sup>*

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**DRAINS**

29. ...

30. ...

31. ...

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**NOTE**

*Article 29, Article 30 and Article 31 were repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>17</sup>*

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**CESSPOOLS**

**32.** ...

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**NOTE**

*Article 32 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>18</sup>*

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**WASTE PIPES**

**33.** ...

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**NOTE**

*Article 33 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>19</sup>*

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**[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.]

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### NOTES

*Article 34 was substituted by the 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,<sup>20</sup> with effect from 8th February, 1936.*

*Article 34 is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.*

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## ROADS OR LANES

**35.** No road or lane intended for public service shall be laid out or constructed without the approval of the Committee, and such laying out or construction shall be subject to such conditions as the Committee may impose.

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**NOTE**

*Article 35 is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.*

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[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 [(subject to paragraph (2E))] 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 [1.5 metres] 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 [level 2 on the uniform scale], 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' Trading Supervisory Board], or any of the roads and ways extending therefrom and so belonging and controlled, in which case the competent authority shall be the States [Committee for Home Affairs].

[ (2A) An application for the grant or renewal of a permit or alignment ("**bornement**") under paragraph (2) shall be accompanied by the fee prescribed by the competent authority which –

- (a) shall not exceed [£25],
- (b) may (at the discretion of the competent authority) be refunded if the application is refused, and
- (c) if not refunded, shall be put to such use as the competent authority thinks fit.

(2B) Upon receipt of an application for the grant of a permit or alignment under paragraph (2) for the erection or re-erection of a building within 1.5 metres of a public road or way, the competent authority shall, as soon as is reasonably practicable, give written notice of the application to [the Committee for the Environment & Infrastructure].

(2C) [ The Committee for the Environment & Infrastructure] shall submit its representations on the application to the competent authority within 2 weeks of the date of the said written notice.

(2D) The competent authority shall consider those representations before deciding whether to grant or refuse the application.

(2E) In paragraph (2B) "**building**" does not include a wall, hedge, fence or other structure serving only as a boundary; and in paragraphs (2B) and (2C) "[**the Committee for the Environment & Infrastructure**]" means the States [Committee for the Environment & Infrastructure].]

[ (3) An appeal shall lie to the Parochial Appeals Tribunal established under the Parochial Administration Ordinance, 2013, by way of service of a notice of appeal on the President of that Tribunal, from the refusal of the competent authority, whether under this Article or Article 37, to permit the erection or re-

erection of a building; and subsections (2) to (6) of section 1C of the Cutting of Hedges Ordinance, 1953 shall apply to the service of a notice of appeal under this Article as they apply to the service of a notice of appeal under that Ordinance.]

(4) A permit to build, or an alignment granted by the Constables and Douzaine or by [the States' Trading Supervisory Board], 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.]

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## NOTES

*Article 36 was substituted by the 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,<sup>21</sup> with effect from 8th February, 1936.*

*In Article 36,*

*the words in, first, the square brackets in paragraph (1) and, second, the second pair of square brackets in paragraph (2) were, respectively, inserted and substituted by the Bornements (Modification) (Guernsey) Law, 1989, Article 1(a) and Article 1(b)(ii), with effect from 5th December, 1989;*

*first, the word and figures in the first pair of square brackets in paragraph (2) and, second, paragraph (3) were substituted by the Parochial Administration Ordinance, 2013, section 2, respectively paragraph (a) and paragraph (b), with effect from 1st September, 2015;<sup>22</sup>*

*the words "the States' Trading Supervisory Board" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, section 3(b), with effect from 27th November, 2019;<sup>23</sup>*

*paragraph (2A), paragraph (2B), paragraph (2C), paragraph (2D) and paragraph (2E) were inserted by the Bornements (Modification) (Guernsey) Law, 1989, Article 1(c), with effect from 5th December, 1989;*

*the symbol and figures in square brackets in paragraph (2A)(a) were substituted by the Bornement (Fees) Regulations, 2015, regulation 1, with effect from 1st September, 2015;*

*the words, first, "T/the Committee for the Environment &*

*Infrastructure" and, second, "Committee for the Environment & Infrastructure" in square brackets, wherever occurring in paragraph (2B), paragraph (2C) and paragraph (2E) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(3), Schedule 3, paragraph 5 and section 2, Schedule 1, paragraph 12(a), with effect from 1st May, 2016.<sup>24</sup>*

*The functions, rights and liabilities of the States Committee for Home Affairs were transferred to the States' Trading Supervisory Board by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, section 3(a), with effect from 27th November, 2019.<sup>25</sup>*

*The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>26</sup>*

*The following case has referred to Article 36:*

*Trinity Investments Limited and Charroterie Developments Limited v. Long Port Properties Limited (2001) (Unreported, Court of Appeal, 6th July) (Guernsey Judgment No. 3/2001).*

*In accordance with the provisions of the 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,<sup>27</sup> Article 1, with effect from 3rd December, 1938, as regards any road or way whereof the site was approved by the Committee prior to that date, and any road or way approved by the Committee on or after that date, the site of any such road or way shall, for the purposes of this Article, be deemed to be a public road or way and shall, for the purposes of Article 37 of this Ordinance, but not otherwise, be deemed to be a public street, road or lane, subject to the proviso in the 1938 Ordinance.*

*In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Ordinance may be exercised by Regulation.*

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### **Article 37.**

[ 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 Île" of the 2<sup>nd</sup> 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 joints 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.]

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**NOTE**

*Article 37 was substituted by the 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,<sup>28</sup> with*

*effect from 8th February, 1936.*

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**Article 38.**

[ 38. The provisions of Article 40 of the Ordinance entitled "Ordonnance Générale relative aux Routes, Rues et Chemins" of the 20<sup>th</sup> 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 [Committee for Home Affairs] 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.]

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**NOTES**

*Article 38 was substituted by the 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,<sup>29</sup> with effect from 8th February, 1936.*

*In Article 38, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.<sup>30</sup>*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>31</sup>*

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[ 39. (1) The States may by Ordinance amend or repeal any provision of this Ordinance.

- (2) An Ordinance under paragraph (1) –
- (a) may be amended or repealed by a further Ordinance thereunder,
  - (b) may contain transitional, consequential, incidental and supplemental provisions.]

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**NOTE**

*Article 39 (which was originally substituted by the 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,<sup>32</sup> with effect from 8th February, 1936) was substituted by the Bornements (Modification) (Guernsey) Law, 1989, section 1(e), with effect from 5th December, 1989.*

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**EXCEPTIONS**

**40.** ...

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**NOTE**

*Article 40 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>33</sup>*

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**PENALTY**

**41.** Every person acting in contravention of this Ordinance or of any order issued by the Committee shall (except as otherwise provided by this Ordinance) be liable on conviction to a fine at the discretion of the Court not exceeding [level 1 on

the uniform scale], and the Court may further order on such conviction, the demolition of all work or structure done or erected in contravention of the dispositions of this Ordinance or of any order lawfully made thereunder. Proceedings under this Article may be directed against the owner, his authorised agent, and the contractor or any of them as the case may require.

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**NOTES**

*In Article 41, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

*Article 41 is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.*

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**FINES**

**42.** ...

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**NOTES**

*The Ordinance was made and came into operation on 25th April, 1931.*

*Article 42 was repealed by the Building (Amendment) Ordinance, 1957, section 2, with effect from 1st January, 1958, subject to the saving in section 4 of the 1957 Ordinance.<sup>34</sup>*

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<sup>1</sup> This Article was previously amended by the Construction of Buildings and Roads (Regulations) Ordinance, 1948, Article 1, with effect from 10th July, 1948.

<sup>2</sup> These words were previously substituted by the Building Control (Transfer of Functions) Ordinance, 1992, section 2, Schedule 2, with effect from 1st July, 1992; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Environment Department and its

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Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Island Development Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Island Development Committee under Articles 16, 34 and 35 of this Ordinance were previously transferred to it from the States Housing Authority by the Building Control (Transfer of Functions) Ordinance, 1992, section 1, Schedule 1, paragraph 5, with effect from 1st July, 1992, subject to the savings and transitional provisions in section 4 of, and paragraph 10 of Schedule 3 to, the 1992 Ordinance.

**4** Prior to their repeal, these Articles were applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**5** Prior to its repeal, Article 8 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**6** Prior to its repeal, Article 9 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**7** Prior to their repeal, these Articles were applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**8** Prior to its repeal, Article 12 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**9** Prior to its repeal, Article 13 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**10** Prior to its repeal, Article 14 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**11** Prior to its repeal, Article 18 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March,

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1948.

**12** Prior to its repeal, Article 19 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**13** Prior to its repeal, Article 20 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**14** Prior to its repeal, Article 21 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**15** Prior to their repeal, these Articles were applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**16** Prior to its repeal, Article 28 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**17** Prior to their repeal, these Articles were applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**18** Prior to its repeal, Article 32 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**19** Prior to its repeal, Article 33 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**20** Recueil d'Ordonnances Tome VIII, p. 140; the Ordinance was made and came in to force on 8th February, 1936.

**21** Recueil d'Ordonnances Tome VIII, p. 140; the Ordinance was made and came in to force on 8th February, 1936.

**22** The word and figures in paragraph (2) were previously substituted by the Bornements (Modification) (Guernsey) Law, 1989, Article 1(b)(i), with effect from 5th December, 1989; and, prior to its substitution, paragraph (3) was amended by the Bornements (Modification) (Guernsey) Law, 1989, Article 1(d), with effect from 5th

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December, 1989.

**23** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004; the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.

**24** The words "Committee for the Environment & Infrastructure" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004.

**25** The functions, rights and liabilities of the Committee for Home Affairs and its President or Vice-President arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Home Department and its Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; the functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**26** The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Public Thoroughfares Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 23, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**27** Recueil d'Ordonnances Tome VIII, p. 147; the Ordinance was made and came into operation on 3rd December, 1938.

**28** Recueil d'Ordonnances Tome VIII, p. 140; the Ordinance was made and came in to force on 8th February, 1936.

**29** Recueil d'Ordonnances Tome VIII, p. 140; the Ordinance was made and came in to force on 8th February, 1936.

**30** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

**31** The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003,

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section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**32** Recueil d'Ordonnances Tome VIII, p. 140; the Ordinance was made and came in to force on 8th February, 1936.

**33** Prior to its repeal, Article 40 was applied, with modifications, to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.

**34** Prior to its repeal, Article 42 was applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Application of Existing Insular Legislation (Extension to Herm) Ordinance, 1948), Article 1, Schedule, Part III, with effect from 13th March, 1948.