

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

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 *

[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. 147. See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins (Recueil d'Ordonnances Tome VIII, p. 123); the Construction of Buildings and Roads (Regulations) Ordinance, 1948 (Recueil d'Ordonnances Tome VIII, p. 148); 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 Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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au Tracement de Routes et Chemins du 25 avril 1931**

ARRANGEMENT OF ARTICLES

1. Public road or way.
2. Notification to the Constables.

(Made on 3rd December, 1938.)

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

LA COUR, sur les représentations du Comité des États pour la Construction de Maisons, Salles Publiques et Bâtiments et pour le Tracement de Routes et Chemins et ouïes les conclusions des Officiers du Roi, a ordonné et ordonne:

Public road or way.

1. On and after the date of this Ordinance, as regards any road or way whereof the site was approved before the date of this Ordinance by the States Committee entrusted with the Supervision of the Construction of Houses and other Buildings and the Laying-out of new Roads and Ways (hereinafter referred to as "**the Committee**"), and on and after the date on which the site of any road or way hereafter approved by the Committee is approved by the Committee, the site of any such road or way, whether or not the same has been developed, shall, for the purposes of Article 36 and Article 39 incorporated in the "Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins" passed on the 25th April, 1931 (hereinafter referred to as "**the principal Ordinance**") by the Supplementary Ordinance to the principal Ordinance passed on the 8th February, 1936 (hereinafter referred to as the Supplementary Ordinance), but not otherwise, be deemed to be a public road or way and shall, for the purposes of Article 37 incorporated in the principal Ordinance by the Supplementary Ordinance, but not otherwise, be deemed to be a public street, road or lane.

Provided that the foregoing provisions of this Ordinance shall not prevent the completion of any building if work in substantial quantity in connection with the lawful construction thereof had been commenced on the site.

NOTES

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 Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931, Definitions Article (as originally amended by the Construction of Buildings and Roads (Regulations) Ordinance, 1948, Article 1, with effect from 10th July, 1948), the reference herein to the States Committee for the Construction of Houses, Buildings and New Roads ("the States Committee entrusted with the Supervision of the Construction of Houses and other Buildings and the Laying-out of new Roads and Ways") was replaced by a reference to the States Housing Authority.

In accordance with the provisions of the Building Control (Transfer of Functions) Ordinance, 1992, section 1, Schedule 1, paragraph 6, the functions of the States Housing Authority and of its President under the provisions of this enactment were transferred to the Island Development Committee, with effect from 1st July, 1992, subject to the savings and transitional provisions in section 4 of, and Schedule 3 to, the 1992 Ordinance.

In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004, the Island Development Committee was replaced by the States Environment Department. The functions, rights and liabilities of the Island Development Committee and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Environment Department and its Minister 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.

In accordance with the provisions of 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, the States Environment Department has since been replaced by the Development & Planning Authority; and 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.

Article 39 of the principal Ordinance has since been substituted by the Bornements (Modification) (Guernsey) Law, 1989, section 1(e), with effect from 5th December, 1989.

Notification to the Constables.

2. The Committee, as soon as may be after approving the site of any new road or way situate in any parish, shall send to the Constables of that parish a written notification of the fact that the site of such new road or way has been approved by the Committee together with a scale plan showing the site of such new

road or way.

NOTE

The Ordinance was made and came into operation on 3rd December, 1938.
