

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance relative à la Protection des Dolmens et des Anciens Monuments de l'Île *

[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 V, p. 369; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967 (Ordres en Conseil Vol. XXI, p. 219); the Heritage Committee Ordinance, 1994 (Recueil d'Ordonnances Tome XXVI, p. 306); 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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**Ordonnance relative à la Protection des Dolmens et des
Anciens Monuments de l'Île**

ARRANGEMENT OF ARTICLES

1. Défense de pratiquer fouilles, etc., sous dolmens, menhirs ou cromlechs.
2. Pénalité.
3. Application des amendes.

*(Made on 3rd October, 1921.)
(Renewed as permanent on 5th October, 1931.)*

Ordonnance relative à la Protection des Dolmens et des Anciens Monuments de l'Île

LA COUR vu l'approbation des États, ouïes les conclusions des Officiers du Roi, a renouvelé comme Ordonnance permanente les dispositions de l'Ordonnance provisoire relative à la Protection des Dolmens et des anciens Monuments de l'île, passée le 3 octobre 1921, de laquelle Ordonnance la teneur suit: –

SUR LES représentations élevées par le Comité des États chargé du soin des Anciens Monuments de l'Île au sujet des fouilles récemment pratiquées sous l'un des Dolmens de l'Île et des dégradations subies par un autre monument,

LA COUR, ouïes les conclusions des Officiers du Roi, a ordonné et ordonne ce qui suit: –

Défense de pratiquer fouilles, etc., sous dolmens, menhirs ou cromlechs.

1. Il est défendu –
 - (a) de pratiquer des fouilles dans l'espace compris sous un dolmen quelconque, comme aussi autour des pierres dont se compose l'un quelconque des dolmens, menhirs ou cromlechs de cette Île, placés sous les soins du [Comité des États chargé du soin des Anciens Monuments de l'Île], sans en avoir, au préalable, obtenu autorisation spéciale par écrit du dit Comité,
 - (b) d'endommager ou de dégrader, de quelque façon que ce soit, les pierres de n'importe lequel des monuments mégalithiques placés sous les soins du dit Comité.

NOTES

In accordance with and in consequence of the provisions of the Heritage

Committee Ordinance, 1994, section 1(a), with effect from 1st June, 1994 and subject to the savings and transitional provisions in section 2(1) and (2) of that 1994 Ordinance, the functions, rights and liabilities of the States Ancient Monuments Committee (being the-then "Comité des États chargé du soin des Anciens Monuments de l'Île") arising under or by virtue of the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967 were transferred to the States Heritage Committee. In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 16(a), Schedule 2, paragraph 6(a), with effect from 6th May, 2004 the reference in the 1967 Law to the States Heritage Committee was substituted with a reference to the States Environment Department; and the functions, rights and liabilities of the Heritage Committee and of its President arising under or by virtue of the said Law of 1967 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 16(a), Schedule 2, paragraph 6(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The said Law of 1967 has since been repealed and re-enacted, with modifications, by the relevant provisions of the Land Planning and Development (Guernsey) Law, 2005. 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 relevant references in the 2005 Law to the States Environment Department were substituted with references to the States 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 that Law 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.

The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part II, with effect from 13th March, 1948.

Pénalité.

2. Quiconque commettra une infraction quelconque aux dispositions de la présente Ordonnance se rendra passible d'une amende à discrétion de Justice n'excédant pas [level 1 on the uniform scale].

NOTE

In Article 2, 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.

Application des amendes.

3. Les amendes seront applicables moitié à Sa Majesté et moitié au délateur.

NOTE

The Ordinance was made and came into operation on 3rd October, 1921; and was renewed as a permanent Ordinance on 5th October, 1931.
