

# **The Land Planning and Development (Emergency Procedures) Ordinance, 2021**

THE STATES POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on the States by sections 17(3)(f), 29(4), 31(2)(c), 33(6), 35(2)(c), 81, 87(9) and 89 of the Land Planning and Development (Guernsey) Law, 2005<sup>a</sup>, and of all other powers enabling the States in that behalf, and on that Committee by Article 66A of the Reform (Guernsey) Law, 1948<sup>b</sup>, hereby orders:-

## PART I

### REMOTE PLANNING APPEAL HEARINGS ETC.

#### **Remote appeal hearings.**

1. (1) A hearing of an appeal, or any part of the same, to be determined by the Appellate Body may be held remotely by means of electronic communications or telecommunications in the circumstances set out in subsection (2).

(2) The circumstances are that –

---

<sup>a</sup> Order in Council No. XVI of 2005; amended by Order in Council No. XIII of 2010; Ordinance Nos. XXI, XXII, XXV, XXVII and XXVIII of 2007; No. XVIII of 2011; Nos. IX and XI of 2016 and No. III of 2019; section 87 is modified by Ordinance No. XXXIII of 2020.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288; Article 66A was substituted by Order in Council No. XVII of 2015; there are other amendments to the Law not relevant to this Ordinance.

- (a) provisions have been made or are in force, or are to come into force, under Part 3 (emergency powers) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012<sup>c</sup> which prohibit or restrict, or impose conditions or requirements in relation to, the movement, meeting or gathering of persons in Guernsey, or
- (b) guidance has been issued, or is to be issued, by the Medical Officer of Health or the Committee for Health & Social Care which advises against the gathering or meeting of persons in Guernsey or advises that the movement of persons outside their homes be restricted in Guernsey,

at the time when arrangements have to be made for the holding of the hearing or at any time during the holding of the same.

(3) The following references in the Appeals Ordinance and Appeals Regulations shall be construed as follows in relation to a hearing, or part of the same, held remotely in accordance with subsection (1) –

- (a) any reference (however worded) to the Appellate Body hearing an appeal, an appeal being heard or to a hearing or related expressions is deemed to include a remote hearing,

---

<sup>c</sup> Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016 and No. II of 2017.

- (b) any reference (however worded) to a person appearing or being entitled or permitted to appear, appearing in person or being heard at that hearing is deemed to include a person who is heard or appears remotely,
- (c) any reference (however worded) to the place of a hearing or requirement to refer to such a place is deemed to refer to the means by which the hearing may be attended remotely,
- (d) any reference (however worded) to the absence of any person at a hearing or their failure to appear is deemed to include a person who fails to appear remotely,
- (e) any reference (however worded) to a person being required to leave, being excluded from or returning to a hearing is deemed to include a person leaving, being excluded from, or returning to, a remote hearing,
- (f) any reference (however worded) to an "address" of a person or an address to which to make representations is deemed to include an email address, a website address or other means of electronic communications or telecommunications to which documents may be sent,
- (g) as if the Appellate Body had a power and not a duty under regulation 5(m) of the Appeals Regulations to display a notice of its decision in the Royal Court House,

- (h) as if the power of the Appellate Body in regulation 5(n) of the Appeals Regulations, to determine its own procedure and give directions, were also subject to the provisions of this Ordinance,
- (i) as if any reference (however worded) to a hearing being held in public included it being held remotely by a means which allows the public to listen to the proceedings whilst they are being carried on (for example, by live streaming),

and the provisions of the Appeals Ordinance and the Appeals Regulations shall otherwise be construed in relation to such a hearing as referring to a remote hearing.

**Service of summons.**

2. (1) Where a hearing, or part of the same, is held remotely under section 1(1), a summons served under the Appeals Regulations in relation to those remote proceedings may be served upon a person by being transmitted to the person in accordance with section 88(1) of the Law as if that section applied to the service of a summons.

(2) The method of service in subsection (1) applies in addition to any other lawful means of service of a summons provided for under the Appeals Regulations.

**Site inspections.**

3. For the avoidance of doubt, where a hearing, or part of the same, is held remotely under section 1(1) and the Appellate Body considers it is not reasonably practicable to carry out an inspection of land at the time due to any of the circumstances referred to in paragraph (a) or (b) of section 1(2) applying at that time,

the Appellate Body may use such other means as the Appellate Body considers effective to inspect the land, including photographs or satellite images of the land.

**Modification of section 87 of the Law.**

4. Where a hearing, or part of the same, is held remotely under section 1(1), section 87 of the Law is modified as if –

- (a) any reference to a hearing, or related expressions, includes a remote hearing, and
- (b) the reference in section 87(6) to a hearing being held in public includes it being held remotely by a means which allows the public to listen to the proceedings whilst they are being carried on (for example, by live streaming).

PART II

MISCELLANEOUS PROVISIONS

**Power to make Regulations.**

5. The Committee for the Environment & Infrastructure may by regulations under this subsection –

- (a) amend any provision of this Ordinance, or
- (b) make such further provision as it considers necessary or expedient,

in relation to the holding or facilitation of remote appeal hearings in the circumstances set out in section 1(2).

**Interpretation.**

6. In this Ordinance, unless the context requires otherwise –

"**appeal**" means an appeal referred to in paragraph (a) or (b) of the definition of "**appeal**" in section 21(1) of the Appeals Ordinance,

"**the Appeals Ordinance**" means the Land Planning and Development (Appeals) Ordinance, 2007<sup>d</sup>,

"**the Appeals Regulations**" means the Land Planning and Development (Appeals) Regulations, 2008<sup>e</sup>,

"**Appellate Body**" has the meaning given by section 21(1) of the Appeals Ordinance,

"**the Law**" means the Land Planning and Development (Guernsey) Law, 2005,

"**Medical Officer of Health**" means the Medical Officer of Health appointed by the States of Guernsey Policy & Resources Committee and includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under regulations made under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

---

<sup>d</sup> Ordinance No. XXVII of 2007; as amended by Ordinance No. XLI of 2008; No. XVIII of 2011; Nos. IX and XI and of 2016 and No. III of 2019.

<sup>e</sup> G.S.I. No. 8 of 2008; amended by Ordinance No. IX of 2016 and No. III of 2019.

and other terms or expressions which modify or make provision in relation to any provision of an enactment have the same meaning as in that enactment.

**Citation.**

7. This Ordinance may be cited as the Land Planning and Development (Emergency Procedures) Ordinance, 2021.

**Commencement.**

8. This Ordinance shall come into force on the 16<sup>th</sup> March, 2021.