

PROJET DE LOI

ENTITLED

The Housing (Control of Ownership and Leaseholds) (Guernsey) Law, 1976 *

[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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* Ordres en Conseil Vol. XXVI, p. 162; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009 (No. VII of 2009, Recueil d'Ordonnances Tome XXXIII, p. 472); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018 (No. ** of 2018). See also the Dwellings Profits Tax (Suspension of Law) (Guernsey) Ordinance, 2009 (No. XII of 2009, Recueil d'Ordonnances Tome XXXIII, p. 484).

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ARRANGEMENT OF SECTIONS

PART I

CONTROL OF OWNERSHIP AND LEASEHOLDS OF DWELLINGS

1. Ownership, etc. of dwellings by bodies corporate.
2. Ownership, etc. of registered dwellings.
3. Ownership, etc. of unregistered dwellings by persons without a housing licence.
4. Ownership, etc. of unregistered dwellings by persons with a housing licence.
5. Exemptions in respect of acquisition of a dwelling by will or operation of law.
6. Leases to which this Part applies.

PART II

DWELLING LICENCES

7. Application for a licence.
8. Grant or refusal of licence.
9. Savings.
10. Licences as of right to certain bodies corporate.
11. Loss of controlling interest in body corporate to invalidate licence.

PART III

GENERAL, APPEALS, OFFENCES AND MISCELLANEOUS

12. Appeals.
13. States not bound by this Law.
14. Service of notices.
15. Oath of secrecy.
16. Offences.
17. Sale of dwellings and termination of leases.
18. Offences by bodies corporate.
19. Variation and repeal of Ordinances.
20. Interpretation.

21. Citation.
22. Commencement.

LAW NOT YET IN FORCE

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THE STATES, in pursuance of their Resolutions of the thirty-first day of October, nineteen hundred and seventy-three, the twenty-sixth day of June, nineteen hundred and seventy-four, and the twenty-eighth day of July, nineteen hundred and seventy-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

PART I

CONTROL OF OWNERSHIP AND LEASEHOLDS OF DWELLINGS

Ownership, etc. of dwellings by bodies corporate.

1. (1) On and after the date of the coming into force of this Law, it shall, subject to the succeeding provisions of this Law, be unlawful for a body corporate –

- (a) to be the owner of a dwelling, or
- (b) to be the lessee of a dwelling for a term of years to which this Part of this Law applies,

otherwise than under and in accordance with a licence granted by [the Committee] under the provisions of section eight of this Law.

(2) Subject to the succeeding provisions of this Law, a body corporate which, on the date of the coming into force of this Law, is the owner of a dwelling or is the lessee of a dwelling for a term of years to which this Part of this Law applies shall sell or otherwise dispose of the said dwelling or shall surrender or assign the said lease any covenant thereof to the contrary notwithstanding, as the case may require, prior to the expiration of the period of ninety days next following the date of the coming into force of this Law unless prior to the expiration of such period that body corporate has been granted a licence by [the Committee] under the provisions of section eight of this Law in respect of that dwelling.

NOTE

In section 1, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Ownership, etc. of registered dwellings.

2. (1) On and after the date of the coming into force of this Law, it shall, subject to the succeeding provisions of this Part of this Law, be unlawful for a person at any time –

- (a) to be the owner of more than one registered dwelling, or
- (b) to be the lessee of more than one registered dwelling for a term of years to which this Part of this Law applies, or
- (c) to be the owner of a registered dwelling and the lessee of a registered dwelling for a term of years to which this Part of this Law applies,

otherwise than under and in accordance with a licence granted by [the Committee] under the provisions of section eight of this Law.

(2) Subject to the succeeding provisions of this Law, a person who, on the date of the coming into force of this Law –

- (a) is the owner of more than one registered dwelling, shall sell or otherwise dispose of all except one of those registered dwellings,
- (b) is the lessee of more than one registered dwelling for a term of years to which this Part of this Law applies, shall surrender or assign the lease of all except one of those registered dwellings any covenant thereof to the contrary notwithstanding,
- (c) is the owner of one or more registered dwellings and the lessee of one or more registered dwellings for a term of years to which this Part of this Law applies, shall sell or otherwise dispose of all of those registered dwellings and surrender or assign the lease of all of those registered dwellings any covenant thereof to the contrary notwithstanding except the ownership of one of those registered dwellings or the lease of one of those registered dwellings,

prior to the expiration of the period of ninety days next following the date of the coming into force of this Law save that the provisions of this subsection requiring a person to sell or otherwise dispose of, or surrender or assign the lease of, a registered dwelling shall not apply to a registered dwelling in respect of which that person has,

prior to the expiration of such period, been granted a licence by [the Committee] under the provisions of section eight of this Law.

NOTE

In section 2, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Ownership, etc. of unregistered dwellings by persons without a housing licence.

3. (1) On and after the date of the coming into force of this Law, it shall, subject to the succeeding provisions of this Law, be unlawful for a person who does not possess the specified residential qualifications and who is not the holder of a housing licence for the time being in force –

- (a) to be the owner of an unregistered dwelling, or
- (b) to be the lessee of an unregistered dwelling for a term of years to which this Part of this Law applies,

otherwise than under and in accordance with a licence granted by [the Committee] under the provisions of section eight of this Law.

(2) Subject to the succeeding provisions of this Law, a person who does not possess the specified residential qualifications, who is not the holder of a housing licence for the time being in force and who, on the date of the coming into force of this Law –

- (a) is the owner of an unregistered dwelling, or
- (b) is the lessee of an unregistered dwelling for a term of

years to which this Part of this Law applies,

shall sell or otherwise dispose of the said unregistered dwelling or shall surrender or assign the said lease any covenant thereof to the contrary notwithstanding, as the case may require, prior to the expiration of the period of ninety days next following the date of the coming into force of this Law unless prior to the expiration of such period that person has been granted a licence by [the Committee] under the provisions of section eight of this Law in respect of that unregistered dwelling.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Ownership, etc. of unregistered dwellings by persons with a housing licence.

4. (1) On and after the date of the coming into force of this Law, it shall, subject to the succeeding provisions of this Law, be unlawful for a person who does not possess the specified residential qualifications but who is the holder of a housing licence for the time being in force –

- (a) to be the owner of an unregistered dwelling other than that in respect of which he holds the housing licence, or
- (b) to be the lessee of an unregistered dwelling for a term of years to which this Part of this Law applies other than that in respect of which he holds the housing licence,

otherwise than under and in accordance with a licence granted by [the Committee] under the provisions of section eight of this Law.

(2) Subject to the succeeding provisions of this Law, a person who does not possess the specified residential qualifications but who, on the date of the coming into force of this Law –

- (a) is the owner of an unregistered dwelling other than that in respect of which he holds a housing licence for the time being in force, or
- (b) is the lessee of an unregistered dwelling for a term of years to which this Part of this Law applies other than that in respect of which he holds a housing licence for the time being in force,

shall sell or otherwise dispose of the unregistered dwelling or shall surrender or assign the said lease any covenant thereof to the contrary notwithstanding, as the case may require, prior to the expiration of the period of ninety days next following the date of the coming into force of this Law unless prior to the expiration of such period that person has been granted a licence by [the Committee] under the provisions of section eight of this Law in respect of that unregistered dwelling.

NOTE

In section 4, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Exemptions in respect of acquisition of a dwelling by will or operation of law.

5. (1) Notwithstanding anything in this Part of this Law, it shall not be unlawful for a person to be the owner of a dwelling or the lessee of a dwelling for a term of years to which this Part of this Law applies if he becomes the owner or the

lessee of that dwelling under the terms of a will or by operation of law.

(2) The provisions of subsection (2) of section two, subsection (2) of section three or subsection (2) of section four of this Law shall not apply to a person who, on the date of the coming into force of this Law, is the owner of a dwelling or is the lessee of a dwelling for a term of years to which this Part of this Law applies if he became the owner or the lessee of that dwelling under the terms of a will or by operation of law.

(3) Notwithstanding anything in this Part of this Law, it shall not be unlawful for a body corporate to be the owner of a dwelling or the lessee of a dwelling for a term of years to which this Part of this Law applies if that body corporate becomes the owner or the lessee of that dwelling under the terms of a will or by operation of law otherwise than as a result of saisie proceedings.

(4) The provisions of subsection (2) of section one of this Law shall not apply to a body corporate which, on the date of the coming into force of this Law, is the owner of a dwelling or is the lessee of a dwelling for a term of years to which this Part of this Law applies if that body corporate became the owner or the lessee of that dwelling under the terms of a will or by operation of law otherwise than as a result of saisie proceedings.

(5) Notwithstanding anything in this Part of this Law, where a body corporate is, on the date of the coming into force of this Law, the owner of a dwelling of which it became the owner as a result of saisie proceedings or where, at any time after the coming into force of this Law, a body corporate acquires the ownership of a dwelling as a result of saisie proceedings, the body corporate shall sell or otherwise dispose of the dwelling prior to the expiration of the period of one hundred and eighty days next following the date of the coming into force of this Law or prior to the expiration of the period of one hundred and eighty days next following the date of the acquisition of the ownership of the dwelling as aforesaid, as the case

may require, unless prior to the expiration of such period that body corporate has been granted a licence by [the Committee] under the provisions of section eight of this Law in respect of that dwelling.

NOTE

In section 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Leases to which this Part applies.

6. (1) This Part of this Law applies to a lease of a dwelling –
- (a) which commenced to run prior to the date of the coming into force of this Law if –
 - (i) the unexpired portion of the term thereof current on the date of the coming into force of this Law exceeds five years, or
 - (ii) the unexpired portion of the term thereof current on the said date does not exceed five years but which, under the provisions thereof, may be renewed for a term which exceeds or terms which in the aggregate may exceed five years, or
 - (b) which commences to run on or after the date of the coming into force of this Law if –
 - (i) the lease is for a term of years in excess of five years, or

- (ii) the lease is for a term of years not exceeding five years but which, under the provisions thereof, may be renewed for a term in excess of five years or terms in the aggregate which may exceed five years.

(2) A vested right of usufruct of a dwelling for the life of the usufructuary shall be deemed to be a lease for a term of years to which this Part of this Law applies.

PART II DWELLING LICENCES

Application for a licence.

7. (1) Subject to the provisions of subsection (2) of this section, any person desirous of obtaining a licence under the provisions of section eight of this Law shall make application in that behalf to [the Committee] and such application shall be in such form and shall be accompanied by such information as [the Committee] may, from time to time, require.

(2) An application under the provisions of the last preceding section may be made –

- (a) by the owner of the dwelling to which the application relates, or
- (b) by the lessee of the dwelling to which the application relates.

NOTE

In section 7, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Grant or refusal of licence.

8. (1) [The Committee] may, upon the receipt of an application under the provisions of the last preceding section, grant a licence (hereinafter referred to as a "**dwelling licence**") –

- (a) to a body corporate which, or to a person who, after the date of the coming into force of this Law, is desirous of acquiring as owner a dwelling which, under the provisions of Part I of this Law, it would otherwise be unlawful for that body corporate or that person, as the case may be, to be the owner, to so acquire that dwelling,
- (b) to the owner of a dwelling which, under the provisions of Part I of this Law, the said owner would, prior to the expiration of the ninety days next following the date of the coming into force of this Law, otherwise be required to sell or otherwise dispose of, to continue to be the owner of that dwelling,
- (c) to a body corporate which, or to a person who, after the date of the coming into force of this Law, is desirous of acquiring the lease of a dwelling for a term of years to which Part I of this Law applies and which, under the provisions of Part I of this Law, it would otherwise be unlawful for that body corporate or that person, as the

case may be, to be the lessee, to acquire that lease,

- (d) to the lessee of a dwelling for a term of years to which Part I of this Law applies which, under the provisions of Part I of this Law, the said lessee would, prior to the expiration of the period of ninety days next following the date of the coming into force of this Law, otherwise be required to surrender or assign, to continue to be the lessee of the said dwelling.

(2) [The Committee] may attach to the grant of a dwelling licence such conditions as it may deem necessary or expedient to impose including a condition specifying the maximum time during which the dwelling in respect of which the licence is granted may be owned or continue to be owned or leased or continue to be leased by the body corporate or person, as the case may be, to whom the licence is granted.

(3) [The Committee] may, subject to the provisions of the next succeeding section, upon receipt of an application under the provisions of the last preceding section, refuse to grant a dwelling licence in respect of the dwelling to which the application relates.

NOTE

In section 8, the words "The Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Savings.

9. Upon the receipt of an application under the provisions of section seven of this Law by the owner or lessee of a dwelling [the Committee] shall grant a

dwelling licence under the provisions of paragraph (b) or paragraph (d) of subsection (1) of section eight of this Law, as the case may be, if the said owner or the said lessee –

- (a) was the owner or lessee of the dwelling immediately prior to the eighth day of October, nineteen hundred and seventy three, and has been the owner or the lessee, as the case may be, thereof continuously during the period commencing on the said date and ending on the date of the application for the dwelling licence, and
- (b) is a body corporate in which, on the eighth day of October, nineteen hundred and seventy-three, a person had the controlling interest and that person has had the controlling interest in the said body corporate continuously during the period commencing on the said date and ending on the date of the application for the dwelling licence.

NOTE

In section 9, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Licences as of right to certain bodies corporate.

10. (1) The States may, from time to time, by Ordinance prescribe the classes or descriptions of bodies corporate or the categories of bodies corporate within those classes or descriptions to which dwelling licences shall be granted under the provisions of section eight of this Law.

(2) Upon the receipt of an application under the provisions of this

Law by a body corporate of any class, description or category prescribed by any Ordinance made under the provisions of the last preceding subsection [the Committee] shall grant to the body corporate a dwelling licence under the provisions of subsection (1) of section eight of this Law and may attach to such licence such conditions as it may deem necessary or expedient to impose under the provisions of subsection (2) of the said section eight.

NOTE

In section 10, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Loss of controlling interest in body corporate to invalidate licence.

11. If a person has, on the date of the grant of a dwelling licence to a body corporate under the provisions of section eight of this Law, the controlling interest in that body corporate and thereafter ceases to have the controlling interest in that body corporate, that dwelling licence shall thereupon cease to be valid and shall be of no effect for the purposes of Part I of this Law.

PART III

GENERAL, APPEALS, OFFENCES AND MISCELLANEOUS

Appeals.

12. (1) Any person aggrieved by a decision of [the Committee] under any of the provisions of this Law may appeal therefrom to the Royal Court on the grounds that –

- (a) the decision of [the Committee] was *ultra vires* or was an unreasonable exercise of its powers, or
- (b) the decision of [the Committee] to attach a condition to

the grant of a dwelling licence under the provisions of section eight of this Law to a body corporate of any class, description or category prescribed by any Ordinance made under the provisions of subsection (1) of section ten of this Law made the said dwelling licence inoperative for the purposes of the body corporate.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and shall be served upon [the President] of [the Committee] to show cause why the decision appealed from should not be set aside or varied.

(3) On any appeal under this section the burden of satisfying the Royal Court that the decision of [the Committee] which is the subject of the appeal

–

(a) is *intra vires* or reasonable, or

(b) did not make the dwelling licence concerned inoperative for the purposes of the body corporate,

shall be discharged by [the Committee] and [the Committee] shall be entitled to a final right of reply.

NOTE

In section 12, the words, first, "the Committee" and, second, "the President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4 and section 2, Schedule 1, paragraph 7(a), with effect from 1st May, 2016.¹

States not bound by this Law.

13. Nothing in this Law contained shall be taken to prohibit the States acquiring the ownership or lease of a dwelling or continuing to be the owner or the lessee of a dwelling without obtaining a dwelling licence in respect of that dwelling.

Service of notices.

14. Any notice which may be served for the purposes of this Law shall be validly served –

- (a) on any person, if delivered to him, left, or sent by registered post or by recorded delivery service to him at his usual or last known place of abode,
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm,
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island, or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

Oath of secrecy.

15. The oath taken by any person under the provisions of section eighty-five of the Income Tax (Guernsey) Law, 1950, shall apply to any official function discharged in the execution of this Law as if such function were a function discharged under the provisions of the said Income Tax Law:

PROVIDED that nothing in this section shall preclude the [Director] or the [Deputy Director] from disclosing to [the Committee] such information as they may require in respect of any person who has the controlling interest in any body corporate.

NOTES

In section 15,

the words in the first and second pairs of square brackets were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance;²

the words in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The Income Tax (Guernsey) Law, 1950 has since been repealed by the Income Tax (Guernsey) Law, 1975, section 210, Second Schedule, with effect from 1st January, 1974, subject to the savings provisions in section 146, section 178, section 210 and section 211 of the 1975 Law.

Offences.

- 16.** Any person –
- (a) who contravenes any of the provisions of Part I of this Law or who contravenes any conditions of a dwelling licence,
 - (b) who, in connection with any application for the grant of a dwelling licence, knowingly makes any false statement or recklessly makes any statement which is false in a material particular or knowingly produces or furnishes any false information or recklessly produces or furnishes any information which is false in a material particular, or

- (c) who knowingly fails to produce or furnish any information which he is required to produce or furnish under the provisions of this Law,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 5 on the uniform scale], and, in the case of a continuing offence, to a further fine not exceeding one hundred pounds for each day during which the offence continues after conviction.

NOTE

In section 16, 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.

Sale of dwellings and termination of leases.

17. (1) Where the owner of a dwelling is convicted of an offence which consists of a contravention of any of the provisions of Part I of this Law and does not sell or otherwise dispose of the dwelling to which the conviction relates as soon as may be after the date of the conviction Her Majesty's Procureur shall, at the request of [the Committee], apply to the Royal Court sitting as an Ordinary Court (hereafter in this section referred to as "**the Ordinary Court**") for an order appointing Her Majesty's Sheriff as judicial attorney of the convicted person and directing him –

- (a) to sell the dwelling to which the conviction relates by public auction before Commissioners of the Royal Court and to convey the same, and
- (b) to deduct from the amount realised by such sale any fees, charges and other expenses incurred in connection

with the sale and any profits tax due on the profit accruing from the sale, to discharge each and every charge secured upon the dwelling and to pay the net proceeds of such sale to the convicted person.

(2) Where the lessee of a dwelling is convicted of an offence which consists of a contravention of any of the provisions of Part I of this Law the lease of the dwelling to which the conviction relates shall terminate on the date of such conviction and the lessor shall thereupon be entitled to possession.

(3) The termination of a lease of a dwelling under and by virtue of the provisions of the last preceding subsection shall be without prejudice to any rights which accrued to the lessor of the dwelling under the lease prior to the date of such termination.

(4) Where the lease of a dwelling is terminated under and by virtue of subsection (2) of this section, the Ordinary Court may, on the application of any person claiming as sub-lessee any interest in the dwelling or any part thereof, make an order vesting, for the whole term of the lease terminated as aforesaid or any less term, the dwelling comprised in the said lease or any part thereof in any person entitled as sub-lessee any interest in such dwelling upon conditions as to the execution of any document, payment of rent, costs, expenses, damages, compensation, giving security or otherwise, as the Ordinary Court in the circumstances of each case may think fit, but in no case shall any such sub-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

NOTE

In section 17, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Offences by bodies corporate.

18. Where a person who is convicted of an offence under this Law is a body corporate every person who at the time of the commission of the offence was a director or officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves he exercised all due diligence to prevent the commission of the offence.

Variation and repeal of Ordinances.

19. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpretation.

20. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**the [Director]**" means the [Director] referred to in section eighty-four of the Income Tax (Guernsey) Law, 1950, and the expression "**[Deputy Director]**" shall be construed accordingly,

"**[the Committee]**" means the States [Committee for Employment & Social Security],

"**the controlling interest**" means in relation to a body corporate –

- (a) the power of a person to secure, by means of the holding of shares or by the possession of voting power in or in relation to that or any other body corporate, or

by virtue of any powers conferred by the Articles of Association or other document regulating that or any other body corporate, that the affairs of the first mentioned body corporate are conducted in accordance with the wishes of that person,

- (b) the power of a person who is a loan creditor of a body corporate and who is, in the opinion of the [Director], able to exercise that power to secure that the affairs thereof are conducted in accordance with the wishes of that person,

"dwelling" means any premises, or any part of any premises, wholly used or usable for the purposes of human habitation and includes –

- (a) a flat, and
- (b) the curtilage of a dwelling which the occupier of the dwelling has for his own occupation or enjoyment with that dwelling,

but does not include any premises in respect of which there is for the time being in force a boarding permit under the provisions of the Tourist Law, 1948,

"flat" means a separate and self-contained set of premises constructed for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally,

"housing licence" means a licence for the time being in force and granted under the provisions of –

- (a) section two or Part III of the Law, or
- (b) section two of the Housing Control (Guernsey) Law, 1967, or
- (c) section one of the Housing Control (Emergency Provisions) (Guernsey) Law, 1948,

"the Law" means the Housing Control (Guernsey) Law, 1969,

"lease" includes a sub-lease,

"lessee" includes a sub-lessee, any person deriving title under a sub-lessee, any person deriving title under a "Droit d'Habitation" and, where a dwelling is subject to a vested right of usufruct for the life of the usufructuary, the usufructuary,

"owner" includes, in relation to a dwelling which is held in trust, the trustees and the cestui que trust and the expression **"ownership"** shall be construed accordingly,

"person" means, except in sections seventeen, eighteen and nineteen of this Law, a natural person and does not include a body corporate,

"Her Majesty's Procureur" includes Her Majesty's Comptroller,

"profits tax" means the tax chargeable under the provisions of the Dwellings Profits Tax (Guernsey) Law, 1975,

"registered dwelling" means a dwelling inscribed in the Housing

Control Register established and maintained under the provisions of the Law and includes any dwelling treated by [the Committee] as a concession dwelling,

"the specified residential qualifications" means the qualifications specified in paragraph (a) or (b) of subsection (1) of section five of the Law,

"unregistered dwelling" means any dwelling other than a registered dwelling.

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Law.

(3) Any reference in this Law to any provision of the Law shall be construed as a reference to the corresponding provision in any Law repealing and replacing the Law.

(4) Any reference in this Law to a body corporate which is the owner of a dwelling or which is the lessee of a dwelling shall include a reference to bodies corporate which are the joint owners or the joint lessees of a dwelling.

(5) Any reference in this Law to a person who is the owner of a dwelling or who is the lessee of a dwelling shall include a reference to persons who are the joint owners or joint lessees of a dwelling.

NOTES

In section 20,

the words in square brackets in, first, the definition of the expression

*"the Director" and, second, the definition of the expression "the controlling interest" in subsection (1) were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance;*³

*the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4, section 2, Schedule 1, paragraph 7(a) and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*⁴

*The functions, rights and liabilities of the Housing Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 7(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁵

In accordance with the provisions of the Dwellings Profits Tax (Suspension of Law) (Guernsey) Ordinance, 2009, section 1, the operation of the Dwellings Profits Tax (Guernsey) Law, 1975, as amended, is suspended during the period of operation of the 2009 Ordinance, with effect from 25th March, 2009, subject to the savings in section 2 of the 2009 Ordinance.

The Income Tax (Guernsey) Law, 1950 has since been repealed by the Income Tax (Guernsey) Law, 1975, section 210, Second Schedule, with effect from 1st January, 1974, subject to the savings provisions in section 146, section 178, section 210 and section 211 of the 1975 Law.

The Housing Control (Guernsey) Law, 1969 has since been repealed by the Housing (Control of Occupation) (Guernsey) Law, 1975, section 30, Schedule, with effect from 1st January, 1976, subject to the savings in section 27 and section 28 of the 1975 Law. The Housing (Control of Occupation) (Guernsey) Law, 1975 has since been repealed by the Housing (Control of Occupation) (Guernsey) Law, 1982, section 53, Third Schedule, with effect from 1st November, 1982, subject to the savings in section 50 and section 51 of the Law of 1982. The Housing (Control of Occupation) (Guernsey) Law, 1982 has since been repealed by the Housing (Control of Occupation) (Guernsey) Law, 1994, section 73, Schedule, with effect from 1st July, 1994, subject to the savings in section 68, section 69 and section 70 of the 1994 Law. The Housing (Control of Occupation) (Guernsey) Law, 1994 has since been repealed by the Population Management (Guernsey) Law, 2016, section 85, Schedule 3, with effect from 3rd April, 2017, subject to the transitional and saving provisions in Part 4 of the 2017 Law.

Citation.

21. This Law may be cited as the Housing (Control of Ownership and Leaseholds) (Guernsey) Law, 1976.

Commencement.

22. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

NOTE

The Law is not yet in force.

¹ The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

² These words were previously substituted by the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009, section 1, with effect from 25th February, 2009, subject to the savings and transitional provisions in section 2 of the 2009 Ordinance.

³ These words were previously substituted by the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009, section 1, with effect from 25th

February, 2009, subject to the savings and transitional provisions in section 2 of the 2009 Ordinance.

⁴ The words "Committee for Employment & Social Security" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004.

⁵ The functions, rights and liabilities of the Housing Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Housing Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 17, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.