

The Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance, 2011

Note:

This version of the proposed enactment demonstrates proposed amendments set out in the draft attached to the DCC Report with proposition to Christmas Chief Pleas on 19 January 2011 via tracked changes to the draft issued for public consultation on 15 October 2010:

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THE CHIEF PLEAS, in exercise of the powers conferred on them by sections 5 and 12 of the Housing (Control of Occupation) (Sark) Law, 2011^a and all other powers enabling them in that behalf, hereby order:-

Commencement of Law.

1. The Housing (Control of Occupation) (Sark) Law, 2011 (“the Law”) shall come into force on *.

Prescribed persons for the purposes of section 5(1) of the Law.

2. A person is a prescribed person for the purposes of section 5(1)(b) of the Law”) if –

- (a) he is the surviving spouse of a person who, at the date of that person’s death, was a qualified resident under section 5(1)(a) of the Law and with whom he was living,

^a Order in Council No. * of *

(b) he is for the time being employed by the Chief Pleas in a particular capacity, and the Chief Pleas have resolved that a person who, from time to time, is employed by them in that capacity shall be a prescribed person for ~~the~~ such purposes ~~of section 5(1)(b) of the Law,~~

(c) he is a bona fide seasonal employee who is in occupation of accommodation provided by his employer as part of the terms of his employment, during the period when he is actually engaged in such employment, provided, in the case of accommodation which is not within the curtilage of the building which is his place of employment, that such accommodation has been approved for that purpose by the Douzaine,

(d) he is a bona fide employee who is in occupation of any accommodation within the curtilage of the building which is his place of employment and which accommodation is provided by his employer as part of the terms of his employment,

~~(de)~~ he is for the time being, under the direction of the Superintendent Minister of the Bailiwick of Guernsey Circuit of the Methodist Church, fulfilling the offices and duties required of a Methodist Minister within the Island of Sark, or

~~(e)(f)~~ the Douzaine has determined that, in all the circumstances of the case, he should be entitled to occupy a particular specified restricted dwelling, for such period as the Douzaine in its absolute discretion thinks fit, and subject to such conditions as the Douzaine ~~considers to be appropriate~~ may prescribe, notwithstanding that he is not

otherwise so entitled under the provisions of the Law or any Ordinance made thereunder.

Powers of Douzaine.

3. Where a person is a prescribed person pursuant to a determination of the Douzaine under section 2(e~~f~~), the Douzaine may revoke or vary –

- (a) any such determination,
- (b) the period during which the person is entitled to occupy the dwelling, and
- (c) any conditions subject to which the determination was made.

Interpretation.

4. (1) ~~In section 2(e), "seasonal employee" refers to an employee who is employed only during the months of March to October, and for a maximum of 24 weeks, in any calendar year. In this Ordinance, unless the context otherwise requires –~~

“the Law” means the Housing (Control of Occupation) (Sark) Law, 2011,

“restricted dwelling” has the meaning given in the Law, and

“seasonal employee” means an employee who is employed only during the months of March to October, and for a maximum of 24 weeks in any calendar year.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Ordinance.

^b Ordres en Conseil Vol. XIII, p. 355

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

5. (1) This Ordinance may be cited as the Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance, 2011.