

Jersey Law 28/1964

“ISLAND PLANNING (JERSEY) LAW, 1964”,

CONFIRMÉ PAR

Ordre de Sa Majesté en Conseil

en date du 22 décembre 1964.

(Enregistré le 22 janvier 1965).

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ISLAND PLANNING (JERSEY) LAW, 1964.

A LAW to provide for planning the development and use of land, for the grant of permission to develop land and for powers of control over the use of land, to confer powers in respect of the acquisition and development of land, to provide for the protection and enhancement of the natural beauties of the Island and the preservation and improvement of its general amenities, and to make other provision in similar respects, sanctioned by Order of Her Majesty in Council of the

22nd day of DECEMBER, 1964.

(Registered on the 22nd day of January, 1965).

STATES OF JERSEY.

The 31st day of March, 1964.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires –

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and

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includes any hoarding or similar structure used or adapted for use for the display of advertisements;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“building” includes any structure or erection of whatsoever material or in whatsoever manner constructed, and any part of a building;

“building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include any tent;

“the commencement date” means the date on which this Law comes into force;

“the Committee” means the Island Development Committee;

“contravention” includes, in relation to any restriction or condition, any failure to comply with that restriction or condition;

“development” has the meaning assigned thereto by Article 5;

“development plan” has the meaning assigned thereto by Article 3;

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“disused vehicle” means anything constructed for use as a vehicle or as part of a vehicle (including wheeled or tracked equipment) which is not normally being so used and whether or not it is capable of being so used;

“dump” includes any rubbish, rubble, refuse or other material;

“highway authority”, “improvement” and “road” have the same meanings as in the Roads Administration (Jersey) Law, 1960;¹

“hoarding” means any hoarding or similar structure erected or used for the purpose of advertising;

“land” means any corporeal hereditament, including a building, and land covered with water, and, in relation to the acquisition of land under Article 4 of this Law, includes any interest in land or water and servitudes or rights in, on or over land or water;

“owner” includes a usufructuary, the husband of a “feme covert”, the guardian of an infant, the curator of a person under interdiction and any other legal personal representative;

“statutory undertakers” means persons authorized by any enactment to carry on any undertaking for the supply of electricity, gas or water;

“tree” includes groups of trees, shrubs, saplings, bushes and hedges, but excludes fruit trees;

“use”, in relation to land, does not include the use of land by the carrying out of any building or other operations thereon.

(2) References in this Law to any other enactment include references to that enactment as amended by any subsequent enactment.

¹ Tome 1957–1960, page 556.

ARTICLE 2

PURPOSES OF LAW

The purposes of this Law are –

- (a) to provide for orderly planning in, and the comprehensive development of, land ;
- (b) to ensure that land is used in a manner serving the best interests of the community ;
- (c) to protect and enhance the natural beauty of the landscape or the countryside ;
- (d) to preserve and improve the general amenities of any part of the Island ;
- (e) to keep the coasts of the Island in their natural state ;
- (f) to control the placing of advertisements and hoardings ;
- (g) to protect buildings of special architectural or historic interest ;

and generally to prevent the spoliation of the amenities of the Island.

ARTICLE 3

PREPARATION OF DEVELOPMENT PLANS

(1) The Committee may from time to time prepare for the approval of the States development plans for different parts of the Island and any such plan may in particular define the site of proposed roads, public or other buildings and works, parks, pleasure grounds or other open spaces, or designate areas of land for use for agricultural, residential, industrial, commercial or other purposes.

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(2) In this Law, “development plan” means a plan indicating the manner in which the Committee proposes that land should be used, whether by the carrying out thereon of development or otherwise.

ARTICLE 4

POWER TO ACQUIRE LAND

(1) Where it appears to the States that any land should be acquired by the public of the Island for any of the purposes of this Law as set out in Article 2, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961,² and, in relation to the acquisition of any land as aforesaid, the Committee shall be the acquiring authority within the meaning of the said Law.

(2) In assessing the amount of the compensation payable to any person in relation to a compulsory purchase under this Article, the Board of Arbitrators, in addition to acting in accordance with the rules laid down in Article 9 of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961,³ shall have regard to the following further rule, namely, that where the Board is satisfied that the value of the land to be acquired has been or will be enhanced by reason of the expenditure of public monies the Board shall set off against the value any increase thereof which is attributable to the expenditure aforesaid.

ARTICLE 5

OBLIGATION TO OBTAIN PERMISSION FOR DEVELOPMENT

(1) Subject to the provisions of this Law, the permission of the Committee shall be required in respect of the development of any land.

² Tome 1961–1962, page 391.

³ Tome 1961–1962, page 396 and page 172 of this volume.

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(2) In this Law, unless the context otherwise requires, “development” means –

- (a) the carrying out of building, engineering, mining or other operations in, on, over or under land ;
- (b) the creation of new means of access to land from a road and the enlargement of any existing means of access to land from a road, to a width exceeding three feet ; or
- (c) the making of any material change in the use of any building or other land :

Provided that the following operations or uses of land shall not be deemed for the purposes of this Law to involve development of the land, that is to say –

- (i) the carrying out of works for the maintenance and repair of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building ;
- (ii) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road ;
- (iii) the carrying out by any public or parochial authority or any statutory undertakers of any works for the purpose of laying, placing, inspecting, repairing or renewing any sewers, mains, pipes, lines, cables or other apparatus, including the breaking open of any road or other land for that purpose ;
- (iv) the carrying out of works of a description specified in regulations made by the States under this Law ;

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- (v) the use of any land for any purpose incidental to the enjoyment of a dwelling-house within the same corpus-fundi ;
- (vi) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with the land so used ;
- (vii) in the case of land which is used for a purpose of any class specified in regulations made by the States under this Law, the use thereof for any other purpose of the same class.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this Article –

- (a) the use as two or more separate dwelling-houses of any building previously used as a single dwelling-house, or the use of two or more dwelling-houses (whether the same be separate buildings or parts of the same building) as a single dwelling-house, involves a material change in the use of the building and of each part thereof which is so used ;
- (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended :

Provided that, unless the Committee by notice served on the owner of the land otherwise directs, nothing in sub-paragraph (b) of this paragraph shall be deemed to require permission in respect of the deposit of refuse or waste materials on a site already used for that purpose if the height of the deposit does not exceed the level of the land adjoining such site and the superficial area of the deposit is not thereby extended.

(4) For the purposes of this Article, the use for the display of advertisements of any external part of a building which is not normally

used for that purpose shall be treated as a material change in the use of that part of the building.

ARTICLE 6

APPLICATIONS FOR PERMISSION TO DEVELOP LAND

(1) An application for permission to develop land under this Law shall be in the form required by the Committee and shall contain or be accompanied by such particulars as the Committee may require.

(2) Subject to the provisions of this Article, where application is made to the Committee for permission to develop land, the Committee may grant permission either unconditionally or subject to such conditions as it thinks fit, or may refuse permission.

(3) Where permission is granted for the erection of a building, the grant of the permission may specify the purposes for which the building may be used ; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Without prejudice to the generality of the foregoing provisions of this Article, the Committee may attach to the grant of permission to develop land conditions relating to –

- (a) the number or disposition of buildings on any land ;
- (b) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction ;
- (c) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land ;
- (d) the use of any buildings or other land ;

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- (e) the period within which the development is to be commenced and completed.

(5) Where application is made to develop land within an area shown on a map furnished to the Committee by the Harbours and Airport Committee for the purposes of this paragraph, then, in the consideration of such application, the Committee shall, insofar as indication may be made on the map in relation to that area, consult with the Harbours and Airport Committee and take into account any representations made by that Committee in the matter.

(6) Where application is made to do any such work as is referred to in sub-paragraph (b) of paragraph (2) of Article 5 of this Law, or where in respect of any application for permission to develop land it appears to the Committee that the work, or any part thereof, would be a source of danger to persons using any road bordering the land or would involve an increase in public expenditure in the event of the improvement of any such road at any future time, or would hinder any proposals for the improvement of any such road previously notified to the Committee by the highway authority, then in the consideration of such application, the Committee shall consult with the highway authority and take into account any representations made by the highway authority in the matter :

Provided that the Committee shall not exercise its powers under this Article in such a manner as to deny reasonable access to land either to persons or to vehicles.

(7) Where application is made for permission to develop land within an area shown on a map furnished to the Committee by the Sewerage Board for the purposes of this paragraph, then, in the consideration of such application, the Committee shall consult with the Board and shall take into account any representation made by the Board as to the effect of the development on the sufficiency of the sewerage and drainage systems or with a view to the prevention of damage to, or hindrance to the repair and maintenance of, sewers and watercourses, and the limitation of damage by surface water.

(8) Without prejudice to the provisions of this Law as to the revocation or modification of permission to develop land, any grant

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of such permission shall (except insofar as the permission otherwise provides) ensure for the benefit of the land and of all persons for the time being having any estate or interest therein.

(9) Any conditions attached by the Committee to any permission to develop land shall be binding on, and enforceable by the Committee against, all persons for the time being having any estate or interest therein.

(10) Where the Committee refuses permission to develop land, it shall furnish to the applicant a statement in writing of its reasons for the decision.

(11) No compensation shall be payable in respect of injurious affection to any estate or interest in any land by reason of the operation of this Article.

(12) The Committee shall keep a register, which shall be available for inspection by the public at all reasonable hours, and which shall contain such information as the Committee may think fit, including

- (a) particulars of any application for permission to develop land, including the name of the applicant, the date of the application and brief particulars of the development forming the subject of the application ;
- (b) the decision of the Committee in respect of the application and the date of such decision, and, in particular, where permission to develop is granted by the Committee details of any conditions attached to the permission.

(13) In paragraph (7) of this Article, “drainage” and “watercourse” have the same meanings as in the Drainage (Jersey) Law, 1962.⁴

⁴ Tome 1961–1962, page 459.

ARTICLE 7

REVOCAION AND MODIFICATION OF PERMISSION TO DEVELOP

(1) Subject to the provisions of this Article, if it appears to the Committee that it is expedient that any permission to develop land granted on an application made in that behalf under this Law should be revoked or modified, it may revoke or modify the permission to such extent as appears to it to be so expedient.

(2) Where permission to develop land is revoked or modified under this Article, the Committee shall serve notice on the owner and on the occupier of the land affected, and on any other person who in its opinion will be affected by its decision.

(3) The power conferred by this Article to revoke or modify permission to develop land may be exercised –

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed ;
- (b) where the permission relates to a change of the use of any land, at any time before the change has been completed :

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

(4) Where permission to develop land is revoked or modified under this Article, then if, on a claim made to the Committee within one month from the date of the notification of the decision of the Committee, it is shown that any person interested in the land has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, the Committee shall pay to that person such compensation in respect of that

expenditure, loss or damage, as may, in default of agreement, be determined by arbitration.

(5) For the purposes of this Article, any expenditure incurred in the preparation of plans for the purposes of any work or on other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this Article in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any loss or damage arising out of anything done or omitted to be done before the grant of that permission.

ARTICLE 8

ENFORCEMENT OF PLANNING CONTROL

(1) If any person develops, or causes or permits to be developed, any land without the grant of permission required in that behalf under this Law, or if any person bound to comply with any condition subject to which any such permission was granted fails to comply with that condition, he shall, without prejudice to any other proceedings which might be taken against him, be guilty of an offence and shall be liable to a fine not exceeding one thousand pounds, and whether or not any proceedings are taken either in respect of the offence or otherwise, the Committee may serve a notice on him requiring such steps as may be specified in the notice to be taken within such period as may be so specified (being a period of not less than twenty-eight days) for restoring the land to its condition before the development took place, or for securing compliance with the condition, as the case may be ; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works or the discontinuance of any use of land.

(2) If within the period specified in the notice, any steps required thereby to be taken (other than the discontinuance of any use of land) have not been taken, the Committee may enter on the land and take those steps, and the expenses reasonably incurred by the Committee in so doing shall be recoverable as a civil debt from the person in default.

(3) Where any notice requires a use of land to be discontinued or requires any condition or limitation to be complied with in respect of a use of land, then if any person uses the land or causes or permits it to be used, in contravention of the notice, he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds, and if the use is continued after conviction, he shall be guilty of a further offence and liable to a fine not exceeding twenty pounds for each day on which the use is so continued.

ARTICLE 9

LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

(1) The Committee may by order prescribe a list of buildings of special architectural or historic interest but no such order shall be made unless at least twenty-eight days previously the Committee has served on the owner of each such building, and on every other person known to the Committee to have an interest therein, a notice of its intention to include the building in the order, and every person having an interest in the building shall be entitled to make representations in the matter to the Committee and the Committee shall take such representations into account.

(2) Before making any order under this Article, the Committee shall consult with such persons or bodies of persons as appear to it appropriate as having special knowledge of or interest in buildings of architectural or historic interest.

(3) As soon as may be after the inclusion of any building in any order made under this Article, the Committee shall serve a notice to that effect on the owner of the building and on every other person known to the Committee to have an interest therein.

(4) So long as any building is included in any order made under this Article, no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character,

unless at least six months before the works are executed notice in writing of the proposed works has been given to the Committee :

Provided that nothing in this paragraph shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the works arises.

(5) If any person contravenes the provisions of paragraph (4) of this Article, he shall be guilty of an offence and shall be liable to a fine not exceeding one thousand pounds, and whether or not any proceedings are taken in respect of the offence or otherwise, the Committee may serve on the owner and occupier of the building a notice requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period (being a period of not less than twenty-eight days) as may be so specified.

(6) If within the period specified in the notice, any steps required thereby to be taken have not been taken, the Committee may enter on the land and take those steps, and the expenses reasonably incurred by the Committee in so doing shall be recoverable as a civil debt from the person in default.

ARTICLE 10

CONTROL OF ADVERTISEMENTS

(1) Subject to the provisions of this Article, provision may be made by order for restricting or regulating the display of advertisements so far as appears to the Committee to be expedient in the interests of amenity or public safety, and without prejudice to the generality of the foregoing provision, any such order may provide –

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land ;

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- (b) for requiring the consent of the Committee to be obtained for the display of advertisements, or of advertisements of any class specified in the order ;
- (c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this Law relating to permission to develop land and to applications for such permission, subject to such adaptations and modifications as may be specified in the order ;
- (d) for enabling the Committee to require the removal of any advertisement which is being displayed in contravention of the order, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the order, and for that purpose for applying any of the provisions of this Law relating to the service of notices requiring certain steps to be taken, subject to such adaptations and modifications as may be specified in the order.

(2) Orders made under this Article may make different provision with respect to different areas of the Island, and in particular may make special provision with respect to areas defined for the purposes of the order as areas of special control (being either rural areas or areas other than rural areas which appear to the Committee to require special protection on grounds of amenity) and, without prejudice to the generality of the foregoing provision, may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the order.

(3) Subject as hereinafter provided, any order made under this Article may be made so as to apply to advertisements which are being displayed on the date on which the order comes into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date :

Provided that any such order shall provide for exempting therefrom –

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- (a) the continued display of any such advertisement as aforesaid ; and
- (b) the continued use for the display of advertisements of any such site as aforesaid ;

during such period as may be prescribed in that behalf by the order and different periods may be so prescribed for the purposes of different provisions of the order.

(4) Before making any order under this Article, the Committee shall consult with such persons or bodies of persons as appear to it requisite.

ARTICLE 11

**SUPPLEMENTARY PROVISIONS REGARDING
ADVERTISEMENTS**

(1) Where the display of advertisements in accordance with any order made under Article 10 of this Law involves development of land, permission for that development shall be deemed to be granted by virtue of this Article, and no application shall be necessary in that behalf under the foregoing provisions of this Law.

(2) Without prejudice to any provisions included, by virtue of sub-paragraph (d) of paragraph (1) of Article 10 of this Law, in any order made under that Article, if any person displays an advertisement in contravention of the provisions of the order, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

(3) For the purposes of paragraph (2) of this Article, and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if –

- (a) the advertisement is displayed on land of which he is the owner or occupier ;

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- (b) the advertisement gives publicity to his goods, trade, business or other concerns ; or
- (c) the advertisement gives publicity to his candidature for election to a public or parochial office :

Provided that a person shall not be guilty of an offence under the said paragraph (2) by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

ARTICLE 12

DEMOLITION OF DILAPIDATED BUILDINGS, DUMPS ETC

- (1) The Committee may serve a notice –
 - (a) on the owner of any building which is in a ruinous or dilapidated condition, requiring him to demolish the building and to remove any rubbish resulting from the demolition ;
 - (b) on the owner or other person for the time being in control of any caravan, requiring him to remove the same outside such area as may be specified in the notice ;
 - (c) on the owner or other person for the time being having any estate or interest in any land on which there is a dump or a disused vehicle (not being a caravan) requiring him to deal with the same in such manner as may be required by the notice ;
 - (d) on the owner of any land on which any tree has been felled, requiring him to undertake the replacement thereof.
- (2) No compensation shall be payable in respect of injurious affection to any estate or interest in any land or otherwise by

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reason of any requirement made under this Article or of the compliance with any such requirement.

ARTICLE 13

**POWER TO REQUIRE PROPER MAINTENANCE OF LAND
ETC**

If it appears to the Committee that the amenities of any part of the Island are seriously injured by the condition of any land, the Committee may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

ARTICLE 14

**PENALTY FOR NON-COMPLIANCE WITH NOTICE UNDER
ARTICLE 12 OR 13**

If any person on whom a notice has been served under Article 12 or 13 of this Law fails to comply with the requirements thereof within such period (not being less than twenty-eight days from the service thereof) as may be specified therein, he shall be liable to a fine not exceeding fifty pounds, and, whether or not any proceedings are taken in respect of the offence, the Committee may execute the work required to be done in such manner as it thinks fit, and the expenses reasonably incurred by the Committee in so doing shall be recoverable as a civil debt from the person in default.

ARTICLE 15

**PLANTING OF TREES AND TREATMENT OF DERELICT
LAND**

(1) The Committee may cause trees to be planted on any land in the Island for the purpose of preserving or enhancing the natural beauty thereof.

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(2) For the purpose of restoring or improving the appearance of any derelict land in the Island which in the opinion of the Committee is in any way unsightly, the Committee may –

- (a) cause trees to be planted ; or
- (b) carry out such work or do such other things as appear to it expedient for that purpose.

(3) The powers conferred by this Article may be exercised by the Committee on any land with the consent of all persons interested therein ; and the powers shall include power to make arrangements whereby the planting or work is carried out, on such terms as may be provided under the arrangements, by a person other than the Committee.

ARTICLE 16

ORDERS FOR THE PRESERVATION OF TREES

(1) If it appears to the Committee that it is expedient in the interests of amenity to make provision for the preservation of trees in the Island, it may make provision by order –

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down or destruction of trees except with the consent of the Committee ;
- (b) for securing the replanting, in such manner as may be prescribed by the order, of any trees felled in the course of operations permitted by or under the order.

(2) Orders under this Article may make different provision with respect to different areas of the Island.

(3) Without prejudice to any other exemptions for which provision may be made by an order under this Article, no such order shall apply –

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- (a) to the cutting down of trees which are dying or dead or have become dangerous or so far as may be necessary for the prevention or abatement of a nuisance ;
- (b) to the cutting down or destruction of trees which are growing on agricultural land or on land immediately adjacent thereto, so far as may be necessary to allow the economic working of that agricultural land.

(4) If any person contravenes any of the provisions of any order made under this Article, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

ARTICLE 17

PENALTY FOR DESTROYING OR DAMAGING TREES

If any person maliciously and without lawful authority fells, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, wheresoever the same may be growing, he shall be liable to a fine not exceeding fifty pounds.

ARTICLE 18

PENALTY FOR DEPOSITING RUBBISH

If any person without lawful authority places, or causes to be placed, on any road, public place or sea beach, or on any land, whether public or private, any rubbish, refuse or waste material, he shall be liable to a fine not exceeding fifty pounds.

ARTICLE 19

RESTRICTION ON IMPORTATION OF CARAVANS

(1) No caravan shall be imported into the Island except under the authority of a licence granted by the Committee.

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(2) The Committee may attach to any licence granted under this Article such conditions as it thinks fit to impose.

(3) In the event of the transfer of the ownership of a caravan imported under the authority of a licence granted under this Article, any condition attached to the licence shall be binding on the person to whom the ownership of the caravan is transferred.

(4) If any person imports a caravan in contravention of the provisions of this Article or fails to comply with any condition attached to a licence authorizing the importation of a caravan, he shall be liable to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof and, whether or not any proceedings are taken in respect of the offence, the Committee may require the caravan to be re-exported and if the caravan is not re-exported within such period (not being less than twenty-eight days) as may be so required, the caravan shall be forfeited and shall become the property of the States.

(5) Where the seizure of a caravan as forfeited is made under this Article otherwise than out of the possession or in the presence of the owner or his agent, the officer seizing the caravan shall give notice in writing of such seizure and of the grounds thereof to the owner or to his agent, if known.

ARTICLE 20

MOVABLE STRUCTURES

(1) The Committee may make orders for restricting the erection, stationing and use of movable structures and generally for the prevention of nuisances in connexion therewith.

(2) Before making any order under this Article, the Committee shall consult with the Public Health Committee.

(3) In this Article, "movable structure" includes any caravan, tent, van or other conveyance, either on wheels or not.

(4) If any person contravenes the provisions of any order made under this Article, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

ARTICLE 21

RIGHT OF APPEAL

(1) Any person aggrieved by the refusal of the Committee to grant permission under Article 6 of this Law, or by any condition attached to the grant of any such permission or by any notice served under paragraph (2) of Article 7, or paragraph (1) of Article 8, or paragraph (3) or paragraph (5) of Article 9, or paragraph (1) of Article 12, or Article 13, of this Law, may appeal, either in term or in vacation, to the Royal Court, in the case of a refusal to grant permission or the attaching of any condition within two months of the date of the notification of the decision of the Committee in the matter, and in the case of the service of a notice within the period specified in the notice as the period within which the requirements of the notice are to be complied with, on the ground that the decision of the Committee or the service of the notice, as the case may be, was unreasonable having regard to all the circumstances of the case.

(2) Where an appeal under this Article is brought against a notice served under paragraph (1) of Article 8, paragraph (5) of Article 9, paragraph (1) of Article 12, or Article 13, of this Law, the said paragraph (1) of Article 8, the said paragraph (5) of Article 9 or Article 14, as the case may be, shall not apply unless the appeal is abandoned or dismissed, and shall, in that case, have effect as if for the reference therein to the period specified in the notice there were substituted a reference to twenty-eight days from the date on which the appeal was abandoned or dismissed.

ARTICLE 22

SERVICE OF NOTICES

(1) Any notice required or authorized by or under this Law to be served on a person being a corporation shall be duly served if it is served on the secretary or clerk of the corporation.

(2) Subject to the provisions of this Article, any notice required or authorized by or under this Law to be served on any person may be served either –

- (a) by delivering it to that person ; or
- (b) by leaving it at his proper address ; or
- (c) by registered post ; or
- (d) by the recorded delivery service.

(3) For the purposes of this Article, and of Article 12 of the Interpretation (Jersey) Law, 1954,⁵ in its application to this Article, the proper address of any person on whom such a notice as aforesaid is to be served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and, in any other case, be the usual or last-known place of abode of the person on whom the notice is to be served :

Provided that, where the person on whom such a notice as aforesaid is to be served has furnished an address for service in accordance with arrangements agreed to in that behalf, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the name or the address of any owner, lessee or occupier of premises on whom any such notice as aforesaid is to be served cannot after reasonable enquiry be ascertained by the person seeking to serve the notice, the notice may be served by addressing it to

⁵ Tome 1954–1956, page 115.

Jersey Law 28/1964 *Island Planning (Jersey) Law, 1964*

the person on whom it is to be served by the description of “owner”, “lessee” or “occupier” of the premises (describing them) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

ARTICLE 23

POWER OF ENTRY

(1) Any person authorized in that behalf by the Committee may, for any of the purposes of this Law, at all reasonable times, on the production if so required of evidence of his authority, enter on, inspect and survey any land.

(2) If any person obstructs or impedes any person so authorized in the execution of his duties, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

ARTICLE 24

ORDERS

The Subordinate Legislation (Jersey) Law, 1960,⁶ shall apply to orders made under this Law.

ARTICLE 25

REPEAL AND TRANSITIONAL PROVISIONS

(1) The following enactments are hereby repealed, namely

—

(a) the Movable Dwellings (Control) (Jersey) Regulations, 1948 ;⁷

⁶ Tome 1957–1960, page 519.

⁷ R & O–2165.

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- (b) the Preservation of Amenities (Jersey) Law, 1952 ;⁸
- (c) the Preservation of Amenities (Amendment) (Jersey) Law, 1954 ;⁹
- (d) the Preservation of Amenities (Amendment No. 2) (Jersey) Law, 1960 ;¹⁰
- (e) Article 4 of the Roads Administration (Jersey) Law, 1960 ;¹¹
- (f) Article 7 of the Drainage (Jersey) Law, 1962.¹²

(2) This Law shall have effect subject to the transitional provisions set out in the Schedule to this Law.

(3) The mention of particular matters in the Schedule to this Law shall be without prejudice to the general application of Article 19 of the Interpretation (Jersey) Law, 1954¹³ (which relates to the effect of repeals).

ARTICLE 26

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Island Planning (Jersey) Law, 1964.

(2) This Law shall come into force on the first day of the third month next following that in which it is promulgated.

⁸ Tome 1951–1953, page 239.

⁹ Tome 1954–1956, page 91.

¹⁰ Tome 1957–1960, page 595.

¹¹ Tome 1957–1960, page 558.

¹² Tome 1961–1962, page 463.

¹³ Tome 1954–1956, page 118.

*SCHEDULE***(Article 25)****TRANSITIONAL PROVISIONS**

1. In this Schedule, “the 1952 Law” means the Preservation of Amenities (Jersey) Law, 1952¹⁴

2.-(1) Insofar as any application, determination, decision or appeal made, consent given, licence or permission granted, compensation paid or recovered, notice served, condition imposed, requirement made or other thing done, under the 1952 Law could have been made, given, granted, paid, recovered, served, imposed or done under a corresponding provision of this Law, it shall not be invalidated by the repeal of the 1952 Law but shall have effect as if made, given, granted, paid, recovered, served, imposed or done under that corresponding provision.

(2) For the purposes of this paragraph, consent to make, extend or externally alter a building under the 1952 Law, and the giving of such consent, shall be treated as the equivalent of permission to develop land under this Law, and the granting of such permission.

3. Any proceedings in respect of any of the matters referred to in paragraph 2 of this Schedule which could have been taken under any provision of the 1952 Law, if that Law had not been repealed by this Law, may be taken under the corresponding provision of this Law, and any proceedings pending at the commencement of this Law under the 1952 Law may be continued under the corresponding provision of this Law.

A.D. LE BROCCQ,

Greffier of the States.

¹⁴ Tome 1951–1953, page 239.