



Jersey

PLANNING AND BUILDING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 2015

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Made

24th February 2015

Coming into force

10th March 2015

THE STATES, in pursuance of Article 8 of the Planning and Building (Amendment No. 6) (Jersey) Law 2014¹, have made the following Regulations –

1 Interpretation

In these Regulations, the “Law” means the Planning and Building (Jersey) Law 2002², and a reference to an Article, paragraph or any other subdivision by number is, unless otherwise indicated, a reference to the Article, paragraph or subdivision of that number in the Law.

2 Article 1 amended

In Article 1(1) –

- (a) after the definition “caravan” there shall be inserted the following definition –
 - “ ‘Chief Officer’ –
 - (a) means the person appointed from time to time as the chief executive officer (or equivalent) of the administration of the States responsible for planning and building; and
 - (b) when referred to in relation to the exercise of any function under this Law, includes any officer of that administration designated by the Chief Officer as carrying out that function;”;
- (b) in each of the definitions “dangerous building notice” and “site notice”, the words “by the Minister” shall be deleted;
- (c) in the definition “planning permission”, in paragraph (a) the words “to the Minister” shall be deleted.

3 Article 5 amended

In Article 5(4) for the words “the Minister” there shall be substituted the words “the Chief Officer”.

4 Article 9 amended

(1) In Article 9(1) for the words “the Minister” there shall be substituted the words “the Chief Officer”.

(2) For Article 9(2) there shall be substituted the following paragraph –

“(2) The application must –

(a) be in the required form; and

(b) contain or be accompanied by –

(i) such particulars as may reasonably be required to determine the application, and

(ii) the matters mentioned in paragraph (3).”.

(3) In Article 9(4) for the words “the Minister may nevertheless accept the application” there shall be substituted the words “the application may nevertheless be accepted”.

(4) For paragraphs (5) to (7) of Article 9 there shall be substituted the following paragraphs –

“(5) Following receipt of an application duly made under this Article, the Chief Officer may –

(a) determine the application; or

(b) refer the application to the Planning Applications Committee for determination by that Committee.

(6) The Chief Officer or, as the case may be, the Committee may require the applicant to provide such further particulars as may reasonably be required to determine the application.

(7) If the applicant fails to provide those particulars within a reasonable time, the application may be refused and upon such a refusal no obligation to refund the prescribed fee shall arise.”.

5 Article 9A amended

In Article 9A, after paragraph (1) there shall be inserted the following paragraph –

“(1A) Functions shall be allocated to the Planning Applications Committee by agreement between the Chief Officer and that Committee, and in default of such agreement, the Minister shall determine which functions shall be so allocated.”.

6 Article 10 amended

(1) For Article 10(2) there shall be substituted the following paragraph –

“(2) If a person has made such a statement or representation and planning permission has been granted (whether wholly or partly as a consequence of that statement or representation), the Chief Officer may –

- (a) revoke or modify the permission; and
- (b) if the development has been started or undertaken, serve a notice in accordance with paragraph (3) on the owner of the land to which the permission relates,

and for these purposes it does not matter whether or not proceedings have been taken in respect of an offence under paragraph (1).”.

- (2) Paragraph (5) of Article 10 shall be deleted.
- (3) In Article 10(10), after the words “the Minister” there shall be inserted the words “or the Chief Officer”.

7 Article 11 amended

- (1) In the heading to Article 11 for the words “Minister shall prescribe manner” there shall be substituted the word “Manner”.
- (2) For paragraphs (3) to (5) of Article 11 there shall be substituted the following paragraphs –

“(3) No decision shall be taken on an application for planning permission unless the application has been publicized or notified in the prescribed manner, and the applicant may be required to provide evidence of such publication or notification.

(4) In determining the application there shall be taken into account any representations provided by members of the public in the prescribed manner.”.

8 Article 12 amended

At the end of Article 12 there shall be added the following paragraphs –

“(6) A person aggrieved by a determination by the Minister under this Article may appeal against the determination to the Royal Court only on a point of law (and for the avoidance of doubt, no appeal arises under Part 7).

(7) An appeal under paragraph (6) must be made within the period of 28 days beginning with the date of the determination.

(8) On hearing the appeal the Royal Court may –

- (a) confirm the determination of the Minister wholly or in part;
- (b) quash the determination of the Minister wholly or in part;
- (c) remit the determination, wholly or in part, to the Minister to be retaken.

(9) In paragraph (6), a “person aggrieved” means –

-
- (a) where the Minister determines that planning permission should be granted, the applicant for planning permission and any third party;
 - (b) where the Minister determines –
 - (i) that conditions should be attached to a grant of planning permission, or
 - (ii) that planning permission should be refused,the applicant for planning permission,
- and for the purposes of sub-paragraph (a), “third party” has the same meaning as is given to that expression by Article 108(4).”.

9 Article 13 amended

For paragraphs (2) and (3) of Article 13 there shall be substituted the following paragraph –

- “(2) Where this Article applies, the application shall not be determined until the applicant has provided such an environmental impact statement as may be prescribed, and the statement shall be taken into account in the determination of the application.”.

10 Article 14 amended

- (1) In Article 14(1)(b) the words “to the Minister” shall be deleted.
- (2) In Article 14(2)(d) the words “has notified the Minister it” shall be deleted.
- (3) For paragraphs (3) and (4) of Article 14 there shall be substituted the following paragraph –

- “(3) Where this Article applies, the application shall not be determined until the highway authority (if any) in respect of the road has been consulted, and any comment by the authority shall be taken into account in the determination of the application.”.

11 Article 15 amended

- (1) In Article 15(1) the words “to the Minister” shall be deleted.
- (2) For paragraphs (2) and (3) of Article 15 there shall be substituted the following paragraph –
 - “(2) Where this Article applies, the application shall be referred to the Minister for Economic Development for comment, and any comment made by that Minister in respect of the possible effect of the proposed development on the operation of a harbour or of the airport shall be taken into account in the determination of the application.”.

12 Article 16 amended

For paragraphs (2) and (3) of Article 16 there shall be substituted the following paragraph –

- “(2) Where this Article applies, the application shall be referred to the Minister for Transport and Technical Services for comment, and any comment made by that Minister in respect of any of the matters specified in paragraph (4) shall be taken into account in the determination of the application.”.

13 Article 17 amended

For paragraphs (2) and (3) of Article 17 there shall be substituted the following paragraph –

- “(2) Where this Article applies, the application shall be referred to the relevant Minister, body or person and any comment made by the Minister, body or person shall be taken into account in the determination of the application.”.

14 Article 19 amended

(1) For paragraphs (1) to (7) of Article 19 there shall be substituted the following paragraphs –

- “(1) All material considerations shall be taken into account in the determination of an application for planning permission.
- (2) In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan.
- (3) Despite paragraph (2), planning permission may be granted where the proposed development is inconsistent with the Island Plan, if the Planning Applications Committee is satisfied that there is sufficient justification for doing so.
- (4) Planning permission may be granted –
 - (a) in detail or in outline only; and
 - (b) unconditionally or subject to conditions which must be specified in the grant of permission.
- (5) Planning permission may be refused.
- (6) In the case of outline planning permission granted under paragraph (4)(a) –
 - (a) matters may be reserved for further approval; and
 - (b) where such matters are reserved, the permission shall specify a period of time within which an application for approval in relation to such matters must be made (and the provisions of this Part, except paragraph (4)(a) and this paragraph, shall apply in relation to that application).

- (7) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage which the person may suffer as a result of that decision.”.

15 Article 20 amended

- (1) In Article 20(2) for the words “the Minister” there shall be substituted the words “the Chief Officer, in the required form and manner.”.
- (2) For paragraphs (3) to (5) of Article 20 there shall be substituted the following paragraphs –
 - “(2A) Following receipt of an application under paragraph (2), the Chief Officer may –
 - (a) determine the application; or
 - (b) refer the application to the Planning Applications Committee for determination by that Committee.
 - (3) Where this Article applies by virtue of paragraph (1)(a), planning permission may be granted in the terms sought by the application (and such grant shall have effect from the date when the development was undertaken) or it may be refused.
 - (4) Where this Article applies by virtue of paragraph (1)(b), a condition of planning permission already granted may be amended in the terms sought by the application or otherwise (and such amendment shall have effect from the date when the development was undertaken) or the application may be refused.
 - (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage which the person may suffer as a result of that decision.”.

16 Article 21 amended

- (1) In the heading to Article 21, for the words “Minister may vary, etc.” there shall be substituted the words “Variation etc. of”.
- (2) In Article 21(2) for the words “the Minister” there shall be substituted the words “the Chief Officer, in the required form and manner.”.
- (3) For paragraphs (3) to (5) of Article 21 there shall be substituted the following paragraphs –
 - “(3) Following receipt of an application under paragraph (2), the Chief Officer may –
 - (a) determine the application; or
 - (b) refer the application to the Planning Applications Committee for determination by that Committee.
 - (4) A condition may be removed or varied in the manner sought by the application, or the application may be refused.

-
- (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that decision.”.

17 Article 21A amended

In Article 21A(2) –

- (a) for the word “decision-maker” there shall be substituted the words “Chief Officer”;
- (b) in sub-paragraph (b), the words “between the applicant and the decision-maker” shall be omitted.

18 Article 22 amended

- (1) For the heading to Article 22 there shall be substituted the following heading –

“Reasons to be given for certain decisions”.

(2) In Article 22(1) –

- (a) for the words “the Minister decides” there shall be substituted the words “a decision is taken”;
- (b) for sub-paragraphs (b) to (d) there shall be substituted the following sub-paragraphs –
- “(b) to grant planning permission whether in detail or in outline, and whether subject to conditions or not; or
- (c) to grant planning permission for development that is inconsistent with the Island Plan.”.

(3) For Article 22(2) there shall be substituted the following paragraphs –

- “(2) Where this Article applies, full reasons for the decision shall be given to the applicant in writing by the decision-maker.
- (3) In this Article, ‘decision-maker’ means the Minister, the Chief Officer or, as the case may be, the Planning Applications Committee.”.

19 Article 22A amended

In Article 22A(1) for the words “, other than by the Planning Applications Committee” there shall be substituted the words “by the Chief Officer”.

20 Article 23 amended

- (1) In Article 23(1) for the words “the Minister attaches” there shall be substituted the word “attached”.

- (2) In Article 23(3) for the words “to the Minister for the Minister’s” there shall be substituted the word “for”.
- (3) In Article 23(4) –
 - (a) for the words “The Minister may impose a condition” there shall be substituted the words “A condition may be imposed”; and
 - (b) the words “to the Minister” shall be deleted.
- (4) In Article 23(5) –
 - (a) for the words “Action taken by the Minister” there shall be substituted the words “A decision taken”; and
 - (b) for the words “that action” there shall be substituted the words “that decision”.
- (5) In Article 23(6) –
 - (a) the words “the Minister grants” shall be deleted; and
 - (b) for the words “that permits” there shall be substituted the words “is granted for”.

21 Article 24 amended

In Article 24(2) the words “by the Minister” in each place in which they occur shall be deleted.

22 Article 25 amended

- (1) In Article 25(1) and (12), after the words “the Minister” in each place there shall be inserted the words “, or (as the case may be) the Chief Officer,”.
- (2) In Article 25(7) the words “by the Minister” shall be deleted.
- (3) In Article 25(8) the words “with the Minister” shall be deleted.

23 Article 26 amended

- (1) In the heading to Article 26, for the words “Minister may terminate” there shall be substituted the words “Termination of”.
- (2) For Article 26(2) there shall be substituted the following paragraph –
 - “(2) Where this Article applies, the Chief Officer or (as the case may be) the Planning Applications Committee may serve a notice stating that the planning permission shall cease to have effect upon the expiration of a further period specified in the notice.”.
- (3) In Article 26(4)(c), for the words “in the opinion of the Minister will” there shall be substituted the words “appears likely to”.
- (4) In Article 26(5), for the words “The Minister may withdraw the notice” there shall be substituted the words “The notice may be withdrawn”.
- (5) For Article 26(6) there shall be substituted the following paragraph –

“(6) If the notice is withdrawn, each person on whom it was served under paragraph (4) shall immediately be notified of the withdrawal.”.

- (6) In Article 26(8) –
- (a) for the words “Action taken by the Minister” there shall be substituted the words “A decision taken”; and
 - (b) for the words “that action” there shall be substituted the words “that decision”.

24 Article 27 amended

- (1) For paragraphs (1) to (3) of Article 27 there shall be substituted the following paragraphs –

“(1) Planning permission to undertake a building or other operation on land may be revoked or modified at any time before the building or operation has been completed.

(2) Planning permission to change the use of land may be revoked or modified at any time before the change of use has been completed.

(3) The Chief Officer or (as the case may be) the Planning Applications Committee shall serve notice of any revocation or modification of planning permission on the owner and (if different) the occupier of the land.”.

- (2) Article 27(5) shall be deleted.
- (3) At the beginning of Article 27(6) there shall be inserted the words “Following revocation or modification of planning permission under this Article,”.
- (4) In paragraph (6A), for the word “(6)(a)” there shall be substituted the word “(6)(b)”.
- (5) In Article 27(10) –
- (a) for the words “action taken by the Minister” there shall be substituted the words “a decision taken”; and
 - (b) for the words “that action” there shall be substituted the words “that decision”.

25 Article 28 amended

- (1) In the heading to Article 28, for the words “Minister may provide certificate” there shall be substituted the word “Certificate”.
- (2) In Article 28(1) –
- (a) for the words “The Minister” there shall be substituted the words “The Chief Officer”; and
 - (b) for the words “granted by the Minister” there shall be substituted the words “duly granted”.

- (3) In Article 28(2) for the words “granted by the Minister” there shall be substituted the words “duly granted”.

26 Article 33 amended

In Article 33(1) and (4)(a), the words “by the Minister” shall be deleted.

27 Article 34 amended

- (1) In Article 34(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (2) For paragraphs (2) to (5) of Article 34 there shall be substituted the following paragraphs –
- “(2) The application shall –
- (a) be in the prescribed form;
 - (b) contain, or be accompanied by, such particulars as may reasonably be required to determine the application; and
 - (c) be accompanied by the prescribed fee.
- (3) An applicant for building permission under this Article may be required to provide such further particulars as may reasonably be necessary to reach a decision in respect of the application.
- (4) If the applicant fails to provide within a reasonable time the particulars required under paragraph (3), the application may be refused and upon such a refusal no obligation to refund the prescribed fee shall arise.”.

28 Article 35 substituted

For Article 35 there shall be substituted the following Article –

“35 Grant of building permission

- (1) The provisions of the Building Bye-laws must be taken into account in the determination of an application for building permission.
- (2) In general building permission must be granted if the work proposed in the application is in accordance with Building Bye-laws.
- (3) Despite paragraph (2), building permission may be granted where the proposed work is inconsistent with Building Bye-laws, if the Chief Officer is satisfied that there is sufficient justification for doing so.
- (4) Building permission may be –
 - (a) granted unconditionally, or subject to conditions which must be specified in the grant of permission; or
 - (b) refused.

-
- (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that decision.”.

29 Article 36 substituted

For Article 36 there shall be substituted the following Article –

“36 Reasons to be given for refusal to grant building permission

Where a decision is taken to refuse building permission, full reasons for the decision shall be given in writing.”.

30 Article 37 amended

In Article 37(1) for the words “the Minister attaches” there shall be substituted the word “attached”.

31 Article 40 amended

- (1) In the heading to Article 40 for the words “Minister may serve an enforcement notice” there shall be substituted the words “Enforcement notice”.
- (2) In Article 40(1) for the words “to the Minister” there shall be substituted the words “to the Chief Officer or to the Planning Applications Committee”.
- (3) In Article 40(2) –
- (a) for the words “the Minister may serve” there shall be substituted the words “the Chief Officer or, as the case may be, the Planning Applications Committee may serve”;
- (b) in sub-paragraph (c) the words “to the Minister” shall be deleted.
- (4) In Article 40(3) –
- (a) in sub-paragraph (a) the words “to the Minister” shall be deleted;
- (b) in sub-paragraph (b), for the words “the Minister requires” in each place in which they occur there shall be substituted the word “required”.
- (5) For paragraph (4) of Article 40 there shall be substituted the following paragraph –
- “(4) Where there has been a breach of development controls, an action or a decision taken under this Article in respect of that breach does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that action or decision.”.

32 Article 41 amended

In Article 41(3)(b), the words “the Minister’s” and “to the Minister” shall be deleted.

33 Article 42 substituted

For Article 42 there shall be substituted the following Article –

“42 Variation or withdrawal of enforcement notice

- (1) An enforcement notice may be withdrawn.
- (2) A requirement in an enforcement notice may be relaxed or waived, and in particular a period specified in an enforcement notice may be extended.
- (3) Where any power is exercised under paragraph (2), notice of the relaxation or waiver shall immediately be served on each person who was served with the enforcement notice.
- (4) The withdrawal of an enforcement notice shall not prejudice a further exercise of the power under Article 40 to serve another such notice.”.

34 Article 44 amended

In Article 44(4) the words “to the Minister” shall be deleted.

35 Article 45 amended

- (1) In Article 45(1) for the words “to the Minister” there shall be substituted the words “to the Chief Officer or to the Planning Applications Committee”.
- (2) In Article 45(2) for the words “the Minister may serve” there shall be substituted the words “the Chief Officer or, as the case may be, the Planning Applications Committee may serve”.
- (3) In Article 45(3) the words “by the Minister” and “to the Minister” shall be deleted.
- (4) For Article 45(4) and (5) there shall be substituted the following paragraphs –
 - “(4) A stop notice may at any time be withdrawn by a further notice served on each person who was served with the stop notice.
 - (5) The withdrawal of a stop notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.”.
- (5) In Article 45(9) for the words “The Minister shall display” there shall be substituted the words “There shall be displayed”.
- (6) For Article 45(12) there shall be substituted the following paragraph –

“(12) Where there has been a breach of development controls an action or a decision taken under this Article in respect of that breach does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that action or decision.”.

36 Article 47 amended

(1) For Article 47(1) there shall be substituted the following paragraph –

“(1) This Article applies where it appears to the Chief Officer that there has been a failure to comply with a condition subject to which planning or building permission was granted.”.

(2) In Article 47(2) for the words “the Minister may serve a notice” there shall be substituted the words “a notice may be served”.

(3) For Article 47(3)(b) there shall be substituted the following subparagraph –

“(b) the steps required to be taken, or the activities required to cease, to secure compliance with the condition.”.

(4) For Article 47(5) and (6) there shall be substituted the following paragraphs –

“(5) A condition notice may at any time be withdrawn by a further notice served on each person who was served with the condition notice.

(6) The withdrawal of a condition notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.”.

37 Article 48 amended

For paragraphs (1) and (2) of Article 48 there shall be substituted the following paragraphs –

“(1) A person mentioned in paragraph (1A) may apply to the Royal Court for an injunction if it appears necessary or expedient to that person for an injunction to be granted to prevent or restrain an actual or apprehended breach of development controls.

(1A) The persons who may apply for an injunction under paragraph (1) are –

(a) the Chief Officer; or

(b) in a case where –

(i) the time limit for any appeal has expired, or

(ii) proceedings on an appeal in that case have been concluded,

the Minister.

-
- (2) Paragraph (1) has effect whether or not the Chief Officer or, as the case may be, the Minister has exercised or is proposing to exercise any other power under this Part.”.

37A Article 50 amended

In Article 50, in the definition “ “List of Sites of Special Interest” or “List” ” the words “by the Minister” shall be deleted.”.

38 Article 51 amended

- (1) In the heading to Article 51, the words “Minister to maintain a” shall be deleted.
- (2) In Article 51(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (3) In Article 51(2) –
 - (a) for the words “The Minister shall include on the List” there shall be substituted the words “The List shall include”; and
 - (b) for the word “Minister” in the second place in which it occurs there shall be substituted the words “Chief Officer”.
- (4) In Article 51(3) –
 - (a) for the words “On the List the Minister” there shall be substituted the words “The List”;
 - (b) in sub-paragraph (d), for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.
- (5) In Article 51(4) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (6) Paragraphs (5) to (7) of Article 51 shall be deleted.

39 Article 52 substituted

For Article 52 there shall be substituted the following Article –

“52 Notice and procedure for inclusion on, or removal from, the List of Sites of Special Interest

- (1) Except as provided by Article 53, a building or place shall not be included on or removed from the List of Sites of Special Interest unless notice of the inclusion or removal has been duly served in accordance with this Article.
- (2) Notice of proposed inclusion on the List –
 - (a) shall be served –
 - (i) on the owner of the building or place, or

- (ii) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place; and
- (b) shall contain a statement to the effect that a person with an interest in the building or place to which the notice relates may, no later than 28 days after the date of the notice, make written representations to the Chief Officer in respect of the proposed inclusion of the building or place on the List.
- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) In determining whether or not to include a building or place on the List –
 - (a) any representations made in response to the notice under paragraph (2) shall be taken into account to the extent that such representations relate to the special interest of the building or place;
 - (b) where the building or place falls within the area of responsibility or concern of any Minister or body or person created by statute, that Minister, body or person shall be consulted and any representations made in response to the consultation shall be taken into account; and
 - (c) any person considered to have a particular knowledge of or interest in the building or place may be consulted and the views of that person may be taken into account.
- (5) A further notice of the decision as to whether or not to include a building or place on the List shall be served on the owner and (if different) the occupier of the building or place as soon as practicable after the decision has been made.
- (6) Where the Chief Officer is satisfied that the special interest of a building or place has ceased to exist, the building or place may be removed from the List, no sooner than 28 days after service of notice of the intention to do so.
- (7) Such notice as mentioned in paragraph (6) shall be served –
 - (a) on the owner of the building or place; or
 - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place.”.

40 Article 53 substituted

For Article 53 there shall be substituted the following Article –

“53 Provisional listing

- (1) This Article applies where the Chief Officer considers it necessary or expedient to restrain –

-
- (a) an actual or apprehended operation in, on, over or under a building or place suitable for inclusion on the List; or
 - (b) an actual or apprehended change (either permanent or temporary) in the use of such a building or place,

which, whether or not the operation or change amounts to development, would adversely affect the special interest of the building or place if it were included on the List.

- (2) Where this Article applies a notice may be served declaring the building or place to have been provisionally included on the List, and such notice shall be served –

- (a) on the owner of the building or place; or
- (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place.

- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

- (4) On service of a notice under paragraph (2), details of the building or place shall be entered provisionally on the List, and shall remain on the List until –

- (a) a determination has been made under Article 52 that the building or place should or should not be included on the List; or
- (b) the expiration of a period of 3 months beginning with the date of service of the notice under paragraph (2),

whichever is the sooner.”.

41 Article 54 amended

- (1) In Article 54(2)(a) for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.
- (2) In Article 54(5)(a) the words “by the Minister” shall be deleted.
- (3) In Article 54(6) for the words “the Minister may attach” there shall be substituted the word “attached”.
- (4) In Article 54(7) for the words “the Minister may serve on that person a notice” there shall be substituted the words “a notice may be served on that person”.

42 Article 55 amended

- (1) In Article 55(3)(a) for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.
- (2) In Article 55(5) –
 - (a) in sub-paragraph (a) for the words “a form required by the Minister” there shall be substituted the words “the required form”;

- (b) in sub-paragraph (b) for the words “the Minister reasonably requires” there shall be substituted the words “reasonably required”.
- (3) In Article 55(6) for the words “the Minister may attach” there shall be substituted the words “which may be attached”.
- (4) In Article 55(7) for the words “The Minister may give permission” there shall be substituted the words “Permission may be given”.

43 Article 57 amended

In Article 57 in the definition “List of Protected Trees” or “List”, the words “by the Minister” shall be deleted.

44 Article 58 amended

- (1) In Article 58(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (2) For paragraph (2) of Article 58 there shall be substituted the following paragraph –
 - “(2) The List shall include trees which the Chief Officer is satisfied should not, in the interests of the amenity of Jersey, be cut down, lopped, or otherwise altered or harmed without the Chief Officer’s permission.”.
- (3) In Article 58(4) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (4) Paragraphs (5) to (7) of Article 58 shall be deleted.

45 Article 59 substituted

For Article 59 there shall be substituted the following Article –

“59 Notice and procedure for inclusion on, or removal from, the List of Protected Trees

- (1) Except as provided by Article 60, a tree shall not be included on or removed from the List of Protected Trees unless notice of the inclusion or removal has been duly served in accordance with this Article.
- (2) Notice of proposed inclusion on the List –
 - (a) shall be served –
 - (i) on the owner of the land on which the tree is growing, or
 - (ii) (where such service cannot be effected) by being displayed in a conspicuous position on or near the tree; and

-
- (b) shall contain a statement to the effect that any person may make written representations to the Chief Officer in respect of the proposed inclusion of the tree on the List.
 - (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
 - (4) In determining whether or not to include a tree on the List –
 - (a) any representations made in response to the notice under paragraph (2) shall be taken into account to the extent that such representations relate specifically to the proposed inclusion of the tree on the List;
 - (b) any person considered to have relevant expert knowledge may be consulted and the views of that person may be taken into account.
 - (5) A further notice of the decision as to whether or not to include the tree on the List shall be served on the owner and (if different) any occupier of the land on which the tree is growing as soon as practicable after the decision has been made.
 - (6) Where –
 - (a) the tree ceases to exist; or
 - (b) the Chief Officer is satisfied that it is no longer in the interests of the amenity of Jersey that the tree should be protected,the tree may be removed from the List, no sooner than 28 days after service of notice of the intention to do so.
 - (7) Such notice as mentioned in paragraph (6) shall be served –
 - (a) on the owner of the land on which the tree is or was growing; or
 - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the tree or place where the tree is or was growing.”.

46 Article 60 substituted

For Article 60 there shall be substituted the following Article –

“60 Provisional listing of trees

- (1) This Article applies where the Chief Officer considers it necessary or expedient to restrain the actual or apprehended removal of, or damage to, a tree suitable for inclusion on the List of Protected Trees.
- (2) Where this Article applies a notice may be served declaring the tree to have been provisionally included on the List, and such notice shall be served –
 - (a) on the owner of the land where the tree is growing; or

(b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the land where the tree is growing.

(3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

(4) On service of a notice under paragraph (2), details of the tree shall be entered provisionally on the List, and shall remain on the List until –

(a) a determination has been made under Article 59 that the tree should or should not be included on the List; or

(b) the expiration of a period of 3 months beginning with the date of service of the notice under paragraph (2),

whichever is the sooner.”.

47 Article 61 amended

(1) In Article 61(1), in each place in which they occur, the words “the Minister’s” shall be deleted.

(2) In Article 61(3) for the words “the Minister may attach” there shall be substituted the word “attached”.

(3) In Article 61(4) for the words “a species specified by the Minister” there shall be substituted the words “a specified species”.

48 Article 62 amended

(1) For the heading to Article 62 there shall be substituted the following heading –

“62 Preservation and planting of trees in connection with planning permission”.

(2) In Article 62(1) for the words “The Minister shall, when granting planning permission to develop land ensure” there shall be substituted the words “A decision-maker granting planning permission to develop land shall ensure”.

(3) In Article 62(2) for the words “Also when granting planning permission the Minister shall” there shall be substituted the words “A decision-maker granting such permission shall also”.

(4) At the end of Article 62 there shall be added the following paragraph –

“(3) In this Article, ‘decision-maker’ has the meaning given by Article 22(3).”.

49 Article 66 amended

- (1) In the heading to Article 66 for the words “Minister may serve a dangerous” there shall be substituted the word “Dangerous”.
- (2) In Article 66(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (3) In Article 66(2) for the words “the Minister may serve a notice” there shall be substituted the words “a notice may be served”.
- (4) In Article 66(4)(a) the words “to the Minister” shall be deleted.

50 Article 68 substituted

For Article 68 there shall be substituted the following Article –

“68 Variation or withdrawal of dangerous building notice

- (1) A dangerous building notice may be withdrawn.
- (2) A requirement (including in particular any period specified for the undertaking of work) in a dangerous building notice may be relaxed or waived.
- (3) Where any power is exercised under paragraph (2), notice of the relaxation or waiver shall immediately be served on each person who was served with the dangerous building notice.
- (4) The withdrawal of an dangerous building notice shall not prejudice a further exercise of the power under Article 66 to serve another such notice.”.

51 Article 72 amended

In Article 72 after the word “Minister” there shall be inserted the words “or Chief Officer”.

52 Article 76 amended

In Article 76(2)(b) for the words “the permission of the Minister” there shall be substituted the word “permission”.

53 Article 78 amended

In Article 78(2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”.

54 Article 81 amended

In Article 81(2)(a) for the words “the permission of the Minister” there shall be substituted the word “permission”.

55 Article 82 amended

In Article 82(2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”.

56 Article 83 amended

In Article 83(1) in the definition “land condition notice” the words “by the Minister” shall be deleted.

57 Article 84 amended

- (1) In the heading to Article 84 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 84(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

58 Article 85 amended

- (1) In the heading to Article 85 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 85(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

59 Article 86 amended

- (1) In the heading to Article 86 for the words “Power of Minister to require” there shall be substituted the words “Notice requiring”.
- (2) In Article 86(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

60 Article 87 amended

- (1) In the heading to Article 87 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 87(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

61 Article 88 amended

- (1) In the heading to Article 88 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 88(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

62 Article 89 amended

- (1) In the heading to Article 89 for the words “Minister may take” there shall be substituted the words “Notice requiring”.
- (2) In Article 89(1) –
 - (a) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”; and
 - (b) for the words “to dealt” there shall be substituted the words “to be dealt”.

63 Article 90 amended

- (1) In the heading to Article 90 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 90(1) and (2) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

64 Article 92 substituted

For Article 92 there shall be substituted the following Article –

“92 Variation or withdrawal of land condition notice

- (1) A land condition notice may be withdrawn.
- (2) A requirement (including in particular any period specified for the undertaking of work) in a land condition notice may be relaxed or waived.
- (3) Notice of the relaxation or waiver shall immediately be served –
 - (a) in a case where the land condition notice was served on a person, on each person who was served with the land condition notice; or
 - (b) in a case where the land condition notice was served by being conspicuously displayed at a place, by displaying an amended notice at the same place.
- (4) The withdrawal of a land condition notice shall not prejudice a further exercise of the power to serve another such notice.”.

65 Article 95 amended

In Article 95 after the words “by the Minister” there shall be inserted the words “or Chief Officer”.

66 Article 99 amended

- (1) In the heading to Article 99 for the words “Minister may control” there shall be substituted the words “Control of”.

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- (2) In Article 99(1) for the words “the Minister” there shall be substituted the words “the Chief Officer”.
 - (3) For Article 99(2) there shall be substituted the following paragraph –
 - “(2) The application shall –
 - (a) be in the form required by the Chief Officer;
 - (b) contain, or be accompanied by, such particulars as may reasonably be required to determine the application; and
 - (c) be accompanied by the prescribed fee.”.

67 Article 100 amended

In the heading to Article 100 the words “of Minister” shall be deleted.

68 Article 101 amended

- (1) In Article 101(1) for the words “The Minister may attach conditions” there shall be substituted the words “Conditions may be attached”.
- (2) In Article 101(2) for the word “imposed” there shall be substituted the word “attached”.
- (3) In Article 101(3) the words “by the Minister” in each place in which they occur shall be deleted.

69 Article 108 amended

In Article 108(2) –

- (a) in sub-paragraph (a) for the words “, (4) or (5)” there shall be substituted the words “or (4)”;
- (b) in sub-paragraph (i) for the word “51(5)” there shall be substituted the word “52(6)”;
- (c) in sub-paragraph (l) for the words “60(5) or (6)” there shall be substituted the word “59(6)(b)”.

69A Article 116 amended

For paragraph (5) of Article 116 there shall be substituted the following paragraphs –

- “(5) No further appeal shall lie from the Minister’s determination under this Article except to the Royal Court on a point of law.
- (5A) An appeal under paragraph (5) must be made within the period of 28 days beginning with the date of the determination.
- (5B) On hearing the appeal the Royal Court may –
 - (a) confirm the determination of the Minister wholly or in part;
 - (b) quash the determination of the Minister wholly or in part;

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- (c) remit the determination, wholly or in part, to the Minister to be retaken.
 - (6) The power to make rules of court under Article 13 of the Royal Court (Jersey) Law 1948 shall include the power to make rules regulating practice and procedure in relation to appeals under paragraph (5) of this Article.”.

70 Article 121 amended

- (1) In Article 121(3)(b)(ii) the words “the Minister” shall be deleted.
- (2) In Article 121(4) for the words “the Minister is unable” there shall be substituted the words “it is not possible”.

71 Citation and commencement

These Regulations may be cited as the Planning and Building (Amendment of Law) (Jersey) Regulations 2015 and shall come into force immediately after the coming into force of the Planning and Building (Amendment No. 6) (Jersey) Law 2014³.

L.-M. HART

Deputy Greffier of the States

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- ¹ *L.34/2014*
² *chapter 22.550*
³ *L.34/2014*