

PLANNING AND BUILDING (JERSEY) LAW 2002

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 14 July 2026 to 1 October 2026

Jersey

PLANNING AND BUILDING (JERSEY) LAW 2002

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Jersey

PLANNING AND BUILDING (JERSEY) LAW 2002[1]

A LAW to provide the means to establish a plan for the sustainable development of land and to control development in accordance with that plan, to prescribe the functional requirements of buildings and to provide the means to enforce those requirements, to provide the means to protect, enhance, conserve and to use wisely the natural beauties, natural resources and biodiversity of Jersey and to preserve and improve Jersey's general amenities, to confer powers to acquire land for the purposes of the Law, and to make other provisions in similar respects.

Commencement [see endnotes]

PART 1

PRELIMINARY

1 Interpretation

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

"advertisement" has the meaning given to that expression by Article 75(1);

"breach of development controls" has the meaning given to that expression by Article 39;

"bridging island plan" is to be construed in accordance with Article 3(2)(a);

"building" includes –

(a) a structure or erection of any material and constructed in any manner;

(b) a part of a building; and

(c) the inside of a building including its internal services;

"Building Bye-laws" means Building Bye-laws made by the Minister in accordance with Article 30;

"building operation" includes –

(a) a rebuilding operation;

(b) a structural alteration of a building including its services;

(c) a structural addition to a building including an addition to its services;

(d) an operation similar to an operation referred to in sub-paragraph (a), (b) or (c); and

(e) the demolition or removal of the whole or any part of a building including its services;

"building permission" means permission to undertake prescribed building work;

"building work" means work the carrying out of which amounts to development or a change of use that amounts to development;

"caravan" has the meaning given to that expression by Article 98;

"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;

"completion notice" means a notice served in accordance with Article 26(2);

"condition" includes a limitation, restriction or requirement;

"condition notice" means a notice served in accordance with Article 47;

"contravention", in relation to a condition, limitation, restriction or requirement, includes –

(a) to fail to comply with the condition, limitation, restriction or requirement; and

(b) to cause or permit another person to contravene or to fail to comply with the condition, limitation, restriction or requirement;

"dangerous building notice" means a notice served in accordance with Article 66(2);

"develop" has the meaning given to that expression by Article 5 and "development" shall be construed accordingly;

"Development Order" means an Order made by the Minister under Article 8(1);

"enforcement notice" means a notice served in accordance with Article 40(2) and where the notice has been amended in accordance with Article 42 means the notice as so amended;

"highway authority", in relation to a road that is repairable at the expense of the States or a Parish, means –

(a) the Minister for Infrastructure in relation to a main road;

(b) the Roads Committee of the Parish in which the road is situated in relation to a by-road;

"Island Plan" means the Island Plan approved for the time being by the States;

"land" means a corporeal hereditament, and includes –

(a) a building;

(b) land covered with water including sea water within the outermost limits of the territorial sea of the Island; and

(c) in relation to the acquisition of land by the States under Article 119, an interest in land or water and a servitude or right in, on or over land or water;

"land condition notice" has the meaning given to that expression by Article 83(1);

"list", in respect of a list to be maintained by the Minister by virtue of this Law, means a list kept in any form determined by the Minister so long as the contents of the list may be easily retrieved in legible form;

"List of Sites of Special Interest" has the meaning given to that expression by Article 50;

"List of Protected Trees" has the meaning given to that expression by Article 57;

"means of access" includes any means of access, whether private or public, for vehicles or animals, or for pedestrians;

"Minister" means the Minister for Planning and Regulation;

"notice" means written notice;

"owner" includes –

(a) a usufructuary;

(b) the husband of a *feme covert*;

(c) the guardian of an infant;

(d) a delegate appointed, under Part 4 of the Capacity and Self-Determination (Jersey) Law 2016, in relation to a person; and

(e) any other legal personal representative of a person;

"Planning Committee" means the body exercising functions conferred under Article 9A;

"planning obligation" means an obligation entered into in accordance with Article 25;

"planning permission" means permission to develop land granted –

(a) by the Minister by a Development Order or on an application made in accordance with Article 9;

(b) under the Island Planning (Jersey) Law 1964; or

(c) under a Law repealed by that Law;

"prescribed building work" means building work for which permission is required under the Building Bye-laws;

"register", in respect of a register to be maintained by the Minister by virtue of this Law, means a register kept in any form determined by the Minister so long as the contents of the register may be easily retrieved in legible form;

"Register of Building Applications" means the register maintained by the Minister in accordance with Article 38(1);

"Register of Dangerous Building Notices" means the register maintained by the Minister in accordance with Article 74(1);

"Register of Development Notices" means the register maintained by the Minister in accordance with Article 49(1);

"Register of Land Condition Notices" means the register maintained by the Minister in accordance with Article 97(1);

"Register of Planning Applications" means the register maintained by the Minister in accordance with Article 29(1);

"Register of Planning Obligations" means the register maintained by the Minister in accordance with Article 25(13);

"road" means a –

(a) road;

(b) bridge;

(c) viaduct; or

(d) subway,

and includes its carriageway, footpath and any other part of it;

"site notice" means a notice or copy of a notice which is displayed, or is to be displayed, under any requirement of this Law, on the land affected by such development, listing, enforcement or other operation as is specified in the notice;

"stop notice" means a notice served in accordance with Article 45(2);

"tree" means a tall perennial plant having a permanent woody or fibrous trunk, a root system and a crown of foliage, or such plant of a similar nature as the Minister may by Order prescribe, and includes –

(a) a single tree of any age, genus, species, cultivar or variety;

(b) a group of trees;

(c) a hedgerow.[2]

(2) A reference in this Law to a person being guilty of an offence includes a person who aids, abets, counsels or procures the commission of the offence and such a person shall be liable to be dealt with, tried and punished as a principal offender.

(3) A reference in this Law to a Chapter of a Part by number only and without further identification is a reference to the Chapter of that number in that Part.

2 Purposes of Law

(1) The purpose of this Law is to conserve, protect and improve Jersey's natural beauty, natural resources and general amenities, its character, and its physical and natural environments.

(2) Accordingly it is the intention of this Law –

(a) to ensure that when land is developed the development is in accordance with a development plan that provides for the orderly, comprehensive and sustainable development of land in a manner that best serves the interests of the community;

(b) to protect sites, buildings, structures, trees and places that have a special importance or value to Jersey;

(c) to provide for the orderly management of transport and travel, both on, and from and to Jersey;

(d) to ensure that the coast of Jersey is kept in its natural state;

(e) to control advertisements in Jersey; and

(f) to impose other necessary controls on the development and use of land in Jersey.

(3) In paragraph (1) the reference to –

(a) the natural resources of Jersey includes its biodiversity; and

(b) the natural environment of Jersey includes the natural environment around Jersey.

(4) It is also the purpose of this Law to secure the health, safety, welfare and convenience of people in or about buildings by establishing functional requirements in respect of buildings and ensuring that buildings comply with those requirements.[3]

PART 2

THE ISLAND PLAN

3 Minister to prepare a draft Island Plan[4]

(1) The Minister must prepare and lodge a draft Island Plan for approval by the States.[5]

(1A) The Minister may prepare a draft revision of an Island Plan or a draft revision of the bridging island plan at any time during the period that the plan is in effect.[6]

(2) A draft Island Plan must set out the Minister's proposed policies in respect of the development and use of land –

(a) in the case of a draft Island Plan formulated during the outbreak of Covid-19 or its aftermath (the "bridging island plan"), for a period of up to 3 years beginning with the approval of such a plan by the States; or

(b) in the case of a draft Island Plan other than the draft bridging island plan, for a period of no more than 10 years following any period for which a previous Island Plan was approved by the States.[7]

(2A) A draft Island Plan must be lodged in time for the States to be able to approve it, with or without amendment, as follows –

(a) if the draft Island Plan is replacing the bridging island plan, within 3 years of the approval of the bridging island plan by the States or within a reasonable time after the end of that period; or

(b) if the draft Island Plan is replacing an Island Plan other than the bridging island plan, within 10 years of the approval of the Island Plan that is being replaced or within a reasonable time after the end of that period.[8]

(2B) But if the end of the period for which an Island Plan (an "existing Plan") was approved by the States occurs before a subsequent Island Plan is so approved, the existing Plan remains in effect until the date of approval of a subsequent Island Plan.[9]

(2C) When lodging a draft Island Plan or when proposing a revision of either an Island Plan or the bridging island plan, the Minister must do so in accordance with the procedures set out in Regulations made under Article 4A.[10]

(3) In preparing a draft Island Plan, a draft revision of an Island Plan or a draft revision of the bridging island plan, the Minister must publicise the Minister's proposals and invite representations on those proposals in accordance with the procedures set out in Regulations made under Article 4A.[11]

(3A) [12]

(4) [13]

(5) [14]

(6) When preparing a draft Island Plan, a draft revision of an Island Plan or a draft revision of the bridging island plan, the Minister must consider representations that the Minister has received, if any.[15]

(6A) If, according to Regulations made under Article 4A, the representations are required to be considered by an independent planning inspector, the Minister must appoint an inspector in accordance with those Regulations.[16]

(7) In this Part, "lodged" means lodged *au Greffe*.[17]

4 Form of draft Island Plan[18]

(1) A draft Island Plan shall be in 2 Parts.[19]

(2) Part 1 shall be a written statement of the Minister's policies in respect of the development and use of land together with a reasoned justification of each of those policies.

(3) Those policies must –

(a) further the purpose referred to in Article 2(1) and the intention referred to in Article 2(2); and

(b) in so doing, designate land for particular development or use.

(4) That designation may include designating land to be used to provide residential accommodation, whether it be accommodation for renting or accommodation for purchase, for persons who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey.

(5) Part 2 of a draft Island Plan shall consist of –

(a) a map or maps that illustrate the Minister's proposals for the development or use of land on a geographical basis; and

(b) such additional diagrams, illustrations and other descriptive explanatory matter as the Minister considers necessary to explain and illustrate the Minister's proposals.[20]

4A Regulations to set out Island Plan procedures[21]

(1) The States may make Regulations to set out the procedures that must be followed in relation to the lodging of a draft Island Plan, including (but not limited to) –

(a) the process and minimum lodging period for lodging a draft Island Plan;

(b) the process and minimum lodging period for lodging an amendment to a draft Island Plan;

(c) the procedures that must be followed during the period between lodging a draft Island Plan and debating it;

(d) the manner in which the Minister's proposals, in the form of a draft Island Plan, are to be publicised;

(e) the manner in which representations on those proposals are to be made;

(f) the procedures to be followed when representations are required to be considered by an independent planning inspector;

(g) the appointment, powers and general functions of an independent planning inspector.

(2) Before lodging the first draft Island Plan after the commencement of the Planning and Building (Jersey) Amendment Law 2026, the Minister must lodge Regulations under paragraph (1) in sufficient time that those Regulations can be approved by the States and brought into force before a draft Island Plan is lodged.

(3) The States may make Regulations to set out the procedures that must be followed for making a revision to an Island Plan or to the bridging island plan, including (but not limited to) –

(a) the manner in which the Minister's proposals, in the form of a draft revision of an Island Plan or of the bridging island plan, are to be publicised;

(b) the manner in which representations on those proposals are to be made;

(c) whether or not representations are required to be considered by an independent planning inspector;

(d) the procedures to be followed when representations are required to be considered by an independent planning inspector;

(e) the manner in which the Minister's proposals, in the form of a draft revision of an Island Plan or of the bridging island plan, are to be approved.

(4) Before preparing the first draft revision of an Island Plan or of the bridging island plan after the commencement of the Planning and Building (Jersey) Amendment Law 2026, the Minister must lodge Regulations under paragraph (3) in sufficient time that those Regulations can be approved by the States and brought into force before a draft revision is prepared.

(5) In this Article, "amendment" includes an amendment to an amendment.

4B Regulations for consequential amendments[22]

The States may by Regulations amend this Law to make further or different provision that appears to the States to be necessary as a consequence of the coming into force of the Planning and Building (Jersey) Amendment Law 2026.

PART 3

PLANNING CONTROL

Chapter 1 - Develop defined

5 Meaning of "develop", commencement of development, etc.[23]

(1) Except as provided by paragraph (5), in this Law "develop", in respect of land, means –

(a) to undertake a building, engineering, mining or other operation in, on, over or under the land;

(b) to make a material change in the use of the land or a building on the land.

(2) Without prejudice to the generality of paragraph (1), "develop", in respect of land, includes –

(a) to demolish or remove the whole or any part of a building on the land;

(b) to create a new means of access to the land from a road;

(c) to enlarge an existing means of access to the land from a road;

(d) to remove a hedgerow or banque or other physical feature defining a boundary of the land or of any part of it;

(e) to use a building on the land previously used as a single dwelling-house as 2 or more separate dwelling-houses;

(f) to use 2 or more premises on the land (whether they are in separate buildings or are parts of the same building) previously used as separate dwelling-houses as a single dwelling-house;

(g) to use a building or part of a building on the land previously used as a dwelling-house for short term holiday lettings;

(h) to create a time sharing scheme in respect of a building on the land, being a scheme whereby a person is granted a right entitling the person to occupy the building or a part of it for a specified period each year while the right subsists;

(i) to display an advertisement on a part of a building on the land not normally used for that purpose;

(j) to deposit refuse or waste material on the land except to the extent set out in paragraph (3).

(3) Unless paragraph (4) applies, the deposit of refuse or waste material on land already lawfully used for that purpose is not development of that land unless the deposit of that refuse or waste material means that –

(a) the height of the refuse or waste material on the land exceeds the level of the adjoining land; or

(b) the superficial area of the land covered by the refuse or waste material deposited on it is extended.

(4) The deposit of refuse or waste material on land lawfully used for that purpose becomes development of that land if the Chief Officer serves notice on the owner of

the land declaring that any further use of the land for the deposit of refuse or waste material will constitute development of the land for the purposes of this Law.[24]

(5) In this Law "develop" does not include –

(a) an operation carried out within the boundaries of a road by the highway authority to maintain or improve the road; or

(b) an operation carried out by a public or parochial authority to lay, place, inspect, repair or renew a sewer, a main, an underground line or cable, or any other underground apparatus.

(6) In this Law, a reference to development being begun is a reference –

(a) if the development consists of the carrying out of an operation, to the time when any material operation comprised in the development begins to be carried out;

(b) if the development consists of a material change of use, to the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change of use, to the earlier of the times mentioned in sub-paragraphs (a) and (b).[25]

(7) For the purposes of paragraph (6)(a), in relation to a building operation, "material operation" includes –

(a) any work of construction in the course of the erection of a building;

(b) any work of demolition of a building;

(c) the digging of a trench which is to contain the foundations or part of the foundations of a building;

(d) the laying of an underground main or pipe to the foundations, or part of the foundations, of a building or to a trench such as mentioned in sub-paragraph (c); or

(e) any change in the use of land which constitutes material development, and for this purpose "material development" means any development other than –

(i) development for which planning permission is granted by a development order and which is carried out so as to comply with any condition or limitation subject to which the permission is granted, or

(ii) development of a class prescribed by the Minister by Order for the purposes of this provision.[26]

Chapter 2 - Guidelines

6 Minister may publish guidelines, etc.

(1) The Minister may publish guidelines and policies in respect of –

(a) development generally;

(b) any class of development;

(c) the development of any area of land; or

(d) the development of a specified site.

(2) Before doing so the Minister shall consult any Minister or statutory authority with an interest in the development.

(3) The Minister shall take into account when considering an application for permission to develop land the extent to which the proposed development complies with any relevant guidelines and other policies he or she has published.

(4) In publishing guidelines and policies under paragraph (1)(c), the Minister –

(a) may designate a particular area or type of area as an area of archaeological potential; and

(b) may impose restrictions on development within such an area (whether by reference to a particular area or to a type of development, or otherwise).[27]

Chapter 3 - Application of planning controls

7 Land not to be developed without permission

(1) A person who develops land except with, and in accordance with, planning permission shall be guilty of an offence and liable to a fine.[28]

(2) A person shall be guilty of an offence under paragraph (1) if when undertaking development the person contravenes any condition subject to which planning permission for the development was granted.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

(4) A person may be convicted of an offence under this Article despite the fact that –

(a) an enforcement notice or a condition notice has been served in respect of the breach of development controls; and

(b) every step required by the notice to be taken has been taken.

8 Development Orders

(1) The Minister may by Order (a "Development Order") grant planning permission in respect of a class or classes of development specified in the Order.

(2) A Development Order shall not be used to grant planning permission for development that would be inconsistent with the Island Plan.

(3) A Development Order may be made either –

(a) as a General Development Order applicable to all land in Jersey, except so far as the Order otherwise provides; or

(b) as a Special Development Order applicable only to such land or description of land as is specified in the Order.

(4) Planning permission granted by a Development Order may be granted unconditionally or subject to conditions specified in the Order.

(5) If planning permission is granted by a Development Order to erect, extend or alter a class of buildings specified in the Order the Order may require that the approval of the Minister shall first be obtained with respect to the design or external appearance of those buildings.

(6) A Development Order may enable the Minister to direct that planning permission for a class of development specified in the Order shall not apply –

(a) in a particular area of Jersey;

(b) in respect of a specified class of building or land; or

(c) to a specified development site.

(7) A Development Order may make different provisions with respect to different descriptions of land or different areas of the Island (including different areas, or parts of areas, of land of the same description).[29]

(8) If part of the development of land is approved by a Development Order and part on an application made to the Minister, the Minister may on granting the latter consent cancel or modify the planning permission granted by the Development Order.

9 Applications for planning permission not granted by a Development Order[30]

(1) A person who requires planning permission not granted by a Development Order must apply to the Chief Officer for it.[31]

(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).[32]

(3) The application must be accompanied by –

(a) the prescribed fee; and

(b) if the applicant is not the owner of the land to be developed, a certificate by the owner of the land certifying that the owner approves the application being made.

(4) Where –

(a) paragraph (3)(b) applies in respect of a proposed application; and

(b) the owner of the land refuses or is unable, for any reason, to certify his or her approval of the application being made,

the application may nevertheless be accepted for consideration if the Minister is satisfied that to do so would be in the public interest.[33]

(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 Committee for determination by that Committee.[34]

(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.[35]

(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.[36]

9A Role of Planning Committee[37]

(1) Functions under any of the provisions listed in paragraph (2) may be carried out wholly or partly by a Planning Committee established in accordance with standing orders under Article 48(1) of the States of Jersey Law 2005.[38]

(1A) Functions shall be allocated to the Planning 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.[39]

(2) The provisions mentioned in paragraph (1) are –

(a) in Part 3, Articles 19 to 23, 26 and 27;

(b) in Part 5, Articles 40, 42 and 45; and

(c) Orders made under Articles 76 and 81.

(3) A Planning Committee holding a meeting for the purpose of carrying out any of its functions under this Article shall –

(a) permit members of the public to attend the meeting; and

(b) cause to be published in the Jersey Gazette, at least 5 days prior to the date of any such meeting, a notice inviting the public to attend and specifying –

(i) the date of the meeting and the time and place at which it is to be held, and

(ii) the applications for planning permission or (as the case may be) decisions to be considered at the meeting.[40]

(4) Subject to paragraph (3), the Minister may by Order prescribe procedures to be followed by the Planning Committee under this Law.[41]

(5) Except as otherwise provided by or under this Article, the Planning Committee shall determine its own procedure.[42]

(6) The Planning Committee shall, within the period of 3 months following the end of a year, report to the States –

(a) the number of decisions made by the Committee under this Law during that year;

(b) the number of appeals made during that year against decisions made by the Committee under this Law;

(c) the Committee's assessment of planning policy and any recommendations it has for its revision.[43]

(7) Where, under paragraph (6)(c), the Planning Committee makes recommendations about planning policy, the Minister shall present to the States his or her response to the recommendations.[44]

10 False information, etc. in application for planning permission

(1) If when making an application for planning permission a person knowingly or recklessly makes a false or misleading statement or representation or a statement or representation with a material omission the person shall be guilty of an offence and liable to imprisonment for a term of 2 years and a fine.[45]

(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).[46]

(3) The notice may require the owner of the land, within a period specified in the notice –

(a) to undertake work specified in the notice to restore the land to its condition before the development was undertaken; or

(b) to modify the development to the extent specified in the notice.

(4) The work to be undertaken may include –

(a) the demolition or alteration of the whole or any part of a building; or

(b) the discontinuance of a use of land.

(5) [47]

(6) A person who –

(a) fails to comply with a notice served on the person in accordance with paragraph (2)(b); or

(b) uses land in contravention of the notice,

shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

(7) If at the end of the period for compliance specified in a notice under paragraph (2)(b), work required by the notice to be undertaken has not been undertaken, the Minister may enter the land and undertake the work.

(8) The expenses reasonably incurred by the Minister in undertaking work in accordance with paragraph (7) shall be recoverable as a debt due to the Minister from the person in default.

(9) The Minister may undertake work in accordance with paragraph (7) whether or not proceedings have been taken under paragraph (6).

(10) Action taken by the Minister or the Chief Officer 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 the action.[48]

11 Manner in which application for planning permission is to be publicized[49]

(1) The Minister shall by Order prescribe the manner in which –

(a) an application for planning permission shall be publicized or otherwise notified; and

(b) representations in relation to the application may be provided.[50]

(2) For the purpose of paragraph (1) an application for planning permission shall be taken to include any environmental impact statement relating to the application prepared and provided in accordance with Article 13.

(3) An Order under this Article may further prescribe –

(a) the manner, including any limit of time, in which an application must be publicized or notified; and

(b) the manner, including any limit of time, in which evidence of publication or notification of the application must be provided by an applicant. [51]

(3A) Where there is a failure to provide evidence of publication or notification in the prescribed manner, the Minister or the Chief Officer may reject the application without determining it.[52]

(3B) No determination is to be made until after the expiry of the prescribed period for publication or notification of an application.[53]

(4) In determining the application there shall be taken into account any representations provided in the prescribed manner.[54]

(5) [55]

(6) [56]

12 Public inquiries

(1) This Article applies in respect of an application for planning permission where the Minister is satisfied that if the proposed development were to be carried out –

(a) the development would be likely to have a significant effect on the interests of the whole or a substantial part of the population of Jersey; or

(b) the development would be a departure (other than an insubstantial one) from the Island Plan.

(2) Where this Article applies –

(a) a public inquiry must be held before the application is determined; and

(b) following the public inquiry the Minister alone may determine the application or, where the Minister considers that the nature of the application or the decision is of such significance for the public of Jersey that it is expedient to do so, the Minister may refer the matter to a panel (the "determining panel") for determination. [57]

(2A) The determining panel must consist of the Minister and at least 2 other Members of the States Assembly, chosen by the Minister.[58]

(3) The Minister or the determining panel shall take into account in determining the application representations made at the public inquiry.[59]

(4) The Minister shall by Order prescribe the manner in which a public inquiry shall be held.

(5) The Order shall, in particular, prescribe –

(a) the manner in which notice of the inquiry shall be given;

(b) the procedure to be followed at an inquiry; and

(c) the persons who may appear and be heard at an inquiry.

(6) A person aggrieved by a determination by the Minister or the determining panel 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).[60]

(7) An appeal under paragraph (6) must be made within the period of 28 days beginning with the date of the determination.[61]

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

(a) confirm the determination wholly or in part;

(b) quash the determination wholly or in part;

(c) remit the determination, wholly or in part, to the Minister or the determining panel to be retaken.[62]

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

(a) where it is determined that planning permission should be granted, the applicant for planning permission and any third party;

(b) where it is determined –

(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).[63]

(10) 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 (6).[64]

13 Environmental impact of proposed development

(1) This Article applies in respect of an application for planning permission –

(a) to carry out development that falls within a class of development prescribed for the purpose of this sub-paragraph; or

(b) where the Minister is satisfied that if the proposed development were to be carried out it would be likely to have a significant effect on the environment of Jersey or elsewhere.

(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.[65]

(3) [66]

(4) The Minister shall by Order prescribe for the purpose of paragraph (1)(a) classes of development in respect of which an environmental impact statement is required.

(5) The Order shall also prescribe –

(a) the particulars an environmental impact statement must contain;

(b) the qualifications of the people by whom those particulars are to be provided;

(c) the form an environmental impact statement is to take; and

(d) such other matters as the Minister considers relevant to the preparation and provision of an environmental impact statement.

14 Development of concern to highway authority

(1) This Article applies in respect of an application for planning permission –

(a) where the proposed development involves the creation of a new means of access or the enlargement of an existing means of access to a road; or

(b) where it appears that if the development were to be undertaken it might create a problem specified in paragraph (2).[67]

(2) Those problems are that the development of the land might –

(a) be a source or cause of danger to people using or entering a road bordering the land;

(b) have a significant effect on the volume or type of traffic using the roads leading to and from or in the vicinity of the development;

(c) involve an increase in the cost of undertaking any improvement of a road bordering the land; or

(d) hinder the improvement of a road bordering the land which the highway authority intends to improve.[68]

(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.[69]

(4) [70]

15 Development of concern to the Minister for Sustainable Economic Development [71]

(1) This Article applies in respect of an application for planning permission to develop land within an area shown on a map provided by the Minister for Sustainable Economic Development for the purpose of this Article.[72]

(2) Where this Article applies, the application shall be referred to the Minister for Sustainable 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.[73]

(3) [74]

16 Development of concern to the Minister for Infrastructure[75]

(1) This Article applies in respect of an application for planning permission for development that falls within an area of responsibility or concern of the Minister for Infrastructure.[76]

(2) Where this Article applies, the application shall be referred to the Minister for Infrastructure 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.[77]

(3) [78]

(4) Those matters are –

(a) the sufficiency of any sewerage or drainage system, flood defence work or water course that may be affected by the development, the prevention of damage to it, and any hindrance to its repair or maintenance;

(b) the limitation of damage by surface water that could be caused by the development;

(c) the effect of the development on water quality (including sea water quality).

17 Development of concern to any Minister, etc.

(1) This Article applies in respect of an application for planning permission for development –

(a) that falls within the area of responsibility or concern of any Minister (other than a Minister referred to in Article 15(1) and 16(1)) or a body or person created by statute; or

(b) that is development of a type or class, or within an area of the Island, in respect of which a body or person created by statute has informed the Minister that it has an interest or concern.

(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.[79]

(3) [80]

18 [81]

19 Grant of planning permission

(1) All material considerations shall be taken into account in the determination of an application for planning permission.[82]

(2) In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan.[83]

(3) Despite paragraph (2), planning permission may be granted where the proposed development is inconsistent with the Island Plan, if the Planning Committee is satisfied that there is sufficient justification for doing so.[84]

(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.[85]

(5) Planning permission may be refused.[86]

(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).[87]

(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.[88]

(8) Where representations have been duly made by any person in relation to any application for planning permission, a decision to grant such permission under this Article shall not have effect during the period of 28 days, or such extension of that period as may be granted under Article 112(5), immediately after the decision is made.[89]

20 Application for planning permission for development already undertaken

(1) This Article applies where development has been undertaken –

(a) without planning permission; or

(b) without complying with a condition subject to which planning permission was granted.

(2) Where this Article applies a person may apply to the Chief Officer, in the required form and manner, for planning permission or for an amendment to the permission already granted.[90]

(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 Committee for determination by that Committee.[91]

(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.[92]

(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.[93]

(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.[94]

21 Variation etc. of conditions subject to which planning permission was granted[95]

(1) This Article applies where a person would like a condition of planning permission removed or varied.

(2) Where this Article applies a person may apply to the Chief Officer, in the required form and words together with such fee as may be prescribed, for the permission to be amended accordingly.[96]

(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 Committee for determination by that Committee.[97]

(4) A condition may be removed or varied in the manner sought by the application, or the application may be refused.[98]

(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.[99]

21A Time limits for determinations[100]

(1) The Minister may prescribe a time limit for the determination of –

(a) an application for planning permission, under Article 19;

(b) an application for planning permission for development already undertaken, under Article 20; and

(c) an application to remove or vary a condition of planning permission, under Article 21.

(2) If an application of a kind mentioned in paragraph (1) is not determined within the limit prescribed under that paragraph, the applicant may make a request to the Chief Officer that the application be determined no later than the end of –

(a) the period of 28 days; or

(b) such other period as may be agreed

beginning with the date of the request ("the extension period").[101]

(3) If, following a request made in accordance with paragraph (2), there is a failure to determine the application within the extension period, such failure shall be deemed to be a refusal of the application in question for the purposes of an appeal under Part 7 (but where no such appeal is lodged, nothing in this Article prevents the determination of the application after the expiration of the extension period).

22 Reasons to be given for certain decisions[102]

(1) This Article applies where a decision is taken –

(a) to refuse to grant planning permission;

(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.[103]

(2) Where this Article applies, full reasons for the decision shall be given to the applicant in writing by the decision-maker.[104]

(3) In this Article, "decision-maker" means the Minister, the Chief Officer or, as the case may be, the Planning Committee.[105]

22A Review of certain decisions[106]

(1) This Article applies where a decision is taken by the Chief Officer–

(a) to refuse to grant planning permission; or

(b) to grant planning permission subject to conditions (other than by virtue of a Development Order).[107]

(2) Where this Article applies, the applicant may request a review of the decision in question (the "initial decision") by the Planning Committee.[108]

(3) A request for review under paragraph (2) shall be submitted to the Planning Committee no later than the end of the period of 28 days beginning with the date of the decision and shall contain –

(a) the applicant's name and address for correspondence;

(b) the reference number of the application in question; and

(c) the grounds on which the request is made, including where relevant the reasons why the applicant disagrees with the initial decision and with any reasons for the initial decision.[109]

(4) The Planning Committee shall determine the request as soon as reasonably practicable and shall explain the reasons for its determination.[110]

(5) The determination of the Planning Committee shall be substituted for the initial decision and –

(a) Article 19(8) shall apply to the determination as it applies to a decision made under that Article; and

(b) an appeal shall lie under Part 7 against the determination –

(i) in the case of a refusal, or of a grant of planning permission subject to conditions, as though it were a decision under Article 19, or

(ii) in a case relating to a condition, as though the condition were attached or imposed under Article 23.[111]

23 Conditions attached to the grant of planning permission

(1) A condition attached to the grant of planning permission (including permission given by a Development Order) shall fairly and reasonably relate to the proposed development.[112]

(2) In respect of the land to be developed a condition may, in particular, relate to –

(a) the number or disposition of buildings on the land;

(b) the manner in which the land shall be laid out for the purpose of the development;

(c) the use of the land;

(d) the occupation and use of any building on the land in so far as it serves a planning purpose, including, in particular, the use of any building for a purpose referred to in Article 4(4) (affordable residential accommodation);

(e) the undertaking, at the applicant's cost, of archaeological or other investigations on the land;

(f) the preservation and planting of vegetation on the land;

(g) the salvaging of materials from the land;

(h) the removal from the land and disposal of spoils arising from the development;

(i) the restoration of the land and of any vegetation on it after the development has been carried out;

(j) the protection and improvement of biodiversity on the land.[113]

(3) A condition may also relate to –

(a) the dimensions, design, structure or external appearance of a building on the land, or the materials to be used in its construction;

(b) the period within which the development shall be begun, being no longer than the period ending 3 years after the date of the grant of planning permission;

(c) in respect of the grant of planning permission in outline only, the period within which an application must be made for approval in respect of any reserved matter.[114]

(4) A condition may be imposed on the grant of planning permission –

(a) to regulate the development or use of land under the control of the developer (whether or not it is land on which the development is to be undertaken); or

(b) to require work to be undertaken on any such land,

in so far as it appears to be expedient for the purpose of or in connection with the development authorized by the permission.[115]

(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.[116]

(6) If planning permission is granted for the erecting of a building, the permission may specify the purpose for which the building may be used but if no purpose is specified the permission shall be construed as including permission to use the building for the purpose for which it is designed.[117]

24 Planning permission attaches to land

(1) The grant of planning permission ensures (except insofar as the permission otherwise provides) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

(2) A condition attached to the grant of planning permission binds and is enforceable against a person for the time being having an estate or interest in the land subject to the condition.[118]

25 Planning obligations

(1) The owner of an interest in land may by agreement with the Minister, or (as the case may be) the Chief Officer, enter into an obligation ("a planning obligation").[119]

(2) A planning obligation may –

(a) restrict the development or use of the land in a specified way;

(b) require a specified operation or activity to be undertaken in, on, under or over the land; or

(c) require the land to be used in a specified way.

(3) The agreement need not be limited to land on which development is to be undertaken or to land in respect of which an application for planning permission has been made.

(4) The agreement may provide that a sum or sums of money be paid to the Treasurer of the States on a specified date or dates or periodically.

(5) The agreement shall –

(a) state that the agreement is an agreement imposing a planning obligation in accordance with this Article;

(b) identify the person entering into the obligation;

(c) identify the land that is the subject of the obligation; and

(d) state the nature of the interest the person owns in that land.

(6) A planning obligation may –

(a) be unconditional or subject to conditions;

(b) impose a restriction or requirement mentioned in paragraph (2) either indefinitely or for a specified period or periods;

(c) if it requires a sum or sums to be paid, require the payment of a specified amount determined as specified in the agreement;

(d) if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period.

(7) Except as provided by paragraph (8), a planning obligation in respect of land is enforceable against the person who entered into the obligation and any person who derives title to the land from that person.[120]

(8) The agreement may provide that a person is not to be bound by the planning obligation when the person no longer has an interest in the land that is the subject of the obligation.[121]

(9) A restriction or requirement under a planning obligation is enforceable by injunction.

(10) Without prejudice to paragraph (9), if there is a breach of a requirement in a planning obligation to undertake an operation in, on, under or over the land to which the obligation relates, the Minister may –

(a) enter the land and undertake the operation; and

(b) recover the expenses reasonably incurred by the Minister in so doing as a debt due to the Minister from the person or persons against whom the obligation is enforceable.

(11) The Minister shall give not less than 28 days' notice to the person against whom the planning obligation is enforceable before exercising the powers under paragraph (10)(a).

(12) A planning obligation may be modified or discharged by agreement between the Minister, or (as the case may be) the Chief Officer, and the person or persons against whom the obligation is enforceable.[122]

(13) The Minister shall maintain a register called the Register of Planning Obligations containing details of each planning obligation.

(14) The Minister shall make the register and any agreement imposing a planning obligation (and any agreement modifying or discharging the obligation) available for public inspection at all reasonable times.

(15) As soon as practicable after a planning obligation has been entered into the Minister shall apply to the Royal Court for an order that the obligation be registered in the Public Registry of Contracts.

(16) As soon as practicable after an agreement modifying or discharging a planning obligation has been entered into the Minister shall apply to the Royal Court for an order that the agreement be registered in the Public Registry of Contracts.

26 Termination of planning permission by reference to time limit[123]

(1) This Article applies where –

(a) planning permission has been granted subject to a condition that the development to which the permission relates shall be begun before the expiration of a specified period; and

(b) the development was begun within that period but the period has elapsed without the development having been completed.

(2) Where this Article applies, the Chief Officer or (as the case may be) the Planning 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.[124]

(3) The period specified shall not be less than 12 months after the date when the notice is served.

(4) The notice shall be served on –

(a) the owner of the land;

(b) the occupier of the land (if different); and

(c) any other person who appears likely to be affected by the notice.[125]

(5) The notice may be withdrawn at any time before the end of the period specified in it.[126]

(6) If the notice is withdrawn, each person on whom it was served under paragraph (4) shall immediately be notified of the withdrawal.[127]

(7) The planning permission referred to in the notice shall become invalid at the expiration of the period specified in the notice except to the extent that it relates to development undertaken under the permission before the expiration of that period.

(8) 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.[128]

27 Revocation and modification of planning permission

(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.[129]

(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.[130]

(3) The Chief Officer or (as the case may be) the Planning Committee shall serve notice of any revocation or modification of planning permission on the owner and (if different) the occupier of the land.[131]

(4) The revocation or modification of planning permission shall not affect that permission insofar as it relates to development undertaken under it before the revocation or modification.

(5) [132]

(6) Following revocation or modification of planning permission under this Article, compensation is payable to a person with an interest in the land who –

(a) has incurred expenditure in undertaking work that is rendered abortive by the revocation or modification; or

(b) has otherwise sustained loss or damage that is directly attributable to the revocation or modification.[133]

(6A) The loss or damage mentioned in paragraph (6)(b) does not include the loss of any profit a person might have made by virtue of the planning permission had it not been revoked or modified.[134]

(7) The amount of compensation shall be an agreed amount or, failing agreement, an amount determined by arbitration.

(8) Except as provided by paragraph (9), compensation is not payable in respect of –

(a) work undertaken before the grant of the planning permission; or

(b) loss or damage arising out of anything done or omitted to be done before the grant of that permission.

(9) Expenditure incurred to prepare plans for the purposes of the work referred to in paragraph (6) or on other similar work preparatory to the development shall be taken to be included in the expenditure incurred in undertaking the work referred to in that paragraph.

(10) Except as provided by paragraph (6), a decision taken under this Article does not give any other person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that decision.[135]

28 Certificate of completion[136]

(1) The Chief Officer may issue a certificate stating that a development of land specified in the certificate has been undertaken with and in accordance with planning permission duly granted.[137]

(2) The certificate shall be conclusive evidence that the development of land specified in it was undertaken with and in accordance with planning permission duly granted.[138]

(3) An application for a certificate may be made by any person on payment of any prescribed fee.

29 Minister to keep register of applications for planning permission

(1) The Minister shall maintain a register, called the Register of Planning Applications, containing details of each application for planning permission the Minister receives and the manner in which it was dealt with.

(2) The Minister shall make the register available for public inspection at all reasonable hours.

PART 4

BUILDING CONTROLS

Chapter 1 - Building Bye-laws

30 Minister to make Building Bye-laws

(1) The Minister shall make Building Bye-laws.

(2) In preparing the Building Bye-laws or a revision of them the Minister shall publicize the Minister's proposals and seek comments and input from the public.

(3) The Minister shall by Order prescribe –

(a) the manner in which the Minister's proposals in respect of the Building Bye-laws shall be publicized;

(b) the manner in which the Minister shall seek representations in respect of those proposals and the manner in which the Minister shall consider them; and

(c) the manner in which representations may be made by members of the public in respect of the Minister's proposals.

(4) Building Bye-laws may –

(a) provide that functions that are required to be carried out by virtue of the Bye-laws may be carried out by persons appointed by or in accordance with the Bye-laws;

(b) provide for the qualification required by those persons and for the verification of those qualifications.[139]

(5) Building Bye-laws may create an offence punishable by a fine.[140]

31 Purposes of Building Bye-laws

(1) Building Bye-laws shall prescribe procedures and the functional requirements of buildings necessary to achieve the results set out in paragraph (2).

(2) Those results are –

(a) to secure the health, safety, welfare and convenience of people in or about buildings;

(b) to secure access to buildings and the convenient use of buildings by people with disabilities;

(c) to prevent the waste, undue consumption or misuse of fuel and energy in or about buildings;

(d) to prevent the waste, undue consumption, misuse and contamination of water in or about buildings;

(e) to secure the safe and efficient use of public services provided to buildings;

(f) to promote sustainable development generally.[141]

(3) The Building Bye-laws shall prescribe procedures and requirements for the construction, alteration, demolition or removal of buildings necessary –

(a) to secure the health, safety, welfare and convenience of people; and

(b) to minimise the disturbance of and nuisance to people,

in or about buildings during their construction, alteration, demolition or removal.[142]

(4) The Schedule shall apply in respect of Building Bye-laws.

32 Minister may publish technical guidance documents in respect of Building Bye-laws

(1) The Minister may publish a technical guidance document on any requirement of the Building Bye-laws.

(2) The document may be prepared by the Minister or may be a document prepared by another person that has the approval of the Minister.

(3) If it is a document prepared by another person it may be published with amendments and additions made by the Minister.

(4) Before publication the Minister may consult any person with an interest or concern in respect of the relevant requirement of the Building Bye-laws.

(5) Proof that a person has failed to comply with a technical guidance document published in respect of a requirement of the Building Bye-laws is not proof that the person has failed to comply with that requirement.

(6) However in proceedings where it is alleged that a person has failed to comply with a requirement of the Building Bye-laws –

(a) proof of a failure to comply with a technical guidance document published by the Minister in respect of the requirement may be relied upon as tending to establish non-compliance with that requirement; and

(b) proof of compliance with the document may be relied upon as tending to establish compliance with the requirement.

Chapter 2 - Enforcement of the Building Bye-laws

33 Prescribed building work not to be undertaken without building permission

(1) A person who undertakes prescribed building work except with, and in accordance with, permission to do so granted in accordance with the Building Bye-laws shall be guilty of an offence and liable to a fine.[143]

(2) A person shall be guilty of an offence under paragraph (1) if when undertaking prescribed building work the person contravenes –

(a) a condition subject to which building permission to undertake that building work was granted; or

(b) an applicable provision of the Building Bye-laws.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

(4) A person may be convicted of an offence under this Article despite the fact that –

(a) an enforcement notice or condition notice has been served in respect of the breach of development controls; and

(b) every step required by the notice to be taken has been taken.[144]

34 Applications for building permission

(1) A person who requires building permission must apply to the Chief Officer for it.[145]

(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.[146]

(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.[147]

(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.[148]

(5) [149]

35 Grant of building permission[150]

(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 –

(a) is satisfied that there is sufficient reason for doing so; and

(b) specifies, in the grant of permission, which provisions of the Building Bye-laws are disapplied.[151]

(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.

36 Reasons to be given for refusal to grant building permission[152]

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

37 Conditions attached to the grant of building permission

(1) A condition attached to the grant of building permission shall fairly and reasonably relate to the proposed prescribed building work.[153]

(2) A condition may, in particular, relate to –

(a) the manner in which the building work is to be undertaken;

(b) the material, equipment, fittings and accessories to be used in undertaking the building work; and

(c) any requirement of the Building Bye-laws applicable to the building work.

38 Minister to keep register of applications for building permission

(1) The Minister shall maintain a register, called the Register of Building Applications, containing details of each application the Minister receives for building permission and the decision made in respect of it.

(2) The Minister shall make the register available for public inspection at all reasonable hours.

38A Offence of uttering false design certificate[154]

(1) A person who is an approved Certifier of Design commits an offence if the person knowingly or recklessly signs or issues a design certificate containing –

(a) a material omission; or

(b) a statement or representation which is false in a material particular.

(2) In paragraph (1) –

"approved Certifier of Design" means a person whose name appears on a list published by the Minister of persons who are considered, in accordance with a scheme approved by the Minister, to have the experience and qualifications required to be competent to issue design certificates; and

"design certificate" means a certificate which –

(a) certifies that if the specified building work to which it relates is carried out in accordance with the plans and certificates accompanying the certificate, that work will comply with relevant requirements of Building Bye-Laws, and

(b) is signed by an approved Certifier of Design.

(3) A person who is guilty of an offence under this Article shall be liable to imprisonment for 2 years and to a fine.

PART 5

ENFORCEMENT OF DEVELOPMENT CONTROLS

39 Interpretation - breach of development controls

(1) For the purposes of this Part there has been a breach of development controls if there has been –

(a) a breach of planning controls; or

(b) a breach of building controls.

(2) There has been a breach of planning controls if –

(a) land has been developed without planning permission; or

(b) land has been developed with planning permission but there has been a contravention of a condition of that permission.

(3) Land is to be taken to have been developed without planning permission if it is developed otherwise than in accordance with plans of the development approved for the purpose of granting planning permission for the development.

(4) There has been a breach of building controls if –

(a) prescribed building work has been undertaken without building permission; or

(b) prescribed building work has been undertaken with building permission but there has been a contravention of a condition of that permission or any applicable provision of the Building Bye-laws.

(5) Prescribed building work is to be taken to have been undertaken without building permission if it is undertaken otherwise than in accordance with plans approved for the purpose of granting the building permission.

40 Enforcement notice in respect of breach of development controls[155]

(1) This Article applies where it appears to the Chief Officer or to the Planning Committee –

(a) that there has been a breach of development controls during the previous 8 years; and

(b) that it is expedient that action should be taken to remedy the breach.[156]

(2) Where this Article applies the Chief Officer or, as the case may be, the Planning Committee may serve an enforcement notice on –

(a) the owner of the land;

(b) the occupier of the land (if different); and

(c) any other person who appears to be causing or responsible for the breach.[157]

(3) The notice shall specify –

(a) the matter that appears to constitute the breach of development control;

(b) the steps required to be taken or the activity required to cease to remedy the breach or to make good any injury to amenity caused by the breach; and

(c) the period within which those steps are required to have been taken or that activity is required to have ceased.[158]

(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.[159]

41 Enforcement notice may require replacement building

(1) This Article applies to an enforcement notice served in respect of a breach of development control consisting of the demolition or removal of the whole or any part of a building.

(2) Where this Article applies the notice may require the construction of a building or part of a building that is as similar as possible to the demolished building or that part of the building.

(3) A building or part of a building built in compliance with the notice –

(a) shall be built in compliance with any requirement imposed by or under this or any other enactment applicable to the construction and functional requirements of buildings; and

(b) may differ from the demolished building or the part of the building demolished in any respect which, if the demolished building or that part of the building had been altered in that respect, would not have required permission on an application made in accordance with Article 9.[160]

(4) Any necessary planning or building permission shall be taken to have been granted to undertake work in compliance with the notice.

42 Variation or withdrawal of enforcement notice[161]

(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.

43 Minister may execute work required by an enforcement notice

(1) If a step required by an enforcement notice to be taken has not been taken by the end of the period for compliance specified in the notice the Minister may enter the land and take that step.

(2) The Minister may recover the expenses reasonably incurred by the Minister in doing so as a debt due to the Minister from the person who is then the owner of the land.

44 Offence when enforcement notice is not complied with

(1) The owner of land to which an enforcement notice relates who –

(a) fails to take a step within the period specified in the notice to take that step; or

(b) carries on an activity after the period specified in the notice to cease the activity,

shall be guilty of an offence and liable to a fine.

(2) It shall be a defence to show that all reasonable measures were taken to secure compliance with the notice.

(3) A person –

(a) who has control of or an interest in the land to which an enforcement notice relates (being a person other than the owner of the land); and

(b) who carries on on that land an activity that is required by the notice to cease at any time after the period specified in the notice for compliance with the notice,

shall be guilty of an offence and liable to a fine.

(4) A person upon whom an enforcement notice has been served as a person appearing to be the person causing or having responsibility for the breach of development controls who, at any time after the period specified in the notice for compliance with the notice, carries on an activity that is required by the notice to cease shall be guilty of an offence and liable to a fine.[162]

(5) An offence under paragraph (1), (3) or (4) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1), (3) or (4) by reference to any period of time following the preceding conviction for such an offence.

(6) If –

(a) a person charged with an offence under this Article has not been served with a copy of the enforcement notice; and

(b) the notice is not contained in the Register of Development Notices,

it shall be a defence to show that the person was unaware of the existence of the notice.

(7) In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to any financial benefit that has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

45 Stop notices

(1) This Article applies where it appears to the Chief Officer or to the Planning Committee that there has been a breach of development controls and that it is expedient that an activity constituting or forming part of that breach should cease –

(a) before an enforcement notice can be prepared and served; or

(b) before the expiry of the period for compliance with an enforcement notice already served in respect of the breach of development controls.[163]

(2) Where this Article applies the Chief Officer or, as the case may be, the Planning Committee may serve a notice requiring the activity specified in the notice to cease immediately.[164]

(3) A stop notice may be served on any person who appears–

(a) to be the owner or occupier of the land on which the activity is being carried on; or

(b) to be engaged in the activity.[165]

(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.[166]

(5) The withdrawal of a stop notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.[167]

(6) If a stop notice is not sooner withdrawn it ceases to have effect 7 days after its service if –

(a) at the time of its service an enforcement notice had not been served in respect of the breach of development controls; and

(b) an enforcement notice is not served within those 7 days.

(7) A stop notice also ceases to have effect if at the time that it was served an enforcement notice had already been served in respect of the breach of development controls and it is withdrawn or the period for compliance specified in it expires.

(8) A stop notice also ceases to have effect if within 7 days after its service an enforcement notice is served in respect of the breach of development controls and it is withdrawn or the period for compliance specified in it expires.

(9) There shall be displayed on land affected by a stop notice a notice stating that a stop notice has been served in respect of the land and that a person contravening it may be prosecuted.[168]

(10) The notice shall specify the date when the stop notice took effect and indicate its requirements.

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

(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.[169]

46 Penalty for contravention of stop notice

(1) A person who fails to comply with a stop notice after –

(a) the notice has been served on the person; or

(b) a site notice has been displayed,

shall be guilty of an offence and liable to a fine.[170]

(2) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

(4) It shall be a defence for a person accused of an offence under this Article to prove –

(a) that the stop notice was not served on the person; and

(b) that the person did not know and could not reasonably have been expected to know of its existence.

47 Enforcement of development conditions

(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.[171]

(2) Where this Article applies a notice may be served on –

(a) a person who is undertaking or who undertook the development; or

(b) a person having control of the land to which the permission relates,

requiring the person to secure compliance with the condition.[172]

(3) The notice shall specify –

(a) the condition to be complied with; and

(b) the steps required to be taken, or the activities required to cease, to secure compliance with the condition.[173]

(4) The notice shall also specify the period allowed for compliance with the notice.

(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.[174]

(6) The withdrawal of a condition notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.[175]

(7) A person who fails to comply with the requirements of a condition notice served on the person shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

(8) An offence under paragraph (7) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (7) by reference to any period of time following the preceding conviction for such an offence.

(9) It shall be a defence for a person charged with an offence under paragraph (7) to prove –

(a) that the person took all reasonable measures to secure compliance with the requirements of the condition notice; or

(b) if the notice was served on the person by virtue of paragraph (2)(b), that the person no longer has control of the land.

48 Injunctions restraining breaches of development controls

(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.[176]

(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.[177]

(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.[178]

(3) The Royal Court may grant any injunction it considers appropriate to restrain the breach.

49 Minister to maintain Register of Development Notices

(1) The Minister shall maintain a register, called the Register of Development Notices, containing details of each –

(a) enforcement notice;

(b) stop notice; and

(c) condition notice,

the Minister serves.

(2) The Minister shall make the register available for inspection by the public at all reasonable hours.

PART 6

ADDITIONAL CONTROLS

Chapter 1 - Sites of special interest

50 Interpretation - sites of special interest

In this Chapter –

"List of Sites of Special Interest" or "List" means the List maintained in accordance with Article 51(1);

"site of special interest" means a building or place included in the List of Sites of Special Interest;

"special interest", in respect of a site of special interest, means the special characteristics of the site that justified its inclusion on the List of Sites of Special Interest.[179]

51 List of Sites of Special Interest[180]

(1) The Chief Officer shall maintain a list, called the List of Sites of Special Interest.[181]

(2) The List shall include each building or place that the Chief Officer is satisfied has public importance by reason of –

(a) its special botanical, ecological, geological, scientific or zoological interest; or

(b) the special archaeological, architectural, artistic, cultural or historical interest that attaches to the building or place.[182]

(3) The List shall, in respect of each site of special interest –

(a) specify the site's special interest;

(b) describe the site either in words or by reference to a plan, or both, with sufficient particularity to enable it to be easily identified;

(c) if the site relates to the habitat of a wild creature or a plant, specify the type of habitat; and

(d) specify any activity referred to in Article 55(1) which may be undertaken on the site without the Chief Officer's permission.[183]

(4) The Chief Officer shall make the List available for inspection by the public at all reasonable hours.[184]

(5) [185]

(6) [186]

(7) [187]

52 Notice and procedure for inclusion on, or removal from, the List of Sites of Special Interest[188]

(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.

53 Provisional listing[189]

(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 affect the special interest of the building or place if it were included on the List.[190]

(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.

54 Control of certain operations, etc. not amounting to development

(1) This Article applies to –

(a) an operation in, on, over or under a site of special interest; or

(b) a change (either permanent or temporary) in the use of a site of special interest,

which, while not amounting to development, affects the special interest of the site.[191]

(2) A person who –

(a) undertakes an operation or makes a change of use to which this Article applies without the Chief Officer's permission; or

(b) when undertaking the operation or making the change contravenes any condition subject to which permission to do so was granted,

shall be guilty of an offence and liable to a fine.[192]

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (2), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

(4) The provisions of Part 5 (development controls) and of Part 7 (appeals) apply in respect of an operation or change of use to which this Article applies as if –

(a) that operation or change of use amounted to development; and

(b) the undertaking of the operation or the change of use except with and in accordance with planning permission were a breach of development controls.

(5) A person may be convicted of an offence under paragraph (2) despite the fact that –

(a) by virtue of paragraph (4), an enforcement notice or condition notice has been issued in respect of the undertaking of the operation or change of use; and

(b) every step required by the notice to be taken has been taken.[193]

(6) A condition attached to the grant of permission to undertake an operation or make a change of use to which this Article applies –

(a) may relate to the period within which the operation or change of use must be begun, being no longer than the period ending 3 years after the date of the grant of permission; and

(b) must fairly and reasonably relate to protection of the special interest of the site.[194]

(7) If the person convicted of an offence under paragraph (2) is the owner of the site of special interest a notice may be served on that person requiring the person to make good, within the period for compliance specified in the notice, any injury caused to the site as a result of the action taken that constituted the offence.[195]

(8) A person who fails to comply with the notice shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

(9) If –

(a) the person convicted of the offence under paragraph (2) is not the owner of the site of special interest; or

(b) the owner of the site fails to comply with a notice served in accordance with paragraph (7),

the Minister may enter on the site and undertake the work necessary to make good the injury caused to the site as a result of the action taken that constituted the offence.

(10) The Minister may recover from the person convicted of the offence under paragraph (2) or the owner, as the case may be, the expenses reasonably incurred in undertaking the work referred in paragraph (9).

(11) Despite the fact that –

(a) the Minister has made good injury to a site of special interest in accordance with paragraph (9); and

(b) the cost of undertaking that work has been recovered by the Minister,

the owner of the site may still be convicted of an offence under paragraph (8).

55 Certain activities restricted on sites of special interest

(1) This Article applies to the carrying on, at or on a site of special interest, of any of the following –

(a) the use or operation of a device designed or adapted to detect or locate metal or minerals in the ground;

(b) an activity which might injure or deface the site or a part of the site;

(c) where the special interest of the site is an archaeological interest, an activity specified in sub-paragraph (c), (d), (e) or (f) of paragraph (2);

(d) where the special interest of the site is a botanical, ecological, geological, scientific or zoological interest, any activity specified in paragraph (2).[196]

(2) Those activities are –

(a) to disturb, ill-treat or injure, or kill or attempt to kill, or take a wild creature;

(b) to pick, uproot, damage or destroy a plant;

(c) to insert a probe or similar implement into the surface of the site;

(d) to dig a hole or make an excavation;

(e) to remove sand, stone, gravel, earth or rock; or

(f) to tip earth, rock or waste material.[197]

(3) A person may undertake an activity to which this Article applies –

(a) with the Chief Officer's permission; or

(b) if the activity is specified as a permitted activity in the entry on the List of Sites of Special Interests relating to the site.[198]

(4) A person who –

(a) carries on an activity to which this Article applies, except as permitted by paragraph (3); or

(b) when carrying on the activity with that permission contravenes any condition subject to which the permission was granted,

shall be guilty of an offence and liable to a fine.[199]

(5) An application to carry on an activity to which this Article applies shall –

(a) be in the required form;

(b) contain or be accompanied by particulars reasonably required to determine the application; and

(c) be accompanied by any prescribed fee.[200]

(6) The conditions which may be attached to the grant of permission –

(a) may relate to the period within which the activity must be begun, being no longer than the period ending 3 years after the date of the grant of permission; and

(b) must fairly and reasonably relate to protection of the special interest of the site.[201]

(7) Permission may be given for the purpose of paragraph (3)(a) by means of a notice displayed on or near to the site of special interest.[202]

(8) A person who removes or defaces a notice displayed in accordance with paragraph (7) without lawful authority shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

(9) If the person convicted of an offence under paragraph (4) is the owner of the site of special interest the Minister may serve on that person a notice requiring the person to make good, within the period for compliance specified in the notice, any injury caused to the site as a result of the action taken that constituted the offence.

(10) A person who fails to comply with the notice shall be guilty of an offence and liable to a fine of level 3 on the standard scale.[203]

(11) If –

(a) the person convicted of the offence under paragraph (4) is not the owner of the site of special interest; or

(b) the owner of the site fails to comply with a notice served in accordance with paragraph (9),

the Minister may enter on the site and undertake the work necessary to make good the injury caused to the site as a result of the action taken that constituted the offence.

(12) The Minister may recover from the person convicted of the offence under paragraph (4) or the owner, as the case may be, the expenses reasonably incurred in undertaking the work referred in paragraph (11).

(13) Despite the fact that –

(a) the Minister has made good injury to a site of special interest in accordance with paragraph (11); and

(b) the cost of undertaking that work has been recovered by the Minister,

the owner of the site may still be convicted of an offence under paragraph (10).

55A False information [in relation to application for permission][204]

(1) A person who, in making an application for permission under Article 54 or 55, knowingly or recklessly –

(a) makes a false or misleading statement or representation;

(b) makes a statement or representation with a material omission,

is guilty of an offence and liable to imprisonment for a term of 2 years and a fine.

(2) Paragraphs (2) to (10) of Article 10 apply in respect of a statement or representation to which this Article applies, as if a reference in those paragraphs –

(a) to development, refers to an operation or change of use under Article 54, or to use or operation of a device, or to an activity, under Article 55, as the case may be; and

(b) to planning permission, refers to permission under either of those Articles.

56 Minister may make funds available in respect of sites of special interest, etc.

(1) The Minister may by way of grant or loan make funds available to the owner or occupier of a site of special interest or any other site or building the Minister is satisfied it is in the public interest to preserve towards any cost necessary to protect, repair or restore the site or building.

(2) The Minister may make funds available on such terms as the Minister determines.

Chapter 1A – Conservation Areas[205]

56A Conservation areas[206]

(1) The Minister may by Order designate, as a conservation area, any area of Jersey to which there attaches a special architectural or historical interest, for the purpose of protecting and improving the character or appearance of that area.

(2) The States may by Regulations make such further provision as appears to them to be necessary or expedient in relation to the management of conservation areas in general, and such Regulations may, in particular –

(a) make provision as to the allocation of funds for the purpose mentioned in paragraph (1);

(b) create sanctions and offences, including offences of breach of a provision of an Order under paragraph (3); and

(c) impose penalties, but such provision may not include a penalty of imprisonment or of a fine exceeding level 2 on the standard scale.

(3) The Minister may by Order make all such further provision as is necessary for the purposes of this Article, whether in relation to a particular conservation area or to all such areas, including provision –

(a) specifying any activity which may be undertaken within a conservation area without the Chief Officer's permission;

(b) specifying –

(i) any activity which, if carried out within a conservation area, may amount to commission of an offence, or

(ii) any prohibitions on or restrictions to activities carried out within a conservation area, breach of which may amount to commission of an offence,

under Regulations made under paragraph (2);

(c) as to the manner in which notice of prohibitions or restrictions is to be given or published, and to whom;

(d) as to the manner in which applications for permission must be made, and in which permission may be granted, including the imposition of conditions; and

(e) as to the creation and maintenance of a list or register.

Chapter 2 - Protection of trees

57 Interpretation - protected trees

In this Chapter and in Part 7 –

"List of Protected Trees" or "List" means the List maintained in accordance with Article 58(1);

"protected tree" means a tree included on the List of Protected Trees. [207]

58 Minister to protect trees by maintaining a List of Protected Trees

(1) The Chief Officer shall maintain a list, called the List of Protected Trees.[208]

(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.[209]

(3) The List shall, in relation to each tree (or group of trees or hedge) contain –

(a) details of the tree; and

(b) a description, either in words or by reference to a plan, or both, of its position sufficient to identify it.

(4) The Chief Officer shall make the List available for inspection by the public at all reasonable hours.[210]

(5) [211]

(6) [212]

(7) [213]

59 Notice and procedure for inclusion on, or removal from, the List of Protected Trees[214]

(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.

60 Provisional listing of trees[215]

(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.

61 Protected tree not to be felled, etc. without permission

(1) A person who –

(a) cuts down, tops, lops, uproots, wilfully damages or wilfully destroys or otherwise alters, harms or interferes with a protected tree without permission; or

(b) when undertaking any of those activities with permission contravenes any condition subject to which that permission was granted,

shall be guilty of an offence and liable to a fine.[216]

(2) If a person convicted of an offence under paragraph (1) is the owner of the land on which the tree is or was growing the court that convicts the person may, in addition

to any other penalty it imposes, order the person to plant a suitable tree in a specified place on that land.

(3) A condition attached to the grant of permission for the purpose of paragraph (1)(b) shall fairly and reasonably relate to the protection of the tree and to the safety of the public.[217]

(4) However it may be made a condition of the permission that a tree or replacement tree of a specified species shall be planted in a specified place during a specified period.[218]

(5) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

(6) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

(7) It shall be a defence for a person charged with an offence under paragraph (1) to prove –

(a) that the tree was dead or dying; or

(b) that the tree had become dangerous.

62 Preservation and planting of trees in connection with planning permission[219]

(1) A decision-maker granting planning permission to develop land shall ensure, whenever appropriate, that adequate provision is made for the preservation and planting of trees by the imposition of a condition.[220]

(2) A decision-maker granting such permission shall also provide for the listing in accordance with Article 59 of any tree as appears to the Minister to be necessary in connection with the grant of the permission, whether to give effect to the condition referred to in paragraph (1) or otherwise.[221]

(3) In this Article, "decision-maker" has the meaning given by Article 22(3).[222]

63 Minister may plant trees, etc.

(1) The Minister may plant trees and undertake work or do other things the Minister considers necessary to preserve or enhance the amenity of land or to restore or improve the appearance of land the Minister considers to be unsightly.

(2) The Minister shall not do so without the consent of the owner and (if different) the occupier of the land.

(3) The Minister may enter into an agreement for the work to be undertaken by a person other than the Minister.

64 Minister may make funds available for the planting and protection of trees, etc.

(1) The Minister may by way of grant or loan make funds available to the owner or occupier of land towards the cost of planting or managing trees on that land or for otherwise preserving or improving the appearance of the land.

(2) The Minister may make funds available on such terms as the Minister determines.

Chapter 3 - Dangerous buildings

65 Interpretation - dangerous buildings

In this Chapter "work to be undertaken" includes steps to be taken.

66 Dangerous building notice in respect of building in a dangerous condition[223]

(1) This Article applies where it appears to the Chief Officer that a building is in a dangerous condition, or is being used to carry a load or in a manner that makes it dangerous.[224]

(2) Where this Article applies a notice may be served requiring work to be undertaken to render the building safe.[225]

(3) The notice shall be served on the owner of the building and (if different) its occupier.

(4) The notice shall specify –

(a) the matter which appears to make the building dangerous;

(b) the work to be undertaken; and

(c) the period within which that work must be undertaken.[226]

67 Dangerous building notice - restoration work

(1) This Article applies in respect of a dangerous building notice that requires restoration work to be undertaken on a part of a building.

(2) Unless the notice specifies otherwise it shall be taken to contain a requirement that the work to be undertaken shall be as similar as possible to the original work on that part of the building.

68 Variation or withdrawal of dangerous building notice[227]

(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 a dangerous building notice shall not prejudice a further exercise of the power under Article 66 to serve another such notice.

69 Minister may execute work required by dangerous building notice

(1) The Minister may enter land and undertake work required to be undertaken by a dangerous building notice if the work has not been undertaken by the end of the period for compliance specified in the notice.

(2) The Minister may recover the expenses reasonably incurred by the Minister in doing so as a debt due to the Minister from the person who is then the owner of the building.

70 Offence when dangerous building notice is not complied with

(1) The owner of a building to which a dangerous building notice relates who during the period specified in the notice fails to undertake any specified work shall be guilty of an offence and liable to a fine.[228]

(2) In proceedings against a person for the offence it shall be a defence to show that the person took all reasonable measures to secure compliance with the notice.

(3) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

(4) If –

(a) a person charged with an offence under paragraph (1) has not been served with a copy of the dangerous building notice; and

(b) the notice is not contained in the Register of Dangerous Building Notices,

it shall be a defence to show that the person was not aware of the existence of the notice.

(5) In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

71 Minister may take immediate action to ensure safety

(1) This Article applies where it appears to the Minister –

(a) that a building is in a dangerous condition or is being used to carry such a load or in a manner so as to be dangerous; and

(b) that immediate action is necessary to remove or reduce the danger.

(2) Where this Article applies the Minister may, as soon as practicable and whether or not the Minister serves a dangerous building notice, enter the building and undertake work necessary to reduce or remove the danger.

(3) If the Minister decides to act in accordance with paragraph (2) the Minister shall serve notice of his or her decision on the owner of the building and (if different) its occupier but it is not a requirement that the notice be served before the building is entered and the work undertaken.

(4) The Minister may recover the costs reasonably incurred in taking action under paragraph (2) from the owner of the building as a debt due to the Minister.

72 No compensation payable

Action taken by the Minister or Chief Officer under this Chapter 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.[229]

73 Planning permission and building permission

(1) Work undertaken in compliance with a dangerous building notice shall be undertaken in compliance with any requirement imposed by or under this or any other enactment applicable to the construction and functional requirements of buildings.

(2) In so far as it is required, planning and building permission shall be taken to have been granted to undertake work in compliance with a dangerous building notice.

74 Minister to maintain Register of Dangerous Building Notices

(1) The Minister shall maintain a register, called the Register of Dangerous Building Notices, containing details of each dangerous building notice it serves.

(2) The Minister shall make the register available for inspection by the public at all reasonable hours.

Chapter 4 - Control of advertisements

75 Interpretation - advertisements

(1) In this Chapter "advertisement" means a word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of –

(a) advertisement;

(b) announcement; or

(c) direction.

(2) In this Chapter "Order" means an Order made in accordance with this Chapter.

76 Minister may make Orders to control advertisements

(1) The Minister may by Order restrict or regulate the display of advertisements to ensure that Jersey's amenities are not spoilt.

(2) In particular an Order may –

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

(b) require permission to be obtained for the display of advertisements, or of advertisements of a specified class, or of advertisements in a particular area or in a specified type of area;

(c) make different provision with respect to different areas of the Island;

(d) make special provision with respect to advertisements or prohibit their display in areas of the Island that appear to the Minister to require special protection on grounds of amenity;

(e) make provision as to the period within which advertisements may be displayed, being no longer than the period ending 3 years after the date of the grant of permission.[230]

77 Order may apply to existing advertisements

(1) An Order may be made to apply –

(a) to advertisements that are being displayed on the date on which the Order comes into force; and

(b) to the use for the display of an advertisement of a site that was being used for that purpose on that date.

(2) An Order to which paragraph (1) applies shall allow sufficient time for compliance with the Order and shall provide for the payment by the Minister of compensation in appropriate cases.

78 Penalty for contravention of Order

(1) A person who displays an advertisement contrary to the provisions of an Order shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[231]

(2) A person who fails to comply with a notice served by the Chief Officer requiring the person –

(a) to remove an advertisement displayed by the person in contravention of an Order; or

(b) to discontinue the use by the person of a site to display an advertisement in contravention of an Order,

before the date specified in the notice for compliance, shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[232]

(3) An offence under paragraph (1) or (2) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) or (2) by reference to any period of time following the preceding conviction for such an offence.

(4) Without prejudice to the generality of paragraph (1), a person shall be taken to display an advertisement if the advertisement –

(a) is displayed on land the person owns or occupies;

(b) gives publicity to the person's goods, trade, business or other concerns; or

(c) gives publicity to the person's candidature for election to a public or parochial office.

(5) It shall be a defence for a person charged with an offence under paragraph (1) to prove that the advertisement was displayed without the person's knowledge or consent.

79 Minister may remove or obliterate advertisement

(1) The Minister may remove or obliterate an advertisement that in the Minister's opinion is displayed in contravention of an Order and recover, as a debt due to the Minister, the cost of doing so from the person displaying the advertisement.

(2) Action taken by the Minister under paragraph (1) 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.

Chapter 5 - Control of moveable structures

80 Moveable structures defined

(1) In this Chapter the term "moveable structure" means a structure the placing of which in, on, over or under land does not constitute development of the land.

(2) It includes, for example, a marquee, tent, caravan or other conveyance, with or without wheels, a flagpole, or radio or television mast temporarily placed upon land.

(3) In this Chapter "Order" means an Order made in accordance with this Chapter.

81 Minister may make Orders in respect of moveable structures

(1) The Minister may by Order regulate or restrict the erection, stationing and use of moveable structures –

(a) to ensure that Jersey's amenities are not spoilt; and

(b) to secure the health, safety and welfare of people in or about moveable structures.

(2) The Order may, in particular –

(a) require permission to be obtained for the erection, stationing and use of moveable structures;

(b) include provisions to prevent nuisances that may arise from moveable structures; and

(c) make provision as to the period during which any permission is to subsist, being no longer than the period ending 3 years after the date of the grant of permission.[233]

(3) The Order may be made to apply to all moveable structures or to moveable structures specified in the Order.

82 Penalty for contravening an Order

(1) A person who contravenes an Order shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

(2) A person who fails to comply with a notice served by the Chief Officer requiring the person –

(a) to remove a mobile structure placed on land in contravention of an Order; or

(b) to discontinue the use by the person of land for the placement of a mobile structure in contravention of an Order,

before the date specified in the notice for compliance, shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[234]

(3) An offence under paragraph (1) or (2) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) or (2) by reference to any period of time following the preceding conviction for such an offence.

Chapter 6 - Control of land condition

83 Interpretation - land condition

(1) In this Chapter –

"land condition notice" means a notice served in accordance with an Article of this Chapter;

"work to be undertaken" includes steps to be taken.[235]

(2) Where in accordance with this Chapter a notice is not served on a person but is instead displayed it shall be taken to have been served on –

(a) the owner of the land on which it is displayed and (if different) the occupier of the land; and

(b) any owner, as the case may be, of the building, caravan, vegetation or disused vehicle on or in respect of which the notice is displayed.

84 Notice requiring repair or removal of ruinous or dilapidated buildings[236]

(1) If it appears to the Chief Officer that a building is in a ruinous or dilapidated condition the Chief Officer may serve a notice requiring that the building or a specified part of it be demolished, repaired, decorated or otherwise improved and that any resulting rubbish be removed.[237]

(2) The notice shall be served –

(a) on the owner of the land on which the building is situated; or

(b) by displaying it in a conspicuous place on or near the building.

85 Notice requiring action to be taken in respect of drainage nuisance[238]

(1) If it appears to the Chief Officer that the drainage or lack of drainage of a building is a danger to health or a nuisance the Chief Officer may serve a notice requiring that measures specified in the notice be taken to eliminate the danger or nuisance.[239]

(2) The notice shall be served –

(a) on the owner of the land on which the building is situated and (if different) its occupier; or

(b) by displaying it in a conspicuous place on or near the building.

(3) In this Article "drainage", in respect of a building, includes a cesspool, private sewer, septic tank, drain, soil pipe, rainwater pipe and other necessary drainage facilities in respect of the building.

86 Notice requiring proper maintenance of land, etc.[240]

(1) If it appears to the Chief Officer that the amenities of a part of Jersey are being adversely affected by the condition or use of any land, the Chief Officer may serve a notice requiring work specified in the notice be undertaken to abate the injury.[241]

(2) The notice shall be served –

(a) on the owner of the land and (if different) its occupier; or

(b) by displaying it in a conspicuous place on the land.

87 Notice requiring removal of caravans[242]

(1) If it appears to the Chief Officer that for amenity reasons a caravan should not be on a particular area of land the Chief Officer may serve a notice requiring the removal of the caravan to outside the area specified in the notice.[243]

(2) The notice shall be served –

(a) on the owner or other person for the time being in control of the caravan, or the owner and (if different) the occupier of the land on which the caravan is situated; or

(b) by displaying it in a conspicuous place on or near the caravan.

88 Notice requiring action to be taken in respect of dumps[244]

(1) If it appears to the Chief Officer that for amenity reasons action should be taken in respect of a dump the Chief Officer may serve a notice requiring the dump to be dealt with in the manner specified in the notice.[245]

(2) The notice shall be served –

(a) on the owner of the land on which the dump is situated and (if different) the occupier of the land; or

(b) by displaying it in a conspicuous place on or near the dump.

89 Notice requiring action in respect of disused vehicles[246]

(1) If it appears to the Chief Officer that for amenity reasons a disused vehicle should be moved or otherwise disposed of the Chief Officer may serve a notice requiring the vehicle to be dealt with in the manner specified in the notice.[247]

(2) The notice shall be served –

(a) on the owner of the land on which the vehicle is situated or (if different) the occupier;

(b) the owner of the vehicle; or

(c) by displaying it in a conspicuous place on or near the vehicle.

(3) In this Article "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.

90 Notice requiring vegetation to be replaced or removed[248]

(1) If it appears to the Chief Officer that the amenities of a part of Jersey are being adversely affected by the removal or destruction of vegetation the Chief Officer may serve a notice requiring –

(a) the removal or destruction to stop; and

(b) that other vegetation of a type and species be planted in a place on that land as specified in the notice.[249]

(2) If it appears to the Chief Officer that the amenities of an area of land in Jersey are being or are likely to be adversely affected by the presence of vegetation on adjoining land owned by some other person the Chief Officer may serve a notice requiring –

(a) the removal of the vegetation or any part of it; or

(b) that other action specified in the notice be taken in respect of the vegetation.[250]

(3) The notice shall be served –

(a) on the owner of the land on which the vegetation is growing or (if different) the occupier of the land; or

(b) by displaying it in a conspicuous place on or near the vegetation.

91 Contents of land condition notice

(1) A land condition notice shall specify in sufficient detail the work to be undertaken and the period within which that work is to be undertaken.

(2) The period shall be a period that is reasonable having regard to what is required.

(3) A person who removes or defaces a land condition notice displayed in accordance with this Chapter without lawful authority shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

92 Variation or withdrawal of land condition notice[251]

(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.

93 Penalty for failure to comply with land condition notice

(1) A person who fails to undertake the work specified in a land condition notice served on the person in accordance with this Chapter before the end of the period for compliance specified in the notice shall be guilty of an offence and liable to a fine.

(2) In proceedings against a person for an offence under paragraph (1) it shall be a defence for the person to show that all reasonable measures to secure compliance with the notice were taken.

(3) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

(4) If –

(a) a person charged with an offence under paragraph (1) has not been served with a copy of the land condition notice; and

(b) the notice is not contained in the Register of Land Condition Notices,

it shall be a defence to show that the person was not aware of the existence of the notice.

(5) In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence.

94 Minister may undertake work, etc.

If a person fails to undertake the work specified in a land condition notice before the end of the period of compliance specified in the notice then, whether or not the person is convicted of an offence under Article 93, the Minister may –

(a) undertake the work; and

(b) recover from that person, as a debt due to the Minister, the expenses reasonably incurred by the Minister in doing so.

95 No compensation payable

Action taken by the Minister or Chief Officer under this Chapter 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.[252]

96 Planning permission and building permission

(1) Work undertaken in compliance with a land condition notice shall be undertaken in compliance with any requirement imposed by or under this or any other enactment applicable to the construction and functional requirements of buildings.

(2) In so far as it is required, planning and building permission shall be taken to have been granted to undertake work in compliance with a land condition notice.

97 Minister to maintain Register of Land Condition Notices

(1) The Minister shall maintain a register, called the Register of Land Condition Notices, containing details of each land condition notice the Minister serves.

(2) The Minister shall make the register available for inspection by the public at all reasonable hours.

Chapter 7 - Controls on caravans

98 Definitions in respect of caravans[253]

In this Chapter "caravan" means –

(a) a structure designed or adapted for human habitation which is capable of being moved from place to place (whether by being towed, or by being transported on a motor vehicle or trailer); and

(b) a motor vehicle designed or adapted for human habitation,

but does not include a tent; and

"Order" means an Order under this Chapter.

99 Control of importation and use of caravans[254]

(A1) The Minister may by Order regulate or restrict –

(a) the importation of caravans into Jersey; and

(b) the stationing and use of caravans in Jersey.[255]

(A2) An Order may further and in particular –

(a) require permission to be obtained for the importation, stationing or use of caravans; and

(b) include provision to prevent nuisances that may arise from caravans.[256]

(A3) The Order may be made to apply to all caravans or to caravans or types of caravan specified in the Order.[257]

(1) A person shall not –

(a) import a caravan into the Island; or

(b) use a caravan on the Island,

except with and in accordance with permission to do so granted by the Order or, where required under the Order, by the Chief Officer.[258]

(2) The application for permission 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.[259]

100 Offence of importing, etc. caravan without permission[260]

(1) A person who contravenes Article 99 shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

(2) A person shall be guilty of an offence under paragraph (1) if, when importing a caravan or using a caravan in Jersey, the person contravenes any condition subject to which the permission to do so was granted.

(3) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

101 Conditions on importation and use of caravan

(1) Conditions may be attached to the grant of permission to import a caravan or to use a caravan on the Island.[261]

(2) Conditions attached under paragraph (1) shall fairly and reasonably relate to the importation of the caravan or the use of the caravan in Jersey.[262]

(3) A condition attached to the grant of permission under this Article to import a caravan or to use one in Jersey binds any person for the time being having the control of or an interest in the caravan and is enforceable against such a person.[263]

102 Minister may require caravan to be exported

If a person is convicted of an offence under Article 100 in respect of a caravan the Minister may, by notice served on its owner or the person for the time being having charge of it, require the caravan to be exported from Jersey within the period for compliance specified in the notice.

103 Caravan may be forfeited to Minister

(1) If a caravan is not exported from Jersey within the period for compliance specified in a notice under Article 102 the caravan is forfeited to the Minister on the termination of that period and becomes the property of the Minister which may retain it or dispose of it as the Minister thinks fit.

(2) A notice served in accordance with Article 102 shall draw the attention of the person upon whom it is served to the provisions of paragraph (1).

(3) If a caravan that has been forfeited to the Minister in accordance with paragraph (1) is seized by the Minister otherwise than from or in the presence of its owner or the owner's agent, the Minister shall serve on the owner or the owner's agent notice of the seizure specifying the grounds for the seizure.

104 Minister may seize and retain caravan

(1) This Article applies where the Minister is satisfied that –

(a) a caravan has been imported into Jersey without the Minister's permission; or

(b) a caravan has been imported or is being used in Jersey without compliance with a condition subject to which the Minister's permission to import or use the caravan was granted.

(2) Where this Article applies the Minister may seize and retain possession of the caravan.

(3) The Minister may retain possession of the caravan for 2 months unless during that period –

(a) the owner or person having possession of the caravan at the time of the seizure exports the caravan from Jersey; or

(b) if the owner or person having possession of the caravan at the time of the seizure is charged with an offence under Article 100, that charge is determined.

(4) If in respect of the charge referred to in paragraph (3)(b) a person is found guilty of an offence under Article 100, the Minister may retain possession of the caravan until it is exported from Jersey in accordance with a notice served in accordance with Article 102.

Chapter 8 - Control of rubbish

105 Person shall not deposit rubbish

(1) A person shall not without lawful authority place rubbish on land - whether private land, land used by the public or land covered by water.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine.

(3) In determining the amount of any fine the court shall, in particular, have regard to –

(a) any financial benefit which has accrued or appears likely to accrue or could have accrued to the person in consequence of the offence;

(b) the type of rubbish placed on the land;

(c) the amount of the rubbish placed on the land;

(d) any damage the rubbish caused or was capable of causing to the environment; and

(e) the cost of clearing the rubbish and making good any damage caused by it.

(4) In this Article rubbish includes refuse and waste material, and whether in solid or liquid form.

PART 7[264]

APPEALS

106 Interpretation and application of Part 7[265]

(1) In this Part –

"appellant" means a person aggrieved who brings an appeal under any of Articles 108 to 111;

"document", unless otherwise indicated, includes a map or plan, and a copy of a document in paper or electronic form;

"Greffier" means the Judicial Greffier;

"inspector" means an inspector appointed for the purposes of this Part under Article 107;

"interested party" means, according to the context, all or any of the following –

(a) the appellant;

(b) a third party;

(c) a person who, in respect of the same or a related matter as that which is the subject of the appeal in question, has made a representation in writing prior to the decision against which that appeal is brought;

(d) the occupier of any property which is the subject of the appeal in question, where such person is not the appellant;

(e) the decision-maker;

"Jersey Appointments Commission" means the body of that name established under Article 17 of the Employment of States of Jersey Employees (Jersey) Law 2005;

"third party" has the meaning given by Article 108(4).

(2) Reference in this Part to the "decision-maker" is to the person who is entitled under this Law to –

(a) make a decision against which a right of appeal lies under Article 108;

(b) serve a notice in respect of which a right of appeal lies under Article 109;

(c) impose a condition against which a right of appeal lies under Article 110; or

(d) exercise the right to enter a dangerous building and undertake work, against which a right of appeal lies under Article 111;

and who, in any particular case, has made the decision, served the notice or imposed the condition duly appealed against under this Part.

(3) For the purposes of this Part and unless otherwise appearing, a reference to a "decision" includes reference to a refusal, and reference to a "refusal" includes a failure deemed by Article 21A(3) to be a refusal.

(4) This Part shall apply without prejudice to the right of any applicant to request a review by the Planning Committee under Article 22A.[266]

107 Appointment of inspectors[267]

(1) There shall be appointed such number of persons as the States may direct being persons who are, to the satisfaction of the Jersey Appointments Commission, capable of acting and willing to act as inspectors for the purposes of this Part.[268]

(2) Appointments under paragraph (1) shall be made by the Minister following recommendations made for the purpose by the Jersey Appointments Commission.

(3) The list of persons so appointed shall be made available for public inspection at all reasonable hours.

108 Right to appeal against certain decisions, and persons who may appeal[269]

(1) A person aggrieved by a decision of a kind listed in paragraph (2) may appeal against that decision.

(2) The following decisions are those against which an appeal lies under paragraph (1) –

(a) a decision to grant planning permission under Article 19(3) or (4);

(b) a refusal under Article 19(5) to grant planning permission;

(ba) a decision under Article 19(6) to grant or to refuse permission in relation to matters reserved for further approval;

(c) a refusal under Article 20(3) –

(i) to grant planning permission for development already undertaken, or

(ii) to amend planning permission already granted;

(d) a refusal under Article 21(4) to amend planning permission already granted so as to remove or vary a condition of that permission;

(e) a decision under Article 10(2)(a) or Article 27 to revoke or modify planning permission already granted;

(f) a refusal to issue a certificate of completion under Article 28(1);

(g) a refusal under Article 35(4) to grant building permission;

(h) a decision under Article 51(2) to include a building or place on the List of Sites of Special Interest;

(i) a refusal to remove a building or place from the List in accordance with Article 52(6);

(j) a refusal to grant permission to undertake an operation or make a change of use to which Article 54 applies;

(k) a refusal to grant permission under Article 55(3)(a) to undertake an activity to which Article 55 applies;

(l) a decision under Article 58(2) to include a tree on the List of Protected Trees or under Article 59(6)(b) to remove a tree from that List;

(m) a refusal to grant permission to undertake, in relation to a protected tree, an activity specified in Article 61(1)(a);

(n) a refusal under Article 99(1) to grant permission to import or use a caravan.[270]

(3) In paragraph (1) of this Article, "person aggrieved" means –

(a) for the purposes of an appeal against a decision mentioned in paragraph (2)(a), the applicant for planning permission and any third party;

(aa) for the purposes of an appeal against a decision to grant permission mentioned in paragraph (2)(ba), the applicant and any third party;

(b) for the purposes of an appeal against a decision mentioned in paragraph (2)(e), the applicant, the owner and (where different) the occupier of the land to which the planning permission relates;

(c) for the purposes of an appeal against a decision mentioned in paragraph (2)(h) to (m), the owner and (where different) the occupier of the land on which the building or, as the case may be, the tree in question is situated;

(d) for the purposes of an appeal against a decision mentioned in paragraph (2)(n), the owner of the caravan in question;

(e) for the purposes of all other appeals to which this Article applies, the applicant.[271]

(4) For the purposes of paragraph (3)(a), "third party" means a person, a Parish or a department of the government of Jersey, who is not the applicant and who –

(a) has an interest in, or is resident on, land any part of which lies within 50 metres of any part of the site to which an application for planning permission relates; and

(b) prior to the determination of that application, made a representation in writing in respect of it.[272]

109 Right to appeal against certain notices, and grounds of appeal[273]

(1) This Article applies in respect of the following types of notice under this Law –

(a) a notice served under Article 5(4) declaring that the deposit of refuse or waste material will constitute development;

(b) a notice served under Article 10(2)(b) requiring work to be undertaken or a development to be modified;

(c) a notice served under Article 26(2) terminating planning permission by reference to a time limit;

(d) an enforcement notice served under Article 40(2);

(e) a stop notice served under Article 45(2);

(f) a notice served under Article 47(2) to enforce a condition of planning or building permission;

(g) a notice served under Article 54(7) requiring an injury to a site of special interest to be made good;

(h) a dangerous building notice served under Article 66(2);

(i) a land condition notice served under an Article of Chapter 6 of Part 6.

(2) A person aggrieved by a notice in respect of which this Article applies may appeal against the notice on all or any of the following grounds, namely –

(a) that the matters alleged in the notice are not subject to control by this Law;

(b) that permission has already been granted under this Law in respect of the matters alleged in the notice;

(c) that at the date of service of the notice no or no expedient action could be taken to remedy the alleged breach;

(d) that the person was not the proper person to be served with such a notice;

(e) that the matters alleged in the notice have not in fact occurred;

(f) that the requirements of or conditions in the notice exceed what is reasonably necessary to remedy any alleged breach of control or make good any injury to amenity;

(g) without prejudice to the generality of sub-paragraph (f), that any time period imposed by the notice for compliance with its requirements falls short of the time which should reasonably be allowed for such compliance;

(h) subject to paragraph (4), where the notice is an enforcement notice served under Article 40(2), that in all the circumstances planning or (as the case may be) building permission should be granted in respect of the development in question;

(i) where the notice is a notice served under Article 47(2), that the condition with which compliance is required by the notice should be discharged.

(3) Where an appeal is brought on any ground stated in paragraph (2), the appellant shall not be entitled to allege, in any further or other proceedings instituted after the appeal, that the notice which is the subject of the appeal was not duly served.

(4) An appeal may not be brought on the ground stated in paragraph (2)(h) unless the notice of appeal is accompanied –

(a) in addition to any fee prescribed under Article 112(2)(b), by the fee prescribed under Article 9(3)(a) in relation to an application for planning permission;

(b) where the appellant is not the owner of the land in question, by a certificate as required by Article 9(3)(b).

(5) In this Article, a "person aggrieved" is the person on whom the notice in question is served.

110 Right to appeal against certain conditions[274]

(1) This Article applies in respect of conditions attached to a grant of permission under any of the following provisions of this Law –

(a) a condition attached under Article 23 to a grant of planning permission (a "planning condition");

(b) a condition attached under Article 37 to a grant of building permission (a "building condition");

(c) a condition attached under Article 55(6) to a grant of permission to undertake a restricted activity on a site of special interest (a "restricted activity condition");

(d) a condition attached under Article 101(1) on the importation or use of a caravan.

(2) A person aggrieved by a condition in respect of which this Article applies may appeal against the condition on such of the following grounds as apply in respect of the particular condition in question, namely –

(a) in respect of a planning condition, that the condition does not fairly and reasonably relate to the proposed development;

(b) in respect of a building condition, that the condition does not fairly and reasonably relate to the proposed prescribed building work;

(c) in respect of a restricted activity condition, that the condition does not fairly and reasonably relate to the protection of the special interest of the site;

(d) in respect of a condition attached under Article 101(1), that the condition does not fairly and reasonably relate to the importation of the caravan or (as the case may be) the use of the caravan in Jersey.

(3) In this Article, a "person aggrieved" is the person to whom the permission in question is granted.

111 Right to appeal against entry into building[275]

(1) This Article applies in respect of an entry under Article 71 to a building appearing to the Minister to be dangerous and in respect of the undertaking of work under that Article.

(2) A person aggrieved by a matter in respect of which this Article applies may appeal against it on all or any of the following grounds, namely –

(a) that the building in question is not immediately dangerous as alleged;

(b) that the entry was unjustified, for the reason given in sub-paragraph (a) or any other reason; or

(c) that the extent or nature of the work undertaken was unreasonable.

(3) In this Article, a "person aggrieved" is a person on whom a notice may be served under Article 71(3).

112 Notice of appeal: proper form, time limits and fee[276]

(1) An appeal under this Part must be made by notice of appeal duly given in accordance with this Article.

(2) A notice of appeal must –

(a) be in such form as shall be prescribed for that purpose;

(b) be accompanied by the prescribed fee; and

(c) contain or be accompanied by such further particulars as may be prescribed or as may reasonably be required by the Greffier.

(3) The notice of appeal must be received by the Greffier no later than the end of the period of 28 days beginning –

(a) in the case of an appeal under Article 108, with the date of the decision against which the appeal is made;

(b) in the case of an appeal under Article 109, with the date of issue of the notice containing the requirement or condition against which the appeal is made; or

(c) in the case of an appeal under Article 110, with the date of grant of the permission containing the condition against which the appeal is made;

(d) in the case of an appeal under Article 111, with the date of the entry in respect of which the appeal is made.

(4) Where the Greffier receives a notice of appeal which fails to comply with any of the requirements imposed by paragraph (2), the Greffier may –

(a) reject the notice, and in such a case no appeal shall lie under this Part or otherwise against that rejection; or

(b) may invite the appellant to remedy any defect in the notice by submitting, within the period of 14 days beginning with the date of the invitation, such further material (including any fee or additional fee) as the Greffier may request.

(5) Without prejudice to paragraph (3), the Greffier may grant an extension of the period in that paragraph, if –

(a) the Greffier considers it reasonable to do so; and

(b) the request for an extension is received by the Greffier no later than the end of that period.[277]

(6) A person aggrieved by a decision of the Greffier under paragraph (5) may appeal against that decision to the Royal Court.[278]

(7) In paragraph (6) a "person aggrieved" means the person requesting the extension and, where that person is not the applicant for planning permission, the applicant.[279]

(8) An appeal under paragraph (6) must be made within 28 days beginning with the date of the refusal, and on hearing the appeal the Royal Court may –

(a) confirm or quash the decision of the Greffier; or

(b) remit the decision to the Greffier to be retaken.[280]

(9) The power to make rules of court under Article 13 of the Royal Court (Jersey) Law 1948 includes power to make rules regulating practice and procedure in relation to appeals under paragraph (6).[281]

113 Registration of appeal, nomination of inspector etc. by the Greffier[282]

(1) Upon receipt of a notice of appeal in accordance with Article 112, the Greffier shall –

(a) notify the decision-maker that an appeal has been registered;

(b) invite each interested party to submit all documents relevant to the decision appealed against, and any supplementary statement, by no later than the end of the period of 28 days beginning with the date of the invitation;

(c) ensure that the appeal is publicised, and provision is made for representations to be provided by members of the public, in the same manner as prescribed under Article 11 in relation to an application for planning permission in the first instance; and

(d) nominate an inspector to conduct the appeal, from the list of persons appointed for that purpose under Article 107.[283]

(2) As soon as practicable after the end of the period mentioned in paragraph (1)(b), the Greffier shall –

(a)

(b) in the case of an appeal proceeding by way of written representations, take all necessary steps for the due administration of any prescribed procedure,

including notifying all interested parties of the identity of the nominated inspector;

(c) in the case of an appeal proceeding by way of a hearing, take all necessary steps for conducting the hearing and for notifying all interested parties of the date, time and place of the hearing;

(d) obtain, and send to the inspector, all documents necessary for the proper determination of the appeal.[284]

(3) A supplementary statement under paragraph (1)(b) and any response to such a statement shall be in writing and in the form (if any) which may be prescribed for the purpose.

(4) Any document received from one interested party shall be circulated by the Greffier to all other interested parties without undue delay, and in any case no later than the time when such a document is sent by the Greffier to the inspector.

(5) The appellant may withdraw the appeal by notice in writing given to the Greffier at any time.

114 Appeal procedures[285]

(1) Subject to paragraphs (2), (3) and (6), the following kinds of appeal shall be determined by way of consideration of written representations –

(a) an appeal under Article 108(2)(b) against a refusal to grant planning permission;

(b) an appeal under Article 110(1)(a) against a condition attached to a grant of planning permission;

(c) an appeal under Article 108(2)(f) against a refusal to grant a certificate of completion;

(d) an appeal under Article 108(2)(g) against a refusal to grant building permission;

(e) an appeal under Article 110(1)(b) against a condition attached to a grant of building permission;

(f) an appeal under Article 108(2)(h) against a decision to include a building or place on the List of Sites of Special Interest;

(g) an appeal under Article 108(2)(k) against a refusal to grant permission in relation to an activity on a Site of Special Interest;

(h) an appeal under Article 108(2)(l) against a decision to include a tree on the List of Protected Trees;

(i) an appeal under Article 108(2)(n) against a refusal to grant permission to import or use a caravan; and

(j) an appeal under Article 110(1)(d) against a condition attached on the importation or use of a caravan.

(2) An appeal of a kind mentioned in sub-paragraph (a) or (b) of paragraph (1) may be determined on the basis of written representations only in a case where either –

(a) no representations, except representations by statutory bodies in accordance with Articles 14 to 17, have been made in relation to the application which gave rise to the appeal; or

(b) the parties, and the inspector, have agreed to the determination of the appeal on that basis.[286]

(3) An inspector nominated to hear a particular appeal of a kind listed in paragraph (1) may, notwithstanding that paragraph, deal with the appeal by way of a hearing –

(a) on the application of any party; or

(b) on his or her own motion,

but in either case following consultation with all the parties.

(4) Subject to paragraphs (5) and (6), appeals of all kinds other than those listed in paragraph (1) shall be determined by way of an appeal hearing.

(5) An inspector nominated to hear a particular appeal of a kind not listed in paragraph (1) may, notwithstanding that paragraph, deal with the appeal by way of written representations –

(a) on the application of any party; or

(b) on his or her own motion,

but in either case following consultation with all the parties.

(6) An inspector nominated to hear a particular appeal of any kind may, if the inspector considers that any of the issues in that appeal should be more properly addressed by way of a public inquiry, make a recommendation to such effect to the Minister.

(7) If the Minister declines to accept a recommendation by an inspector under paragraph (6), the appeal shall be determined under paragraph (1) or paragraph (4) (as the case may be) as though paragraph (6) were of no effect.

(8) For the purposes of this Article, "parties" means –

(a) the appellant;

(b) (where different) the applicant; and

(c) the decision-maker.[287]

115 Conduct of appeal by inspector[288]

(1) The inspector shall, without undue delay, consider the appeal and all supplementary statements and other documents provided under Article 113 in relation to the appeal.

(2) In considering an appeal by way of written representations the inspector shall take into account all representations duly received from the appellant, the decision-maker, and any other interested parties.

(3) In relation to the conduct of an appeal hearing the inspector may determine all matters of procedure, including but not limited to –

(a) the use of cross-examination;

(b) the use and admissibility of expert evidence; and

(c) the exclusion of any person from the hearing in the interests of good order.

(4) For the purposes of this Article the inspector may –

(a) impose any reasonable conditions (including, but not limited to, conditions as to the contents of any evidence, number of witnesses, duration of a hearing, or number and length of supplementary statements);

(b) invite any Minister or other body or person to provide expert advice or opinion (whether or not that Minister, body or person has previously given evidence, or been acknowledged as a party interested, in the appeal in question);

(c) hold a meeting of such parties and for the purpose of investigating such issues as the inspector may determine;

(d) request from any interested party such further and better particulars (whether in writing or by way of oral evidence at a hearing) as the inspector may reasonably require to reach a decision;

(e) carry out an inspection of the site to which the appeal relates.

(5) Following the consideration of written representations or (as the case may be) the appeal hearing, the inspector shall make a report in writing to the Minister and the report shall include –

(a) the inspector's recommendation as to the determination of the appeal; and

(b) the reasons for such recommendation.

116 Minister's decision on appeal, etc[289]

(1) Having considered the inspector's report under Article 115, the Minister shall determine the appeal, and in so doing shall give effect to the inspector's recommendation unless the Minister is satisfied that there are reasons not to do so.

(2) For the purposes of paragraph (1) the Minister may –

(a) allow the appeal in full or in part;

(b) refer the appeal back to the inspector for further consideration of such issues as the Minister shall specify;

(c) dismiss the appeal; and

(d) reverse or vary any part of the decision-maker's decision.

(3) As soon as practicable after the Minister has determined the appeal, the Minister shall give notice in writing of the determination to –

(a) the appellant;

(b) the Greffier;

(c) the decision-maker; and

(d) any other interested party.

(4) The Minister shall make reasonable arrangements for access by the persons mentioned in paragraph (3) to the inspector's report under Article 115, and the notice given by the Minister under that paragraph shall include –

(a) details of how copies of the inspector's report may be obtained or where the report may be viewed, or both, as the case may be; and

(b) if and to the extent that the Minister does not give effect to the inspector's recommendation, the full reasons for the Minister's decision.

(5) No further appeal shall lie from the Minister's determination under this Article except to the Royal Court on a point of law.[290]

(5A) An appeal under paragraph (5) must be made within the period of 28 days beginning with the date of the determination.[291]

(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;

(c) remit the determination, wholly or in part, to the Minister to be retaken.[292]

(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.[293]

(7) Where the Minister refers an appeal back to the inspector under paragraph (2)(b), the inspector shall as soon as practicable produce a supplementary report and recommendation to the Minister, and –

(a) the Minister shall thereupon determine the appeal; and

(b) this Article, except for paragraph (2)(b), shall apply to that further determination.

(8) Following the Minister's determination of an appeal under this Article, a reference in this Law to a time period within which development or any operation must be begun is to be construed as though that time period commences –

(a) where an appeal against the determination is made to the Royal Court under paragraph (5), on the date of the Royal Court's final decision on that appeal; or

(b) in any other case, on the date of the Minister's determination of the appeal.[294]

117 Effect of certain appeals pending determination[295]

(1) Subject to paragraph (2), in the case of any appeal under Article 108 the decision against which the appeal is brought shall remain in effect until determination.

(2) In the case of an appeal under Article 108(2)(a), the development permitted by the grant in question shall not take place until determination.

(3) In the case of any appeal under Article 109 except an appeal against a stop notice as mentioned in Article 109(1)(e), the notice in respect of which that Article applies shall cease to have effect until determination.

(4) In the case of an appeal against a stop notice as mentioned in Article 109(1)(e), the stop notice shall remain in effect until determination.

(5) In the case of an appeal under Article 110, the condition in relation to which the appeal is brought shall remain in effect until determination.

(6) In the case of an appeal under Article 111 –

(a) the Minister may direct that any work being undertaken shall cease; but

(b) if no such direction is given and an appeal in respect of the work succeeds in whole or in part, Article 72 shall not apply.

(7) In this Article, "determination" means –

(a) determination by the Minister in accordance with Article 116; or

(b) the withdrawal of the appeal.

118 [296]

PART 8

POWER OF STATES TO ACQUIRE LAND BY COMPULSORY PURCHASE

119 Power of States to acquire land

(1) The States may acquire land by compulsory purchase in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 if the States are satisfied that the land should be acquired for a purpose of this Law specified in Article 2.

(2) The Minister shall be the acquiring authority within the meaning of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 in respect of land purchased in accordance with paragraph (1).

(3) The power to acquire land conferred by paragraph (1) includes the power –

(a) to acquire a servitude or other right over land by the creation of a new servitude or right; and

(b) to extinguish or modify a servitude or other right over land.

(4) The Board of Arbitrators in assessing the amount of compensation to be paid to a person in respect of land compulsorily purchased under this Article shall set off against the value of that land –

(a) any increase in its value which the Board is satisfied is attributable to the expenditure or proposed expenditure of public money; and

(b) any increase in the value of other land owned by that person which the Board is satisfied is attributable to the use to which the land compulsorily acquired is to be put.

(5) The Board of Arbitrators shall otherwise act in accordance with the rules laid down in Article 10 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961.

PART 9

ADMINISTRATIVE PROVISIONS

120 Minister may prescribe fees

(1) The Minister may by Order prescribe fees payable under this Law.

(2) An Order under this Article may provide for –

(a) specific fees;

(b) maximum fees, minimum fees or both;

(c) the payment of fees generally, under specified conditions or in specified circumstances;

(d) the reduction, waiver or refund of fees, in whole or in part.

121 Service of notices

(1) A notice to be served under this Law on a body corporate may be served on the secretary or clerk of the body corporate.

(2) Unless otherwise specifically provided by this Law, a notice to be served under this Law on a person may be served on that person –

(a) by delivering it to the person;

(b) by leaving it at the person's proper address;

(c) by registered post; or

(d) by the recorded delivery service.

(3) For the purposes of this Article, and of Article 7 of the Interpretation (Jersey) Law 1954, in its application to this Article, the proper address of a person is –

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of the body corporate; and

(b) in any other case –

(i) the usual or last-known place of abode of the person, or

(ii) if the person has given an address for service, that address.[297]

(4) If it is not possible to ascertain after reasonable enquiry the name or address of the owner, lessee or occupier of land upon whom a notice under this Law is to be served, the notice may be served –

(a) by addressing it to the person upon whom it is to be served by the description of "owner", "lessee" or "occupier" of the land (describing it) to which the notice relates; and

(b) by delivering it to some responsible person resident or appearing to be resident on the land, or, if there is no such person, by affixing it, or a copy of it, to a conspicuous part of the land.[298]

122 Power of entry

(1) A person authorized to do so by the Minister may for a purpose of this Law enter land or a building to inspect it, to survey it or to record information in respect of it.

(2) A person authorized to do so by the Minister may enter land or a building to undertake on behalf of the Minister any work the Minister is authorized to undertake under this Law.

(3) A person referred to in paragraph (1) or (2) shall not enter land unless, if requested by a person apparently in control of the land or building, the person produces authorization from the Minister to do so.

(4) A person referred to in paragraph (1) or (2) shall not enter land except at a reasonable time.

(5) A person who obstructs or impedes a person referred to in paragraph (1) or (2) in the execution of the person's duties shall be guilty of an offence and liable to a fine of level 3 on the standard scale.[299]

123 Offences by bodies corporate

(1) If an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –

(a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or

(b) a person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

124 Orders and Building Bye-laws

(1) The Minister may by Order or, as the case may be, Building Bye-laws prescribe anything which may be prescribed under this Law.

(2) [300]

PART 10

APPLICATION OF THE LAW TO THE CROWN AND TO CROWN LAND

125 Interpretation - the Crown and Crown land[301]

In this Part –

"Crown land" means land in which there is a Crown interest;

"Crown interest" means an interest belonging to His Majesty in right of the Crown, or belonging to a department of the government of the United Kingdom or held in trust for His Majesty for the purpose of a department of the government of the United Kingdom;

"department of the government of the United Kingdom" includes any Minister of the Crown.

126 Application of Law to the Crown and to Crown land

(1) Except as otherwise provided by this Article, this Law applies to the Crown and to Crown land.

(2) The Island Plan may include proposals relating to the use of Crown land.

(3) Nothing in this Law renders the Crown liable to prosecution for an offence under this Law.

(4) Planning permission and any required building permission shall be taken to have been granted to the Crown in respect of development carried out by or on behalf of the Crown on Crown land.

(5) Nothing in paragraph (4) shall be taken as prohibiting the Crown from applying for planning permission or building permission.

(6) The Minister shall not have power under Article 119 to acquire by compulsory purchase a Crown interest in land.

(7) A restriction or requirement under a planning obligation shall not be enforceable in respect of the Crown by injunction.

PART 11

REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

127 Interpretation - Repeals, etc.

In this Part –

"1956 Law" means the Public Health (Control of Buildings) (Jersey) Law 1956;

"1964 Law" means the Island Planning (Jersey) Law 1964.

128 Repeals

(1) The 1956 Law and the 1964 Law are repealed.

(2) The following Laws are also repealed –

(a) the Public Health (Control of Building) (Amendment) (Jersey) Law 1980;

(b) the Public Health (Control of Building) (Amendment No. 2) (Jersey) Law 1994;

(c) the Public Health (Control of Building) (Amendment No. 3) (Jersey) Law 1996;

(d) the Island Planning (Amendment) (Jersey) Law 1979;

(e) the Island Planning (Amendment No. 2) (Jersey) Law 1980;

(f) the Island Planning (Amendment No. 3) (Jersey) Law 1983;

(g) the Island Planning (Amendment No. 4) (Jersey) Law 1991;

(h) the Island Planning (Amendment No. 5) (Jersey) Law 1993;

(i) the Island Planning (Amendment No. 6) (Jersey) Law 1996;

(j) the Building Bye-laws (Validation) (Jersey) Law 1997;

(k) the Island Planning (Fees) (Validation) Law 1997.

129 Savings

(1) Anything done under the 1956 Law or the 1964 Law that could have been done under this Law, was not invalidated on the repeal of the 1956 Law and the 1964 Law but continues to have effect as if done under this Law.

(2) Proceedings in respect of anything done under the 1956 Law or the 1964 Law which could have been taken under that Law if it had not been repealed by this Law may be taken under this Law.

(3) Proceedings pending under the 1956 Law or the 1964 Law immediately before the commencement of this Law may be continued under this Law.

(4) An application made under the 1956 Law or the 1964 Law before the repeal of that Law and outstanding on that repeal shall have effect as if it were an application made under this law and shall be dealt with accordingly.

(5) Nothing in this Article prejudices the general application of Article 17 of the Interpretation (Jersey) Law 1954.

130 Transitional provisions

(1) An Order made under Article 9(1) of the 1964 Law (preservation of site of special interest) and in force immediately before the commencement of Chapter 1 of Part 6 of this Law shall be taken to have had effect on that commencement as if the site of special interest to which the Order related were listed, as from the date the Order was made, on the List of Sites of Special Interest, and the Minister shall add it to that list accordingly.

(2) An Order made under Article 16(1) of the 1964 Law (preservation of tree) and in force immediately before the commencement of Chapter 2 of Part 6 of this Law shall be taken to have had effect on that commencement as if the tree to which the Order related were listed, as from the date the Order was made, on the List of Protected Trees, and the Minister shall add it to that list accordingly.

(3) Until an Island Plan for the Island has been approved by the States in accordance with this Law any development plan (as that term was defined by Article 3 of the 1964 Law) in respect of a part of the Island, which had been approved by the States under the 1964 Law and was in force immediately before the commencement of Part 2 of this Law shall be taken as the Island Plan for that part of Jersey.

(4) Until Building Bye-laws have been approved by the States in accordance with this Law Building Bye-laws made under the 1956 Law and in force immediately before the commencement of Part 4 of this Law shall be taken as Building Bye-laws made under this Law (except to any extent to which they may be inconsistent with this Law).

131 Short title and commencement

(1) This Law may be cited as the Planning and Building (Jersey) Law 2002.

(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be appointed for different purposes or different provisions of this Law.

SCHEDULE[302]

(Article 31(4))

CONTENTS OF BUILDING BYE-LAWS

(1) Building Bye-laws may specify the functional requirements of buildings in respect of –

(a) the design and construction of buildings;

(b) the alteration of buildings; and

(c) the provision of services, fittings, appliances, equipment and accessories in or in connection with buildings.

(2) In particular, and without prejudice to the generality of paragraph (1), Building Bye-laws may specify functional requirements in respect of –

(a) the preparation of sites for buildings;

(b) the suitability, durability and use of materials and components (including surface finishes) used in buildings;

(c) structural strength and stability of buildings;

(d) fire safety in buildings;

(e) resistance of buildings to moisture and decay;

(f) measures in buildings affecting the transmission of heat;

(g) measures in buildings affecting the transmission of sound;

(h) measures in buildings to prevent infestation;

(i) measures in buildings affecting the emission of smoke, gases, fumes or dust or other noxious or offensive substances;

(j) drainage in respect of buildings;

(k) the storage, treatment, collection and removal of waste arising in buildings;

(l) installations in buildings and standards for heating, ventilation, air-conditioning and other services;

(m) installations in buildings that use solid fuel, oil, gas, electricity or any other fuel or power including any associated storage tanks, heat exchangers, ducts and fans;

(n) facilities in and in respect of buildings for the supply and storage of water including associated fittings and fixed equipment;

(o) sanitary equipment in buildings;

(p) lifts, escalators, hoists, conveyors and moving footways in buildings;

(q) installations in buildings of, and standards for, infrastructure and equipment relating to high speed data communication networks;

(r) installations in buildings of, and standards for, electric vehicle charging points.

(3) Building Bye-laws may also be made with respect to –

(a) the height of buildings including the height of chimneys, ducts or outlets above the roof of buildings of which they form part or of any adjacent building;

(b) open spaces about buildings and the natural lighting and ventilation of buildings;

(c) accommodation for specific purposes in or in connection with buildings including the dimension of rooms and other spaces within buildings;

(d) the means of access to and egress from buildings, and movement within buildings;

(e) the prevention of danger and obstruction to people in or about buildings.

(4) Building Bye-laws may specify functional requirements in respect of buildings designed to ensure that people with disabilities are able to –

(a) gain access to and egress from buildings;

(b) move within buildings; and

(c) use the facilities of buildings.

(5) Building Bye-laws may relate to –

(a) new, altered or extended services, fittings and equipment in or in connection with buildings; and

(b) any change of use of all or any part of a building.

(6) Building Bye-laws may prescribe –

(a) the method by which; and

(b) the standard to which,

building work specified in the Building Bye-laws is to be undertaken.

(7) Building Bye-laws may prescribe –

(a) the procedure to be followed and the documents and particulars to be supplied to apply for any permission required under the Building Bye-laws;

(b) the manner in which that permission may be granted; and

(c) procedures to be followed after the grant of permission.

(8) Building Bye-laws may provide for the grant of permission in respect of building work that has been undertaken –

(a) without building permission or permission required under Building Bye-laws; or

(b) without compliance with a condition subject to which permission was granted.

(9) Building Bye-laws may provide for –

(a) the issue by the Minister on payment of any prescribed fee of a certificate stating that building work specified in the certificate was undertaken in compliance with permission granted by the Minister; and

(b) the extent to which such a certificate shall be admitted in evidence.

(10) Building Bye-laws may provide that permission required by the Bye-laws is valid for a specified period or is subject to revocation in specified circumstances.

(11) Building Bye-laws may provide that the Minister may determine that permission that would otherwise be required by the Bye-laws in respect of a building or works or a class of building or works is not required either absolutely or to any extent determined by the Minister and either subject to compliance with conditions determined by the Minister or unconditionally.

(12) In this Schedule –

"drainage in respect of buildings" includes –

(a) waste disposal units, drains, sewers and communications between drains and sewers and between sewers;

(b) cesspools, septic tanks and other means for the reception, treatment and disposal of foul matter;

"fire safety in buildings" includes –

(a) structural measures to resist the outbreak and spread of fire and to mitigate its effects;

(b) services, fittings and equipment designed to mitigate the effects of fire, to facilitate fire fighting or to detect fire, smoke, and associated warning systems;

(c) means of escape from buildings in case of fire and means to secure that those means of escape can be safely and effectively used at all material times;

"sanitary equipment in buildings" includes –

(a) closets and urinals;

(b) washing and laundry facilities;

(c) fittings and fixed equipment associated with sanitary equipment;

"services, fittings, appliances, equipment and accessories in or in connection with buildings" includes –

(a) infrastructure relating to high speed data communication networks; and

(b) electric vehicle charging points;

"structural strength and stability of buildings" includes –

(a) precautions against overloading, impact and explosion;

(b) measures to safeguard adjacent buildings and services;

(c) underpinning of buildings.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Planning and Building (Jersey) Law 2002	L.36/2002	1 July 2006 (R&O.49/2006) except - 31 March 2007, as to Articles 22(1)(b), 109(2)(b) and 114; Chapter 3 of Part 6, Articles 109(2)(g) and (h), and 117(1)(h), (2), (3)(b) and (7) (R&O.143/2006)	P.87/2001
Planning and Building (Amendment) (Jersey) Law 2005	L.18/2005	See 2002 Law entry	P.210/2004
Planning and Building (Amendment No. 2) (Jersey) Law 2005	L.25/2005	See 2002 Law entry	P.47/2005
Planning and Building (Amendment No. 3) (Jersey) Law 2005	L.35/2005	9 December 2005	P.128/2005
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005	P.216/2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005	P.217/2005
Planning and Building (Amendment No. 4) (Jersey) Law 2007	L.26/2007	17 August 2007	P.157/2006
Planning and Building (Amendment No. 5) (Jersey) Law 2010	L.17/2010	7 August 2010	P.189/2009
Intellectual Property (Unregistered Rights) (Jersey) Law 2011	L.29/2011	18 December 2012 (R&O.148/2012)	P.141/2010
Planning and Building (Amendment No. 6) (Jersey) Law 2014	L.34/2014	10 March 2015 (R&O.20/2015)	P.94/2014
Planning and Building (Amendment of Law) (Jersey) Regulations 2015	R&O.19/2015	10 March 2015	P.2/2015

Legislation	Year and No	Commencement	◦Projet No (where applicable)
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Planning and Building (Amendment No. 7) (Jersey) Law 2016	L.10/2016	20 May 2016	P.142/2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Covid-19 (Island Plan) (Jersey) Regulations 2021	R&O.16/2021	11 February 2021	P.168/2020
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)	P.26/2021
Planning and Building (Amendment No. 8) (Jersey) Law 2022	L.31/2022	12 August 2022 (except Article 4(2)) Article 4(2) was not commenced and the Law was repealed by L.2/2024	P.76/2021
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	R&O.102/2023	24 November 2023	
Planning and Building (Jersey) Amendment Law 2026	L.28/2026	12 June 2026	P.22/2026
States of Jersey (Ministerial Offices) Amendment Order 2026	R&O.84/2026	11.06 a.m. on 14 July 2026	

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
Article 1(4) and (5)	otiose, omitted

Table of Endnote References

[1] *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
Correction accompanying 1 January 2009 update: add remainder of changes from "Committee" to "Minister" that were made by R&O.41/2005

[2] *Article 1(1)* — *amended by L.18/2005, L.17/2010, L.34/2014, R&O.19/2015, R&O.158/2015, L.10/2016, R&O.49/2018, R&O.16/2021, L.31/2022, L.28/2026, R&O.84/2026*
[3] *Article 2(4)* — *amended by L.31/2022*
[4] *Article 3* — *heading amended by L.17/2010*
[5] *Article 3(1)* — *amended by L.17/2010, substituted by L.28/2026*
[6] *Article 3(1A)* — *inserted by L.28/2026*
[7] *Article 3(2)* — *amended by L.17/2010, substituted by R&O.16/2021, amended by L.28/2026*
[8] *Article 3(2A)* — *inserted by R&O.16/2021, substituted by L.28/2026*
[9] *Article 3(2B)* — *inserted by R&O.16/2021*
[10] *Article 3(2C)* — *inserted by R&O.16/2021, substituted by L.28/2026*
[11] *Article 3(3)* — *amended by L.17/2010, substituted by R&O.16/2021, amended by L.28/2026*
[12] *Article 3(3A)* — *inserted by R&O.16/2021, deleted by L.28/2026*
[13] *Article 3(4)* — *amended by L.17/2010, substituted by R&O.16/2021, deleted by L.28/2026*
[14] *Article 3(5)* — *inserted by R&O.16/2021, deleted by L.28/2026*
[15] *Article 3(6)* — *amended by L.17/2010, substituted by R&O.16/2021, L.28/2026*
[16] *Article 3(6A)* — *inserted by L.28/2026*
[17] *Article 3(7)* — *inserted by R&O.16/2021*
[18] *Article 4* — *heading substituted by L.17/2010*
[19] *Article 4(1)* — *amended by L.17/2010*
[20] *Article 4(5)* — *amended by L.17/2010*
[21] *Article 4A* — *inserted by L.17/2010, substituted by L.28/2026*
[22] *Article 4B* — *inserted by L.28/2026*
[23] *Article 5* — *heading substituted by L.31/2022*
[24] *Article 5(4)* — *amended by R&O.19/2015*
[25] *Article 5(6)* — *inserted by L.31/2022*
[26] *Article 5(7)* — *inserted by L.31/2022*
[27] *Article 6(4)* — *added by L.10/2016*
[28] *Article 7(1)* — *amended by L.18/2005*
[29] *Article 8(7)* — *amended by L.10/2016*
[30] *Article 9* — *substituted by L.26/2007*
[31] *Article 9(1)* — *amended by R&O.19/2015*
[32] *Article 9(2)* — *substituted by R&O.19/2015*
[33] *Article 9(4)* — *amended by R&O.19/2015*
[34] *Article 9(5)* — *substituted by R&O.19/2015, amended by L.10/2016*
[35] *Article 9(6)* — *substituted by R&O.19/2015*
[36] *Article 9(7)* — *substituted by R&O.19/2015*
[37] *Article 9A* — *substituted by L.34/2014, heading amended by L.10/2016*
[38] *Article 9A(1)* — *amended by L.10/2016*
[39] *Article 9A(1A)* — *inserted by R&O.19/2015, amended by L.10/2016*

[40] *Article 9A(3)* *amended by L.10/2016*
[41] *Article 9A(4)* *amended by L.10/2016*
[42] *Article 9A(5)* *amended by L.10/2016*
[43] *Article 9A(6)* *amended by L.10/2016*
[44] *Article 9A(7)* *amended by L.10/2016*
[45] *Article 10(1)* *amended by L.18/2005*
[46] *Article 10(2)* *substituted by R&O.19/2015*
[47] *Article 10(5)* *deleted by R&O.19/2015*
[48] *Article 10(10)* *amended by R&O.19/2015*
[49] *Article 11* *heading amended by R&O.19/2015*
[50] *Article 11(1)* *amended by L.31/2022*
[51] *Article 11(3)* *substituted by R&O.19/2015, L.31/2022*
[52] *Article 11(3A)* *inserted by L.31/2022*
[53] *Article 11(3B)* *inserted by L.31/2022*
[54] *Article 11(4)* *substituted by R&O.19/2015, amended by L.31/2022*
[55] *Article 11(5)* *deleted by R&O.19/2015*
[56] *Article 11(6)* *repealed by L.29/2011*
[57] *Article 12(2)* *substituted by L.10/2016, L.31/2022*
[58] *Article 12(2A)* *inserted by L.31/2022*
[59] *Article 12(3)* *amended by L.31/2022*
[60] *Article 12(6)* *added by R&O.19/2015, amended by L.31/2022*
[61] *Article 12(7)* *added by R&O.19/2015*
[62] *Article 12(8)* *added by R&O.19/2015, amended by L.31/2022*
[63] *Article 12(9)* *added by R&O.19/2015, amended by L.31/2022*
[64] *Article 12(10)* *added by L.10/2016*
[65] *Article 13(2)* *substituted by R&O.19/2015*
[66] *Article 13(3)* *deleted by R&O.19/2015*
[67] *Article 14(1)* *amended by R&O.19/015*
[68] *Article 14(2)* *amended by R&O.19/2015*
[69] *Article 14(3)* *substituted by R&O.19/2015*
[70] *Article 14(4)* *deleted by R&O.19/2015*
[71] *Article 15* *heading amended by R&O.158/2015, R&O.102/2023*
[72] *Article 15(1)* *amended by R&O.19/2015, R&O.158/2015, R&O.102/2023*
[73] *Article 15(2)* *substituted by R&O.19/2015, amended by R&O.158/2015, R&O.102/2023*
[74] *Article 15(3)* *deleted by R&O.19/2015*
[75] *Article 16* *heading amended by R&O.158/2015*
[76] *Article 16(1)* *amended by R&O.158/2015*
[77] *Article 16(2)* *substituted by R&O.19/2015, amended by R&O.158/2015*
[78] *Article 16(3)* *deleted by R&O.19/2015*
[79] *Article 17(2)* *substituted by R&O.19/2015*
[80] *Article 17(3)* *deleted by R&O.19/2015*
[81] *Article 18* *repealed by L.35/2005*
[82] *Article 19(1)* *substituted by R&O.19/2015*
[83] *Article 19(2)* *substituted by R&O.19/2015*
[84] *Article 19(3)* *substituted by R&O.19/2015, amended by L.10/2016*
[85] *Article 19(4)* *substituted by R&O.19/2015*
[86] *Article 19(5)* *substituted by R&O.19/2015*
[87] *Article 19(6)* *substituted by R&O.19/2015*
[88] *Article 19(7)* *substituted by R&O.19/2015*
[89] *Article 19(8)* *inserted by L.34/2014, amended by L.31/2022*
[90] *Article 20(2)* *amended by R&O.19/2015*

[91] *Article 20(2A)*	*inserted by R&O.19/2015, amended by L.10/2016*
[92] *Article 20(3)*	*substituted by R&O.19/2015*
[93] *Article 20(4)*	*substituted by R&O.19/2015*
[94] *Article 20(5)*	*substituted by R&O.19/2015*
[95] *Article 21*	*heading amended by R&O.19/2015*
[96] *Article 21(2)*	*amended by R&O.19/2015, L.10/2016*
[97] *Article 21(3)*	*substituted by R&O.19/2015, amended by L.10/2016*
[98] *Article 21(4)*	*substituted by R&O.19/2015*
[99] *Article 21(5)*	*substituted by R&O.19/2015*
[100] *Article 21A*	*inserted by L.34/2014*
[101] *Article 21A(2)*	*amended by R&O.19/2015*
[102] *Article 22*	*heading substituted by R&O.19/2015*
[103] *Article 22(1)*	*amended by R&O.19/2015*
[104] *Article 22(2)*	*substituted by R&O.19/2015*
[105] *Article 22(3)*	*inserted by R&O.19/2015, amended by L.10/2016*
[106] *Article 22A*	*inserted by L.34/2014*
[107] *Article 22A(1)*	*amended by R&O.19/2015*
[108] *Article 22A(2)*	*amended by L.10/2016*
[109] *Article 22A(3)*	*amended by L.10/2016*
[110] *Article 22A(4)*	*amended by L.10/2016*
[111] *Article 22A(5)*	*amended by L.10/2016*
[112] *Article 23(1)*	*amended by R&O.19/2015*
[113] *Article 23(2)*	*amended by L.31/2022*
[114] *Article 23(3)*	*amended by R&O.19/2015, L.31/2022*
[115] *Article 23(4)*	*amended by R&O.19/2015*
[116] *Article 23(5)*	*amended by R&O.19/2015*
[117] *Article 23(6)*	*amended by R&O.19/2015*
[118] *Article 24(2)*	*amended by R&O.19/2015*
[119] *Article 25(1)*	*amended by R&O.19/2015*
[120] *Article 25(7)*	*amended by R&O.19/2015*
[121] *Article 25(8)*	*amended by R&O.19/2015*
[122] *Article 25(12)*	*amended by R&O.19/2015*
[123] *Article 26*	*heading amended by R&O.19/2015*
[124] *Article 26(2)*	*substituted by R&O.19/2015, amended by L.10/2016*
[125] *Article 26(4)*	*amended by R&O.19/2015*
[126] *Article 26(5)*	*amended by R&O.19/2015*
[127] *Article 26(6)*	*substituted by R&O.19/2015*
[128] *Article 26(8)*	*amended by R&O.19/2015*
[129] *Article 27(1)*	*substituted by R&O.19/2015*
[130] *Article 27(2)*	*substituted by R&O.19/2015*
[131] *Article 27(3)*	*substituted by R&O.19/2015, amended by L.10/2016*
[132] *Article 27(5)*	*deleted by R&O.19/2015*
[133] *Article 27(6)*	*amended by R&O.19/2015*
[134] *Article 27(6A)*	*inserted by L.18/2005, amended by R&O.19/2015*
[135] *Article 27(10)*	*amended by R&O.19/2015, editorial change, "paragraph (5)" deleted, "paragraph (6)" inserted instead*
[136] *Article 28*	*heading amended by R&O.19/2015*
[137] *Article 28(1)*	*amended by R&O.19/2015*
[138] *Article 28(2)*	*amended by R&O.19/2015*
[139] *Article 30(4)*	*inserted by L.26/2007*
[140] *Article 30(5)*	*inserted by L.26/2007*
[141] *Article 31(2)*	*amended by L.31/2022*

[142] *Article 31(3)* *amended by L.31/2022*
[143] *Article 33(1)* *amended by L.18/2005, R&O.19/2015*
[144] *Article 33(4)* *amended by R&O.19/2015*
[145] *Article 34(1)* *amended by R&O.19/2015*
[146] *Article 34(2)* *substituted by R&O.19/2015*
[147] *Article 34(3)* *substituted by R&O.19/2015*
[148] *Article 34(4)* *substituted by R&O.19/2015*
[149] *Article 34(5)* *deleted by R&O.19/2015*
[150] *Article 35* *substituted by R&O.19/2015*
[151] *Article 35(3)* *amended by L.10/2016*
[152] *Article 36* *substituted by R&O.19/2015*
[153] *Article 37(1)* *amended by R&O.19/2015*
[154] *Article 38A* *inserted by L.10/2016*
[155] *Article 40* *heading amended by R&O.19/2015*
[156] *Article 40(1)* *substituted by L.26/2007, amended by R&O.19/2015, L.10/2016*
[157] *Article 40(2)* *amended by R&O.19/2015, L.10/2016*
[158] *Article 40(3)* *amended by R&O.19/2015*
[159] *Article 40(4)* *substituted by R&O.19/2015*
[160] *Article 41(3)* *amended by R&O.19/2015*
[161] *Article 42* *substituted by R&O.19/2015*
[162] *Article 44(4)* *amended by R&O.19/2015*
[163] *Article 45(1)* *amended by R&O.19/2015, L.10/2016*
[164] *Article 45(2)* *amended by R&O.19/2015, L.10/2016*
[165] *Article 45(3)* *amended by R&O.19/2015*
[166] *Article 45(4)* *substituted by R&O.19/2015*
[167] *Article 45(5)* *substituted by R&O.19/2015*
[168] *Article 45(9)* *amended by R&O.19/2015*
[169] *Article 45(12)* *substituted by R&O.19/2015*
[170] *Article 46(1)* *amended by L.18/2005*
[171] *Article 47(1)* *substituted by R&O.19/2015*
[172] *Article 47(2)* *amended by R&O.19/2015*
[173] *Article 47(3)* *amended by R&O.19/2015*
[174] *Article 47(5)* *substituted by R&O.19/2015*
[175] *Article 47(6)* *substituted by R&O.19/2015*
[176] *Article 48(1)* *substituted by R&O.19/2015*
[177] *Article 48(1A)* *inserted by R&O.19/2015*
[178] *Article 48(2)* *substituted by R&O.19/2015*
[179] *Article 50* *amended by R&O.19/2015*
[180] *Article 51* *heading amended by R&O.19/2015*
[181] *Article 51(1)* *amended by R&O.19/2015*
[182] *Article 51(2)* *amended by R&O.19/2015, L.10/2016*
[183] *Article 51(3)* *amended by R&O.19/2015*
[184] *Article 51(4)* *amended by R&O.19/2015*
[185] *Article 51(5)* *deleted by R&O.19/2015*
[186] *Article 51(6)* *deleted by R&O.19/2015*
[187] *Article 51(7)* *deleted by R&O.19/2015*
[188] *Article 52* *substituted by R&O.19/2015*
[189] *Article 53* *substituted by R&O.19/2015*
[190] *Article 53(1)* *amended by L.31/2022*
[191] *Article 54(1)* *amended by L.31/2022*
[192] *Article 54(2)* *amended by L.18/2005, R&O.19/2015*
[193] *Article 54(5)* *amended by R&O.19/2015*

[194] *Article 54(6)* *amended by R&O.19/2015, L.31/2022*
[195] *Article 54(7)* *amended by R&O.19/2015*
[196] *Article 55(1)* *substituted by L.10/2016*
[197] *Article 55(2)* *amended by L.31/2022*
[198] *Article 55(3)* *amended by R&O.19/2015*
[199] *Article 55(4)* *amended by L.18/2005, L.31/2022*
[200] *Article 55(5)* *amended by R&O.19/2015*
[201] *Article 55(6)* *amended by R&O.19/2015, L.31/2022*
[202] *Article 55(7)* *amended by R&O.19/2015*
[203] *Article 55(10)* *amended by L.1/2016*
[204] *Article 55A* *inserted by L.31/2022*
[205] *Chapter 1A* *inserted by L.31/2022*
[206] *Article 56A* *inserted by L.31/2022*
[207] *Article 57* *amended by R&O.19/2015, L.10/2016, L.31/2022*
[208] *Article 58(1)* *amended by R&O.19/2015*
[209] *Article 58(2)* *substituted by R&O.19/2015*
[210] *Article 58(4)* *amended by R&O.19/2015*
[211] *Article 58(5)* *deleted by R&O.19/2015*
[212] *Article 58(6)* *deleted by R&O.19/2015*
[213] *Article 58(7)* *deleted by R&O.19/2015*
[214] *Article 59* *substituted by R&O.19/2015*
[215] *Article 60* *substituted by R&O.19/2015*
[216] *Article 61(1)* *amended by L.18/2005, R&O.19/2015*
[217] *Article 61(3)* *amended by R&O.19/2015*
[218] *Article 61(4)* *amended by R&O.19/2015*
[219] *Article 62* *heading substituted by R&O.19/2015*
[220] *Article 62(1)* *amended by R&O.19/2015*
[221] *Article 62(2)* *amended by R&O.19/2015*
[222] *Article 62(3)* *added by R&O.19/2015*
[223] *Article 66* *heading amended by R&O.19/2015*
[224] *Article 66(1)* *amended by R&O.19/2015*
[225] *Article 66(2)* *amended by R&O.19/2015*
[226] *Article 66(4)* *amended by R&O.19/2015*
[227] *Article 68* *substituted by R&O.19/2015*
[228] *Article 70(1)* *amended by L.18/2005*
[229] *Article 72* *amended by R&O.19/2015*
[230] *Article 76(2)* *amended by R&O.19/2015, L.31/2022*
[231] *Article 78(1)* *editorial change, "advisement" deleted, "advertisement" inserted instead*
[232] *Article 78(2)* *amended by R&O.19/2015*
[233] *Article 81(2)* *amended by R&O.19/2015, L.31/2022*
[234] *Article 82(2)* *amended by R&O.19/2015*
[235] *Article 83(1)* *amended by R&O.19/2015*
[236] *Article 84* *heading amended by R&O.19/2015*
[237] *Article 84(1)* *amended by R&O.19/2015*
[238] *Article 85* *heading amended by R&O.19/2015*
[239] *Article 85(1)* *amended by R&O.19/2015*
[240] *Article 86* *heading amended by R&O.19/2015*
[241] *Article 86(1)* *amended by R&O.19/2015*
[242] *Article 87* *heading amended by R&O.19/2015*
[243] *Article 87(1)* *amended by R&O.19/2015*
[244] *Article 88* *heading amended by R&O.19/2015*

[245] *Article 88(1)* *amended by R&O.19/2015*
[246] *Article 89* *heading amended by R&O.19/2015*
[247] *Article 89(1)* *amended by R&O.19/2015*
[248] *Article 90* *heading amended by R&O.19/2015*
[249] *Article 90(1)* *amended by R&O.19/2015*
[250] *Article 90(2)* *amended by R&O.19/2015*
[251] *Article 92* *substituted by R&O.19/2015*
[252] *Article 95* *amended by R&O.19/2015*
[253] *Article 98* *amended by L.31/2022*
[254] *Article 99* *heading amended by R&O.19/2015*
[255] *Article 99(A1)* *inserted by L.31/2022*
[256] *Article 99(A2)* *inserted by L.31/2022*
[257] *Article 99(A3)* *inserted by L.31/2022*
[258] *Article 99(1)* *amended by R&O.19/2015, L.31/2022*
[259] *Article 99(2)* *substituted by R&O.19/2015, amended by L.31/2022*
[260] *Article 100* *heading amended by R&O.19/2015*
[261] *Article 101(1)* *amended by R&O.19/2015*
[262] *Article 101(2)* *amended by R&O.19/2015*
[263] *Article 101(3)* *amended by R&O.19/2015*
[264] *Part 7* *chapter headings deleted by L.34/2014*
[265] *Article 106* *substituted by L.34/2014*
[266] *Article 106(4)* *amended by L.10/2016*
[267] *Article 107* *substituted by L.34/2014*
[268] *Article 107(1)* *amended by L.31/2022*
[269] *Article 108* *substituted by L.34/2014*
[270] *Article 108(2)* *amended by R&O.19/2015, L.31/2022*
[271] *Article 108(3)* *amended by L.31/2022*
[272] *Article 108(4)* *amended by L.31/2022*
[273] *Article 109* *substituted by L.34/2014*
[274] *Article 110* *substituted by L.34/2014*
[275] *Article 111* *substituted by L.34/2014*
[276] *Article 112* *substituted by L.34/2014*
[277] *Article 112(5)* *inserted by L.31/2022*
[278] *Article 112(6)* *inserted by L.31/2022*
[279] *Article 112(7)* *inserted by L.31/2022*
[280] *Article 112(8)* *inserted by L.31/2022*
[281] *Article 112(9)* *inserted by L.31/2022*
[282] *Article 113* *substituted by L.34/2014*
[283] *Article 113(1)* *amended by L.31/2022*
[284] *Article 113(2)* *amended by L.31/2022*
[285] *Article 114* *substituted by L.34/2014 Article 9 of L.34/2014 makes the following transitional and saving provision –*
Where at the date of commencement of this Law [10 March 2015] an appeal under Chapter 2 of Part 7 of the principal Law [as it was in force before that date] has been made to, but not yet heard by, the Royal Court, that appeal shall proceed to final determination by the Royal Court as though that Chapter were still in force and unamended by this Law.
[286] *Article 114(2)* *substituted by L.31/2022*
[287] *Article 114(8)* *inserted by L.31/2022*
[288] *Article 115* *substituted by L.34/2014*
[289] *Article 116* *substituted by L.34/2014*

[290] *Article 116(5)*	*substituted by R&O.19/2015*
[291] *Article 116(5A)*	*inserted by R&O.19/2015*
[292]*Article 116(5B)*	*inserted by R&O.19/2015*
[293] *Article 116(6)*	*substituted by R&O.19/2015*
[294] *Article 116(8)*	*inserted by L.31/2022*
[295]*Article 117*	*substituted by L.34/2014*
[296]*Article 118*	*deleted by L.34/2014*
[297] *Article 121(3)*	*amended by R&O.19/2015*
[298] *Article 121(4)*	*amended by R&O.19/2015*
[299] *Article 122(5)*	*amended by L.1/2016*
[300] *Article 124(2)*	*deleted by L.8/2021*
[301] *Article 125*	*revised on 11 January 2024 by Law Revision Board item 2023/1*
[302] *Schedule*	*amended by L.31/2022*