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**Ordinance Concerning the Common Areas of Le Valle
(25 June 1932)**

At the request of the Committee of the Common Areas of Le Valle, presenting the opinions of the Residents of Le Clos du Valle, formally observed at a meeting of the said Residents on 3 March 1931, that the Ordinances currently in force regarding the Common Areas of Le Valle no longer meet the needs of the present time and that it would be in the general interest to subject the Municipalities, as a place of public leisure and as a place where communal activities are carried on, the Court, having heard the Conclusions of the King's Officers, has ordered and orders:

Definitions

1. Within this Ordinance:

(1) "Council" indicates the Council convened in accordance with this Ordinance.

(2) "Resident" indicates any person who, having resided in Le Clos du Valle for a total of not less than three quarters of a period of twelve calendar months, has since resided in the Clos without his or her absences exceeding a quarter of any period of twelve months.

Council of the Common Areas of Le Valle

2. (1) The control and surveillance of the Common Areas of Le Valle are confided in a Council, which shall be termed the Council of the Common Areas of Le Valle and shall be composed of five councillors, each of whom are residents of Le Clos du Valle and two of whom shall be douzeniers of the Parish.

(2) All councillors shall be elected by the residents at a meeting of the residents duly convened by the Council. Councillors shall have a five-year mandate and shall always be re-eligible. The Council shall elect its President, Vice-President, Treasurer and Secretary. Provided that the current members of the Supervisory Committee of the Common Areas, constituted in accordance with the Ordinance relating to the Common Areas of Le Valle and dated 4 October 1875, form the Council constituted in accordance with this Ordinance and remain in charge until the end of

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their respective management terms, as such terms were regulated by the said Ordinance dated 4 October 1875. Provided also that any Douzenier Councillor ceases to be a Douzenier, he shall cease to be a Councillor.

(3) In the meetings of the Council, three Councillors shall form a quorum. Any person presiding over a meeting shall vote only in the event of a tied vote from the other Councillors, in which case he shall have the casting vote.

(4) In the event of a Councillor's place becoming vacant through his death or resignation or otherwise prior to expiry of his management mandate, the Council shall appoint a Resident to replace him until the expiry of the management term of the Councillor thus replaced. Any Councillor who without good reason is absent from three consecutive meetings of the Council shall be deemed to have resigned his duties.

Meetings of Residents

3. (1) Meetings of Residents shall be convened and presided over by the President, or in his absence by the Vice-President, of the Council, and in the absence of both President and Vice-President, by the most senior in terms of duties of the Councillors present. Any person presiding over a meeting shall vote only if a tied vote is formally observed, in which case he shall have a casting vote only.

Any proposal duly made and seconded shall be put to the vote, and the decisions of the meeting shall be adopted with absolute plurality of votes given.

The opinion of the meeting shall be observed by the raising of hands. Nevertheless, if after a proposal has been put to the vote, a number of residents present and representing not less than one tenth of the residents present request secret scrutiny, the President of the meeting shall be obliged to comply with this request. In this case, the scrutiny shall be held either in the current session or at a later date, as decided upon by the meeting, which, as necessary, shall fix the date to which the meeting shall be adjourned.

The declaration of the President concerning the votes cast, whether a proposal is adopted or rejected, shall be final.

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(2) Any meeting of the residents other than an adjourned meeting shall be convened through an announcement published in the Official Gazette of this Island and displayed in the porch of the Parish Church on the Sunday following, which shall be the Sunday prior to the day of the meeting. The announcement shall also be published at least once in each of the daily papers of this Island, at least two days before the date of the meeting.

Functions of the Council

4. In general, the functions of the Council shall be to regulate and oversee the use of the Common Areas both as a location in which communal grazing rights are exercised and as a public area for leisure, recreation and entertainment, in order to provide each and every person as far as possible with the option of enjoying the benefits and amenities of the place for the ends stated above and in order to prevent any use that would be harmful to the general interest. The Council shall also have the functions and powers attributed to it below for these ends. The Council may also issue from time to time general or special regulations concerning the said use of the Common Areas. All regulations thus passed shall be submitted to the Royal Court for endorsement after having been published in the official section of the Official Gazette of this Island, stating the day and time fixed for such submission, the whole within a delivery of the said Gazette issued before the said day. When given the endorsement of the Royal Court with any amendments that the Court may make thereto, they shall have the force of a Royal Court Order and shall be deemed supplemental to the provisions of this Ordinance, but shall be subject to recall by the Court as necessary. Regulations not endorsed by the Royal Court shall be of no effect.

THE GRAZING OF ANIMALS

Right to graze animals

5. The right to graze animals on the Communal Areas is restricted to the residents, who may only graze there animals belonging to them.

Payment

6. (1) The following shall be paid to the Council:

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Two shillings per semester in advance for each large animal, and nine pence per semester in advance for each woollen animal or female deer put to pasture in the Common Areas, the said semesters commencing on the twenty-fifth day of March and the twenty-ninth day of September in each year. In this article, the term "large animal" refers to any beast of a bovine or caprine species, mule or donkey of any age.

(2) Any owner of beasts shall be required to submit to the Council, eight days before the commencement of a semester, a list specifying the number of large animals, folds and deer that he proposes keeping in the Common Areas for the next semester.

(3) Any owner of beasts who fails to submit the list specified in the preceding paragraph, or who owns a greater number of beasts than that specified in the given list, may put them to pasture during a semester after having made the payments required by paragraph (1) of this Article for such semester.

(4) All owners of beasts shall be liable for a fine not exceeding one pound sterling for each beast put to pasture over and above the number paid for.

Surveillance of beasts

7. (New sentence substituted by Supplementary Ordinance of 31 January 1942)

All owners of beasts put to pasture or found on the Common Areas shall be required to keep them or have them kept continually under surveillance, day and night, all subject to a fine for each contravention, imposed at the discretion of the Court and not exceeding two pounds sterling.

Billy goats, ewes, female deer

8. It is forbidden to put billy goats to pasture on the Common Areas. It is also forbidden to put ewes to pasture on the Common Areas, unless they are marked in such a manner as allows them to be identified. It is also forbidden to put female deer to pasture on the Common Areas unless they are enclosed both day and night and kept under surveillance from sunset to sunrise and bear a numbered disc. Any contravention of this article shall

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be punishable by a fine not exceeding one pound sterling for each beast out to pasture in contravention of the above.

Land bordering the Common Areas

9. Owners of land bordering the Common Areas are required to keep the said land suitably protected in order to prevent beasts from escaping from the Common Areas, under penalty of losing their right to claim for all damages caused by beasts put to pasture on the Common Areas and being subjected to a fine imposed at the discretion of the Court but not exceeding two pounds sterling.

Poultry

10. It is forbidden to keep poultry on the Common Areas during the months of June, July, August and September, subject under penalty to the owner of a fine not exceeding five shillings for each head of poultry found there in any of the said months.

Beasts found outside the Common Areas

11. The owner of any large animal, goat, sheep or deer found outside the Common Areas after straying therefrom shall be subject to a fine not exceeding five shillings per large animal, goat, sheep or deer thus found.

GAMES AND ENTERTAINMENT

Powers of the Council

12. The Council is authorised to allow all games and forms of entertainment on the Common Areas, under such conditions that it deems appropriate. It may request payment from all persons participating in the said games or entertainment. It may also prohibit any game or entertainment. In the exercise of its duties, the Council may also:

(a) Hold discussions with the owners or clubs and associations acting for and on behalf of the permanent and temporary members of those formed for the advancement and organisation of games and entertainment, as well as with individuals, with the aim of facilitating the holding of such games and entertainment, by assigning them temporarily or for a fixed term to

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sites or areas to be used for holding games and entertainment, and for the erection of tents, platforms, stages and booths, and for the placing of any gaming device.

(b) Allow (subject to such conditions as the Council may impose) the mowing of grass, the establishment of "green areas", the working and deposition of manure and other material required for its maintenance, the sinking of holes, the removal of turf, levelling, drainage and irrigation works, the construction of bunkers and other works incidental to the game of golf and other games and forms of entertainment, and the use of vehicles necessary for such works.

(c) Enclose or allow the enclosure, from time to time and temporarily, of spaces for special occasions or items.

(d) Erect or allow the erection of one or more shelters.

(e) Erect signs on the said Common Areas with the aim of preventing breaches of this Ordinance or of Council Regulations.

Tents or booths

13. (1) For each tent or booth erected on the Common Areas with the permission of the Council, the Council shall be paid five shillings per day, except in the case of tents or booths occupied for the sale of alcoholic drinks in favour of the occupant, for which one pound sterling per day shall be paid.

(2) In other cases of permits or assignments granted by the Council for the purposes of Article 12 of this Ordinance, the Council shall be paid such sums, either on one occasion or periodically, as determined by the Council according to case.

Obligations

14. All permits and assignments granted by the Council shall carry obligations on the part of those to whom they are granted in order to restore, as the Council shall deem appropriate and without delay, on the expiry of such permits or assignments, all lawn sections of the Common Areas that may be damaged following the games or entertainment held

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thereon. If any person required to carry out such restoration refuses or fails to carry them out, the Council may carry out the works at the expense of the defaulting party and pursue them through the Courts as for recovery of debt for payment of the costs thus incurred. All proceedings instituted by the Council for these ends shall be judged summarily and without appeal.

Penalties

15. Persons holding games or entertainment on the Common Areas without the permission of the Council and without paying the Council its fixed price* shall be guilty of an offence and be liable on conviction to a fine levied on each offender at the discretion of the Court but not exceeding one pound sterling for the first offence and not exceeding five pounds sterling for each subsequent offence. The following shall however be exempt from this Article*

(*: Addition made by Ordinance of 28 August, 1948).

(a) Any person who, being a member of a club or association, plays games or entertainment for which Council permission has been obtained and payment made in the name of the said Club or Association.

(b) Picnicking parties, provided their gatherings are held in locations approved by the Council in order to avoid obstruction of other persons. Exemption under this Article shall also apply to payment only.

(c) Any resident, provided the exemption does not have the effect of conferring right of entry to another enclosed or secluded area occupied during games or entertainment.*

(*: Addition made by Ordinance of 28 August, 1948).

GENERAL ARTICLES

Sums received by the Council

16. The sums received by the Council in accordance with this Ordinance shall be applied:

(1) To payments of tax charges to which the Common Areas may be subject.

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(2) To the maintenance and improvement of the Common Areas and the roads crossing them.

(3) To the cost of announcements, rents and salaries and the cost of administering and maintaining the Common Areas, and all other expenses incurred by the Council in the exercise of its duties.

Council Accounts

17. The accounts of the Council shall be brought before a meeting of residents on an annual basis, having first been submitted for inspection by one or more auditors appointed by the residents at a prior meeting.

The current accounts of the Management Committee shall, on conclusion of this Ordinance, be continued by the Council and be deemed to form part of the accounts of the Council as subjected to audit in accordance with this article.

The Council shall assume the assets, liabilities and rights of action of the said Committee.

Penalties

18. The following shall be deemed guilty of an offence and liable on conviction to a fine not exceeding one pound sterling for the first offence and not exceeding ten pounds sterling for a subsequent offence:

(a) Any person acting in contravention of any general or special regulation passed by the Council and endorsed by the Royal Court.

(b) Any person intentionally harming an animal put to pasture on the Common Areas.

(c) Any person who, without the permission of the Council:

(1) Circulates carts or other vehicles on the Common Areas other than on the roadway, or parks carts or other vehicles on the Common Areas in such a way as to inconvenience other persons or cause an obstruction.

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(2) Behaves in a way that as a result of his actions or refusal to act as requested poses an obstacle or a hindrance to any game or entertainment in progress.

(3) Cuts or otherwise damages the lawn or any other thing growing in the Common Areas.

(4) Removes lawn or sand from the Common Areas.

(5) Disposes of or discards on the Common Areas any manure, stones, refuse or other form of clutter, or erects or positions thereon any gaming device or other item of any kind. The Court may further order that all removal, cleaning or restoration costs incurred by the Council in consequence of any breach of this article shall be paid by the offender in addition to any fine imposed.

Provider that nothing on this article has the effect of impinging on any rights of ancient monuments and the right to remove and dry seaweed in the accustomed locations and other common areas.

Appeals

19. Any person considering themselves wronged by any discretionary decision of the Council may appeal against it to the Royal Court in an ordinary session, the Court's decision being final.

Naval, Military and Other Forces

20. The Council shall allow the use of the Common Areas by His Majesty's Military, Naval and Air Forces, by the Royal Police Force of this Island, and by the Officers' Training Corps of the Elizabeth College of this Island, following any requisition to that effect by the Office Commander-in-Chief of this Island.

Ordinances repealed

21. The following Ordinances are and shall be repealed:

(1) Ordinance concerning the Common Areas of Le Valle, concluded on 4 October 1875.

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(2) Provisional Ordinance Supplementary to the Ordinance concerning the Common Areas of Le Valle, concluded on 21 January 1918.

(3) Provisional Ordinance concerning the Common Areas of Le Valle, concluded on 4 September 1920.

Subject to any breach of these ordinances committed prior to this repeal being pursued and punished with the penalties prescribed therein, and to the fulfilment of any obligation and undertaking made in relation to the said Ordinances being pursued through any channel of law, the whole being as though the said Ordinances had never been repealed.