



The Access to Neighbouring Land (Guernsey) Law, 2016

March 2017

Finally, we now know the date that The Access to Neighbouring Land (Guernsey) Law, 2016 is due to commence.

Under the existing laws of Guernsey (with very limited exceptions) you cannot acquire a right over land. Therefore if you need to access a neighbouring property in order to maintain, repair, paint or even inspect part of your property, without a legal right the neighbour is free to say no.

This was first identified by the Bar Council in the 1990s but for many years a practical approach was taken by lawyers, lenders and clients alike. However, as times changed and society became more litigious and wary, purchasers of properties, and indeed lenders, increasingly decided not to proceed without full legal access rights first being obtained. This was the cause of much delay, stress, cost and even rendered some properties effectively unsaleable.

The law will enable individuals to apply to the Court for an access order in circumstances where they require entry upon adjoining land to carry out work to their property but do not have the consent of the other party. The Court must be satisfied that the work is reasonably necessary and that it cannot reasonably be carried out without such entry. It will apply to both buildings/structures but also, importantly, services which run through neighbouring land.

The Law was given Royal Assent and, now that a commencement Ordinance has been prepared, is due to come into force on **1 May 2017**.

This is very welcome news indeed.

If anyone has any questions, please get in touch.

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