

# STATES OF JERSEY



## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 202- (P.40/2023): ELEVENTH AMENDMENT (P.40/2023 AMD.(11)) – AMENDMENT (P.40/2023 AMD.(11).AMD) – COMMENTS**

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**Presented to the States on 27th November 2023  
by the Minister for the Environment**

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**STATES GREFFE**

## COMMENTS

### **Amendment to Amendment 11**

The first Amendment to Amendment 11 to P.40/23 lodged by the Environment, Housing & Infrastructure Scrutiny Panel would seek to bring registered lodging houses within scope of the licensing scheme. Lodging Houses are already in scope and inspected under the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#), therefore the standards that apply to lodging house accommodation are already aligned.

However, the Lodging Houses (Jersey) Law already requires lodging houses to register, and therefore requiring them to have a licence under the regulations would require them also to hold a licence. This is an unnecessary duplication.

As such, the regulations have been written so any Lodging House that fails to register, is refused or the legislation is repealed, will automatically fall under this licensing scheme.

On the face of it, a repeal of the Lodging Houses Law, so that they are treated the same way as any other property is sensible. However, a proper review of the Lodging Houses (Registration) Law 1962 would be required before any decision to repeal, to avoid unintended consequences. The current Lodging Houses legislation includes other provisions that do not directly relate to the health and safety of occupants in rented dwellings and repealing it would mean losing these additional provisions

Therefore the Ministers urges members to reject this amendment because it will duplicate application processes and fees in an entirely unnecessary way.

### **Second Amendment to Amendment 11**

The second Amendment to Amendment 11 to P.40/23 would seek to exclude a schedule of Social Housing Providers from paying a licence fee. This would mean treating Social Housing Providers differently to private landlords and differently to a number of other categories of housing providers.

For example, it does not recognise rented dwellings run by charities, the Parishes and workers accommodation .

The Housing and Nuisance team receive complaints and enquiries regarding Social Housing rented dwellings and carry out inspections, where hazards are identified and remedied in collaboration with providers. Therefore, resources are directed to this sector, and they should be within scope of the licence fee. That creates a level playing field across the whole sector.

### **Conclusions**

While I do not support the Amendments to Amendment 11 for the reasons explained, and would ask Members to agree, I wish to thank the Panel for their constructive engagement on these issues, especially in working with me in reducing the number of Amendments, supporting a focused debate.

**Statement under Standing Order 37A [Presentation of comment relating to a proposition]**

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These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A due to the need to conclude internal review procedures and the volume of business at the sitting that falls under the responsibility of the Minister for the Environment and the team of officials supporting the work. The Comment was submitted at 15.30.