

**DRAFT HOUSING (AMENDMENT No. 10) (JERSEY) LAW 200**

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**Lodged au Greffe on 23rd April 2002  
by the Housing Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **European Convention on Human Rights**

The President of the Housing Committee has made the following statement -

In the view of the Housing Committee the provisions of the Draft Housing (Amendment No. 10) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Deputy T.J. Le Main of St. Helier**

## **REPORT**

On 17th November 1998 the States approved P.171/98, as amended, approving in principle the proposals for further amendments to the Housing (Jersey) Law 1949, as amended. This approval was made in order to close a “loop-hole” which allowed company-owned land which had not been subject to a transaction under the Law since before its promulgation on 4th April 1949 to be developed with residential units which could be owned and occupied by persons without residential qualifications who purchased shares in that company.

The Projet was brought at that time as a result of a particular development on the former Aberfeldy Hotel site, and included a proviso to ensure that the application of the control of occupation would not retrospectively affect that development, any other development that had already obtained Planning permission at that time, or any unit of accommodation on pre-1949 company-owned land that was already in existence.

This current amendment to the Law brings such land under the same form of control as was brought about by a similar amendment approved by the States in June 1993, which brought under occupation control land acquired by way of dégrèvement, or by way of inheritance by a company which up to that time could also be occupied and or acquired by persons without residential qualifications.

There are no additional financial or manpower implications for the States as a consequence of this amendment to the Law.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 27th February 2002 the Housing Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Housing Committee the provisions of the Draft Housing (Amendment No. 10) (Jersey) Law 2000 are compatible with the Convention Rights.

### **Explanatory Note**

This draft Law would amend the Housing (Jersey) Law 1949 by providing that units of dwelling accommodation built on land which was owned by a company before the commencement of the 1949 Law shall only be occupied by persons who fall within classes specified in Regulations. The amendment would not, however, apply to units that -

- (i) were built before 28th July 1998;
- (ii) were being lawfully built on 28th July 1998; or
- (iii) have been, or are being, lawfully built in accordance with planning permission granted before 28th July 1998.

**HOUSING (AMENDMENT No. 10) (JERSEY) LAW 200**

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**A LAW** to amend the Housing (Jersey) Law 1949, to make provision for the occupation of land held prior to the commencement of the Housing (Jersey) Law 1949 by a body corporate, and for incidental and connected purposes; sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)

**STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In Part IIA of the Housing (Jersey) Law 1949, as amended<sup>[1]</sup> (hereinafter referred to as “the principal Law”), in the heading to the Part, after the word “LAND” there shall be inserted the words “HELD BEFORE COMMENCEMENT OR”.

ARTICLE 2

After Article 4AA of the principal Law<sup>[2]</sup> there shall be inserted the following Article -

“ARTICLE 4AB.

CORPORATE LAND HELD PRIOR TO COMMENCEMENT.

(1) Subject to paragraph (2) of this Article, a unit of dwelling accommodation on, or constructed on, land which was acquired by a body corporate before the commencement of this Law shall not, without the consent of the Committee, be occupied other than by a person who falls within a class specified in Regulations made under Articles 10 and 15 of this Law, being a class to which the restriction imposed by this Article is specifically stated to refer by those Regulations.

(2) Paragraph (1) of this Article shall not apply to a unit of dwelling accommodation which -

(a) was in existence on 28th July 1998;

(b) was lawfully being constructed on 28th July 1998; or

(c) has been, or shall be, lawfully constructed after 28th July 1998 in accordance in every respect with permission granted before 28th July 1998 by the Planning and Environment Committee.”.

ARTICLE 3

This Law may be cited as the Housing (Amendment No. 10) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

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<sup>[1]</sup> Tome VII, page 537, Volume 1992-1993, page 116 and Volume 1996-1997, page 338.

<sup>[2]</sup> Tome VII, page 537 and Volume 1992-1993, page 116.