

STATES OF JERSEY

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DRAFT PLANNING AND BUILDING (JERSEY) LAW 2002 (APPOINTED DAY) ACT 200

**Lodged au Greffe on 13th April 2006
by the Minister for Planning and Environment**

STATES GREFFE



Jersey

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REPORT

The Planning and Building (Jersey) Law 2002 was registered in the Royal Court in November 2003. It repeals the Island Planning (Jersey) Law 1964, as amended, and the Public Health (Control of Buildings) (Jersey) Law 1956, as amended.

Implementation of the new Law was delayed while the Appeals provisions were reviewed and amended, predominantly because of the potential costs of the original appeals provisions, which set up a Planning and Building Appeals Commission, but also over concerns about the proliferation of tribunals in this small jurisdiction. The Law has been amended to restore the Royal Court as the appellate body, and understood that the Royal Court will introduce new Rules this summer which will facilitate access for a greater number of appellants, by allowing appeals to be heard in writing and by less formal hearings at which representatives of the appellant and the Minister need not be advocates.

It is not intended to introduce two new provisions at this juncture because there are insufficient resources available to the Minister and, in the first case, the Royal Court, to support them. These are the provisions relating to third party appeals, that is, by persons other than the applicant, and the powers to remedy dangerous structures. It is intended that these provisions will be introduced as resources permit, but this is unlikely to be in the foreseeable future.

Introduction of the Law without these provisions will have modest additional costs, but these will be absorbed in the Department's budget.

Explanatory Note

This Act will bring the majority of the Planning and Building (Jersey) Law 2002 into force on 1st July 2006.

The 2 areas that are not being brought into force are those covered by the provisions mentioned in Article 2(a) of the Act, which relate to appeals against the grant of planning permission, and those mentioned in Article 2(b) of the Act, which relate to dangerous buildings.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 131(2) of the Planning and Building (Jersey) Law 2002^[1], have made the following Act –

1 Commencement of the Planning and Building (Jersey) Law 2002

- (1) Except as provided by paragraph (2), the Planning and Building (Jersey) Law 2002 shall come into force on 1st July 2006.
- (2) Paragraph (1) does not apply to–
 - (a) Articles 22(1)(b), 109(2)(b) and 114; and
 - (b) Chapter 3 of Part 6, Articles 109(2)(g) and (h), and 117(1)(h), (2), (3)(b) and (7), of the Planning and Building (Jersey) Law 2002.

2 Citation

This Act may be cited as the Planning and Building (Jersey) Law 2002 (Appointed Day) Act 200-.

[1]

L.36/2002