

STATES OF JERSEY



DRAFT AMENDMENT (No. 20) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 15th February 2013
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 20) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

The Privileges and Procedures Committee is currently considering a number of amendments to Standing Orders following the work of a Sub-Committee established to review the current Standing Orders. The Committee intends to bring forward a comprehensive report and certain suggested amendments in due course.

As part of the review, PPC has been considering the current provisions of Standing Order 168 which relates to the manner in which property transactions can be approved and reported to the States. The Committee intends to hold discussions with Property Holdings before bringing forward proposals for reform.

Although the Committee would normally have preferred to bring forward a comprehensive package of amendments, there is one urgent change needed as a result of the decision of the Minister for Housing to lodge for debate the Draft Appointed Day Act for the Residential Tenancy (Jersey) Law 2011. If the Appointed Day Act is adopted by the States, the new Law will come into force on 1st May 2013.

When the current Standing Order 168 was drafted, it contained a provision in paragraph 4 that there is no requirement for the normal 15 day notification to the States in the case of the grant, renewal, extension or variation of a tenancy that is terminable on one month's notice or less. This provision was inserted specifically to cover the tenancies granted by the Housing Department to its tenants which are currently terminable on one month's notice.

Once the Residential Tenancy (Jersey) Law 2011 comes into force, the Housing Department will grant tenancies with a 3 month notice period to comply with the provisions of the new Law. It would clearly be totally inappropriate and unnecessary for every single Housing tenancy to be reported to the States for the required 15 day period under Standing Order 168, and it is for this reason that this minor amendment to Standing Order 168 is being brought forward. The amendment will simply extend the one month notice period currently in Standing Order 168(4) to a period of 3 months to ensure that the Housing Department tenancies are not caught by the 15 day notification period.

Financial and manpower implications

There are no financial or manpower implications arising from this amendment, but any failure to approve the change would clearly lead to a significant resource implication for both the Housing Department and the Property Holdings Department to report every single Housing tenancy to the States for a 15 day period. PPC therefore urges members most strongly to support the amendment.

Explanatory Note

This amendment is to standing order 168, which applies to certain land transactions.

Paragraph (2) of standing order 168 provides that certain land transactions do not require the agreement of the States and, instead, may be approved by the Minister for Treasury and Resources.

Paragraph (3) of standing order 168 sets out a procedure for the Minister for Treasury and Resources to report to the States any land transactions that the Minister has approved.

Paragraph (4) of standing order 168 provides that neither the States' agreement nor the Minister for Treasury's approval and report to the States is required for a land transaction that is the grant, renewal, extension or variation of a tenancy that is terminable upon giving one month's notice or less.

This amendment of paragraph (4) of standing order 168 has the effect that paragraph (4) shall apply to tenancies that are terminable upon giving 3 months' notice or less.

If adopted, this amendment would come into force on the same day as the Residential Tenancy (Jersey) Law 2011.



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Arrangement

Regulation

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following amendment to the Standing Orders of the States of Jersey –

1 Standing order 168 amended

In standing order 168(4) of the Standing Orders of the States of Jersey² for the words “one month’s” there shall be substituted the words “3 months’ ”.

2 Citation and commencement

This amendment may be cited as Amendment (No. 20) of the Standing Orders of the States of Jersey and shall come into force on the same day as the Residential Tenancy (Jersey) Law 2011.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*