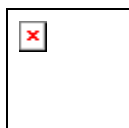


DRAFT HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 15) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 27th February 2001
by the Housing Committee**



STATES OF JERSEY

STATES GREFFE

180

2001

P.30

Price code: B

Report

In 1995 the Housing (General Provisions) (Jersey) Regulations 1970 were amended so as to allow persons leaving the Island to retain their qualifications, provided that they returned to Jersey within three years. This amendment to the Regulations was introduced to counter the fact that people often decided not to leave the Island when opportunities arose to settle elsewhere, simply because they feared losing their residential qualifications and never being able to return.

The Strategic Policy and Action Plan approved by the States in 1996 agreed that this issue should be further investigated in the light of a recommendation by the 1996 Working Party on Population Policy -

“That all provisions in the Housing Regulations by which people lose residential qualifications or the building up of residential qualifications by leaving the Island should be abolished”.

The Housing Committee does not agree with the Working Party on this matter for the following reasons -

1. Many people have spent periods of time in Jersey, ranging from a few months to many years, and these currently have no expectation of being granted qualifications. If broken residence was to be disregarded, some of these people would be very tempted to settle in Jersey, and it would be particularly attractive for those with considerable cumulative residence who were nearing retirement.
2. The 1996 Census figures indicated that, excluding minors, well over 10,000 persons without residential qualifications were living in the Island in March 1996. The vast majority of these were short-term residents, which highlighted that the numbers qualifying through permanent residence after 19 years was a relatively small proportion of the total.
3. Currently, persons with residential qualifications are permitted to leave the Island for up to three years without losing their qualifications. If the restriction on time is lifted altogether, it is likely that, given the large number of people who have spent qualifying periods of residence in the Island, the incoming flow of people would exceed the outflow.

Nevertheless, the Committee believes that there are many residents with housing qualifications who may wish to leave the Island on a trial basis. The Committee feels that those who leave after qualifying should be given a longer period than the current three years to consider their decision. A five-year period would seem more appropriate and requires a very simple amendment of the Housing Regulations.

Explanatory Note

Regulation 1(2A) of the Housing (General Provisions) (Jersey) Regulations 1970 provides that, for the purpose of certain qualifications, a single period of residence outside the Island does not affect a person's eligibility for consent under Article 10 of the Housing (Jersey) Law 1949.

These Regulations would increase the maximum such period from three to five years.

These Regulations, once made, will come into force a week after they are promulgated, but they will apply to any absence that has occurred after 1st February 1993.

Housing (Jersey) Law 1949

HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 15) (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, as amended,^[1] have made the following Regulations -

1. In Regulation 1(2A) of the Housing (General Provisions) (Jersey) Regulations 1970,^[2] as amended,^[3] for the word “three” there shall be substituted the word “five”.

2. The amendment made by these Regulations shall apply to any single period of ordinary residence outside the Island that has commenced after 1st February 1993.

3. These Regulations may be cited as the Housing (General Provisions) (Amendment No. 15) (Jersey) Regulations 200- and shall come into force seven days after they are promulgated.

^[1] Recueil des Lois, Tome VII, pages 539 and 543 and Volume 1992-1993, page 117.

^[2] No. 5444.

^[3] No. 8866.