

STATES OF JERSEY

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DRAFT HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 18) (JERSEY) REGULATIONS 200

Lodged au Greffe on 28th January 2003
by the Housing Committee

STATES GREFFE



Jersey

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REPORT

The purpose of these amendments to the Regulations is to put in effect the provisions of the new Article 4AB of the Housing (Jersey) Law 1949, as amended.

The effect of this amendment is to impose local occupancy conditions on any residential unit of accommodation constructed on land that had been in company ownership since before the coming into force of the 1949 Law. These provisions are tempered by the exceptions in that Law which apply to residential accommodation under construction at the time of the in-principle States debate, residential accommodation for which Planning consent had already been obtained at that time, and residential accommodation already in existence on pre-1949 company-owned land. The amended Regulation itself mirrors a similar earlier amendment contained in Regulation 2A and Regulation 2B which applies a statutory local occupancy condition on all land acquired by a company since the coming into force of the 1949 Law, enacted in 1974; and land acquired by way of dégrèvement or by way of inheritance by a company since that amendment to the Law in June 1993.

Whilst proposing this amendment relating to the new Article 4AB of the Housing Law it is proposed to make two further slight amendments to the aforementioned Regulation 2A and Regulation 2B. When the new Regulation 1 (n)(iii) was enacted in 1995, (the ability of a non-qualified spouse to qualify after ten years' continuous residence in the Island with a qualified spouse) although being included in the principal Regulations, it was inadvertently omitted from the provisions of Regulation 2A and 2B which include all categories of persons recognized as having local qualifications. These two corrections bring consistency into the Regulations.

An amendment is also made which will apply fully the provisions of the Age of Majority (Jersey) Law 1999 to the Regulations.

There are no additional financial or manpower implications for the States as a consequence of these amendments to the Regulations.

Explanatory Note

The proposed Article 4AB of the Housing (Jersey) Law 1949 would amend the Housing (Jersey) Law 1949 t 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.

These proposed Regulations list the persons who will be permitted to occupy accommodation specified by the proposed new Article. Those persons are those who would be permitted to buy, take on transfer, or lease land under Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h), or (n)(iii) of the Housing (General Provisions) (Jersey) Regulations 1970.

The proposed regulations also correct two omissions in the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1996, which should have included persons referred to in Regulation 1(1)(n)(iii) among those to whom Articles 4A and 10(2) of the Law apply. They also insert a consequential amendment that was missed when, in 1999, amendments were made as the result of the passing of the Age of Majority (Jersey) Law 1999.



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Arrangement

Regulation

- 1 Regulation 1 amended
- 2 Regulation 2A amended
- 3 Regulation 2B amended
- 4 Regulation 2C inserted
- 5 Citation and commencement



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Made

[date to be inserted]

Coming into force

[date to be inserted]

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

1 Regulation 1 amended

In Regulation 1(1A)(f) of the Housing (General Provisions) (Jersey) Regulations 1970^[2] as amended^[3] (hereinafter referred to as “the principal Regulations”) for the words “with the substitution of the word ‘sixteen’ for the word ‘twenty’ ” there shall be substituted the words “with the substitution of the words ‘16 years of age or over’ for the words ‘of full age’ ”.

2 Regulation 2A amended

In Regulation 2A of the principal Regulations for the words “(g) or (h)” there shall be substituted the words “(g), (h) or (n)(iii)”.

3 Regulation 2B amended

In Regulation 2B of the principal Regulations for the words “(g) or (h)” there shall be substituted the words “(g), (h) or (n)(iii)”.

4 Regulation 2C inserted

After Regulation 2B of the principal Regulations there shall be inserted the following Regulation –

“**2C** The restriction referred to in Article 4AB of the Law shall refer to persons who would be permitted to purchase, take on transfer, or lease on a registered contract of lease, land under sub-paragraphs (a) (b), (c), (d), (e), (f), (g), (h), or (n)(iii) of paragraph (1) of Regulation 1 of these Regulations or who would be permitted to lease, other than on a registered contract of lease, any land under those sub-paragraphs as applied by paragraph (1A) of that Regulation.”.

5 Citation and commencement

These Regulations may be cited as the Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 200 and shall come into force 7 days after they are made.

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

[2] *No. 5444.*

[3] *Nos. 5981, 8592, 8866.*