

**COTTAGE HOMES COMMITTEE: TRANSFER OF FUNCTIONS TO HOUSING COMMITTEE**

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**Lodged au Greffe on 18th June 2002  
by the Housing Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **PROPOSITION**

### **THE STATES are asked to decide whether they are of opinion -**

to refer to their Act dated 11th September 1996 in which they agreed that the functions of the Cottage Homes Committee should be transferred to the Housing Committee, and -

- (a) to approve the draft Transfer of Functions (Housing Committee) (Jersey) Act 200- attached as Appendix A and
- (b) to agree that the Victoria Cottage Homes and the King George V Cottage Homes should henceforth be administered and managed by the Housing Committee in accordance with the general principles set out in Appendix B.

### **HOUSING COMMITTEE**

- Notes:
- 1. The Cottage Homes Committee supports this proposition.
  - 2. The Finance and Economics Committee's comments are to follow.
  - 3. The Human Resources Committee's comments are to follow.

## REPORT

In 1996, as part of a reorganisation of the Committee system, the States agreed that the Cottage Homes Committee should be amalgamated with the Housing Committee. Although this appeared to be a relatively simple matter, it became clear that the Cottage Homes Committee had an unusual status and the matter was not progressed to a conclusion.

In early 2001 the Housing Committee approached the States Greffe in an attempt to reactivate this matter and bring it to a satisfactory conclusion. The Deputy Greffier of the States undertook extensive research into the matter and sought legal advice from the Law Officers' Department. This proposition reflects the result of the work undertaken and, if adopted, will finally enable the amalgamation to take place.

The Victoria Cottage Homes were originally established to commemorate the diamond jubilee of Her Majesty Queen Victoria, although His Majesty King Edward VII was on the throne by the time they were opened. On 12th February 1903 the States made an Act, the *Acte sur la Régie et l'Administration des "Victoria Cottage Homes"*, (translation attached at Appendix C) concerning the management of the Homes. The Act provided that a management Committee of 12 persons, half of whom should be members of the States, should be established to oversee the Homes.

The George V Cottage Homes were established to commemorate the reign of His Majesty King George V. On 9th July 1938 the States made an Act, the *Règlement pour l'Administration des Maisonnets Construites pour Commémorer le Règne de feu Sa Majesté le Roi George V* (translation attached at Appendix D) concerning the management of these new Cottage Homes and, once again, a mixed Committee of 12 persons was created to manage the Homes.

In the years before the German Occupation (and the suspension of the Committee system) there were two separate Committees to manage the Victoria Cottage Homes and the George V Cottage Homes respectively. In 1946, when States Committees were re-established after the Liberation, one Committee, known as the Victoria Cottage Homes and George V Cottage Homes Committee, was established to manage both sets of Homes. The Committee Minutes show that the Committee initially held separate meetings to discuss each Home although, after a number of years, the Committee appears to have considered matters relating to both Homes at the same meeting and, from 1967, only one Minute Book was kept. The Committee nevertheless continued to be a 'mixed' Committee of 6 States members and 6 non-States members in accordance with the Acts of the States of 1903 and 1938 referred to earlier.

In 1956 the Committee made revised Rules for the operation of the Homes. Although these Rules are still officially in force it is clear that they are no longer appropriate. For example, the Rules specify that a member of the Committee shall visit the Homes at least once a week, that occupants must be British subjects and that occupants shall not absent themselves from the Homes between 10 p.m. and 8 a.m. without having previously obtained permission from the Caretaker.

In 1996, when it was thought that the amalgamation of the Cottage Homes Committee with the Housing Committee was imminent, it was decided not to re-appoint any further external members and, since 1996, the Committee has operated as a Committee of 6 States members who, for convenience, have also been members of the Housing Committee. In practice the Committee is operated virtually as a sub-committee of the Housing Committee, although there is additional administrative work for budgetary and accounting purposes in operating the Cottage Homes Committee as a separate Committee.

The research undertaken has shown that the present situation is unsatisfactory. As mentioned above the Homes should, in theory, be operated according to the Acts of 1903 and 1938 and the revised Rules made in 1956. It is, however, clear that these are no longer suitable in the modern context. Furthermore the present system of operating with a Committee of six members and no non-States members does not comply with the constitution of the Committee set out in the Acts.

The legal advice the Housing Committee has received indicates that the proposition, as drafted, will overcome these difficulties. Although the Cottage Homes Committees have an unusual history, the legal advice received indicates that the present Committee can be treated as a Committee of the States and it is therefore possible to transfer its functions to the Housing Committee by way of a Transfer of Functions Act made under Article 29 of the States of Jersey Law 1966. For the avoidance of doubt the States are also being asked to formally rescind the 1903 and 1938 Acts and all Rules made under them.

When considering this matter the Housing Committee was conscious that members of the States and others might be concerned that the demise of the Cottage Homes Committee could, in some way, make it possible for the Homes to be operated in a different manner to that in which they have been operated since they were opened. The Committee was also conscious that the Homes were originally constructed following an appeal for public donations and the Committee feels it would be appropriate to respect the wishes of these original subscribers, although the advice received indicates that there is no actual legal obligation to do so. Although the Housing Committee wishes to make it clear that it has no intention of changing the current operation of the Homes, it considers it appropriate to ask the States to agree, for the avoidance of any

doubt, the general principles by which the Homes should be operated in the future as set out in Appendix B.

**Financial and manpower implications**

There are no additional financial or manpower implications for the States in the transfer of functions.

The Cottage Homes, in terms of day-to-day administration, have for some time already been incorporated within the planned maintenance schedules of the Housing Department. Savings have already been made, which have been used to facilitate much-needed and on-going improvements to a number of units of accommodation.

TRANSFER OF FUNCTIONS (HOUSING COMMITTEE) (JERSEY) ACT 200

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**Explanatory Note**

The purpose of this Act is to transfer the functions of the Cottage Homes Committee to the Housing Committee.

**States of Jersey Law 1966**

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TRANSFER OF FUNCTIONS (HOUSING COMMITTEE) (JERSEY) ACT 200

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

**STATES OF JERSEY**

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

**THE STATES**, in pursuance of Article 29 of the States of Jersey Law 1966,<sup>[1]</sup> as amended,<sup>[2]</sup> and all other powers enabling them in that behalf, have made the following Act -

1. In this Act, “Cottage Homes Committee” means the Committee now performing the functions of -
  - (a) the Committee formerly known as the Victoria Cottage Homes Committee, established in pursuance of the *Acte sur la Régie et l’Administration des “Victoria Cottage Homes”*<sup>[3]</sup> made by the States on 12th February 1903 (hereinafter called “the 1903 Acte”); and
  - (b) the Committee formerly known as the George V Cottage Homes Committee, established in pursuance of the *Règlement pour l’Administration des Maisonnets Construites pour Commémorer le Règne de Feu Sa Majesté le Roi George V*<sup>[4]</sup> made by the States on 9th July 1938 (hereinafter called “the 1938 Règlement”).
2. There are transferred to the Housing Committee the functions of the Cottage Homes Committee.

3.-(1) In the construction of, and for the purposes of, any judgment, award, contract, certificate or other document passed or made before the coming into force of this Act, anything which is, or is to be construed as, a reference to the Cottage Homes Committee shall, so far only as may be necessary for and in consequence of the transfer of functions effected by this Act, be construed as a reference to the Housing Committee.

(2) The transfer of functions effected by this Act shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by the Cottage Homes Committee in relation to the functions transferred by this Act and before the coming into force thereof, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Housing Committee.

(3) Anything commenced before the coming into force of this Act by or under the authority of the Cottage Homes Committee may, so far as it relates to any functions transferred by this Act, be carried on and completed by or under the authority of the Housing Committee.

(4) Where at the coming into force of this Act any legal proceeding is pending to which the Cottage Homes Committee is a party and the proceeding has reference to any of the functions transferred by this Act, the Housing Committee shall be substituted in the proceeding for the Cottage Homes Committee, and the proceeding shall not abate by reason of the substitution.

**4.** The following shall be rescinded -

(a) the *1903 Acte*<sup>[5]</sup> (together with the Rules made under that *Acte*); and

(b) the *1938 Règlement*<sup>[6]</sup> (together with the Rules made under that *Règlement*).

**5.** This Act may be cited as the Transfer of Functions (Housing Committee) (Jersey) Act 200- and shall come into force on the                      day of                      -.                      200

**Management of the Victoria and George V Cottage Homes**

The Cottage Homes will be operated in accordance with the following general principles -

Allocation Policy

- Residentially qualified persons in receipt of Old Age Pension, with little or no other income.
- Savings are not to exceed £10,000 for a single person, or £14,000 for a couple. This will be increased from time to time as determined by the Housing Committee.
- The Cottage Homes each have a resident Manager. This will continue but residents must be able to live independently as there are no nursing services available.
- Residents of Cottage Homes will continue to make a set contribution determined by the size of accommodation, rather than pay rent. The current figures are £26.05 per week for a single unit and £45.85 for a double unit. This includes water rates. It is envisaged that contributions in the future will be set at such levels as to ensure that sufficient income is generated to maintain the dwellings in good order.

*Acte sur la Régie et l'Administration des 'Victoria Cottage Homes (translation)*

**ACT CONCERNING THE MANAGEMENT OF THE VICTORIA COTTAGE HOMES**

**STATES OF JERSEY**

The 12th day of February 1903

**CONSIDERING** that the States, by Act dated 8th March 1897 decided that the most appropriate manner to commemorate the diamond jubilee of the reign of Her Majesty Queen Victoria would be to build Cottages which would be known as the 'Victoria Cottage Homes' and would be used to house elderly poor persons, and that these premises would be under the control of a Management Committee composed half by members of the States and half by Island residents who were not members of the Assembly:

In the light of the Act of the Committee known as the 'Victoria Cottage Homes' dated 29th September 1902 specifying that the construction works of the main buildings are nearly finished; that it is urgent that a Caretaker be appointed to take care of them and that it will be necessary in the near future to proceed to the nomination of persons to reside there as well as the appointment of a mixed Management Committee to administer the establishment in the terms of the Act of the States on this matter dated 8th March 1897;

**THE STATES**, to give effect to their aforementioned Act, have decided -

1. That the said Management Committee will be composed of 12 members of whom half shall be members of the States.
2. That the said Committee is charged with -
  - (a) the administration of the cottages already built and any that could be built in the future; as well as the buildings, grounds and appurtenances depending of them;
  - (b) of the choice, taking account of the conditions mentioned in paragraph 6 of the present Act, of the persons who would be allowed to reside in the said 'Cottage Homes';
  - (c) to accept, if it considers it appropriate, and to collect, gifts and legacies that may be made to the benefit of the said 'Cottage Homes' and to use the amounts in accordance with the wishes of the donors or testators.
3. That the Committee will adopt -
  - (a) special Rules to establish the conditions of nomination and resignation of the members of the Committee - other than the members of the States who shall be elected by the States whenever a vacancy shall occur;
  - (b) Rules of management for its own use and for all persons allowed to reside in the said 'Cottage Homes'.
4. That the States will only be responsible -
  - (a) for the costs of maintenance and upkeep of the said buildings, grounds and appurtenances which shall, in this regard, be under the supervision of the States Engineer;
  - (b) for the salaries of a Caretaker who shall be appointed by the Committee;
  - (c) for the cost of furnishing the main building;
  - (d) for the costs of insurance against fire.
5. That the said Committee shall, in January each year, transmit a report of its work to the President of the States



to be presented to the States.

6. That the elderly and poor persons allowed to reside in the said cottages shall be British subjects of good character and shall be required to justify their means;

7. That the said Committee shall have the right to evict summarily any person who has been allowed to reside in the said 'Cottage Homes'.

8. That the members of the States will be allowed to visit the cottages at all times.

9. That the first members of the Management Committee shall be -

JURAT EDOUARD-CHARLES-MALET de CARTERET;

JURAT WALTER DURET-AUBIN;

REVEREND EDOUARD LUCE, Rector of St. Saviour

CONNETABLE PHILIPPE BAUDAINS of St. Helier;

DEPUTY FRANCIS-JOHN BOIS of St. Saviour;

DEPUTY JOHN-EDWARD LE BOUTILLIER of St. Brelade

and six other Members elected for this purpose by the Subscribers, at a meeting which shall be specially convened for this purpose by the President of the 'Victoria Cottage Homes Committee' through newspapers published in the Island.

**ERNEST LE SUEUR**

*Greffier of the States.*

*Règlement pour l'Administration des Maisonnettes Construites pour Commémorer le Règne de Feu Sa Majesté le Roi George V*  
(translation)

**KING GEORGE V COTTAGE HOMES**

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**RULES FOR THE ADMINISTRATION OF THE COTTAGES BUILT TO COMMEMORATE THE REIGN OF HIS LATE MAJESTY KING GEORGE V**

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**STATES OF JERSEY**

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The 9th day of July 1938

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**THE STATES** considered an Act of the Special Committee appointed to consider the ways of commemorating the reign of his late Majesty King George V dated 20th May 1938 concerning the draft Rules for the administration of the cottages built to commemorate the said reign, adopted by the said Committee on 20th April 1938, and approved at a meeting of the subscribers held at the Town Hall on that day, 20th May 1938, and adopted the draft Rules as follows -

1. That the said cottages will be called "George V Cottage Homes" and will be managed by a Management Committee composed of 12 members of whom half shall be members of the States.
2. That the said Committee is charged with -
  - (a) the administration of the cottages already built and any that could be built in the future; as well as the buildings, grounds and appurtenances depending of them;
  - (b) of the choice, taking account of the conditions mentioned in paragraph 6 of the present Act, of the persons who would be allowed to reside in the said cottages;
  - (c) to accept, if it considers it appropriate, and to collect, gifts and legacies that may be made to the benefit of the said 'George V Cottage Homes' and to use the amounts in accordance with the wishes of the donors or testators.
3. That the Committee will adopt -
  - (a) special Rules to establish the conditions of nomination and resignation of the members of the Committee - other than the members of the States who shall be elected by the States whenever a vacancy shall occur;
  - (b) Rules of management for its own use and for all persons allowed to reside in the said cottages.
4. That the States will only be responsible -
  - (a) for the costs of maintenance and upkeep of the said buildings, grounds and appurtenances which shall, in this regard, be under the supervision of the States Engineer;
  - (b) for the salaries of a Caretaker who shall be appointed by the Committee;
  - (c) for the cost of furnishing such cottages and buildings as the Committee shall judge it is appropriate to furnish;
  - (d) for the costs of insurance against fire.
5. That the said Committee shall, in January each year, transmit a report of its work to the President of the States to be presented to the States.
6. That the elderly and poor persons allowed to reside in the said cottages shall be British subjects of good

character.

7. That the said Committee shall have the right to evict summarily any person who has been allowed to reside in the said cottages.

8. That the members of the States will be allowed to visit the cottages at all times.

9. That the six first members of the Committee, other than the States members, shall be nominated by the subscribers at a meeting which shall be specially convened for this purpose by the President of the States through newspapers published in the Island.

And the States appointed the six members of the States named below as members of the Management Committee of the said cottages in accordance with paragraph 1 of the said Rules - namely -

PHILIP MELMOTH BAUDAINS and

JURAT ERNEST GEORGE LABEY and REVEREND MATTHEW LE MARINEL, Rector of St. Helier;

CONNETABLE SYDNEY GEORGE CRILL of St. Clement;

DEPUTY EDWARD LE QUESNE of St. Helier;

DEPUTY RALPH EDWARD BISHOP VOISIN of St. Brelade

**H. Le RICHE EDWARDS**

*Greffier of the States.*

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[1] Recueil des Lois, Volume 1966-1967, page 16.

[2] Recueil des Lois, Volume 1996-1997, page 803.

[3] Attachment to R&O 3709.

[4] Recueil des Lois, Tome VII, page 284.

[5] Attachment to R&O 3709.

[6] Recueil des Lois, Tome VII, page 284.