

STATES OF JERSEY



DRAFT RESIDENTIAL TENANCY (JERSEY) LAW 2011 (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 8th February 2013
by the Minister for Housing**

STATES GREFFE



Jersey

DRAFT RESIDENTIAL TENANCY (JERSEY) LAW 2011 (APPOINTED DAY) ACT 201-

REPORT

Overview

The States by Act of 14th July 2009 adopted the Residential Tenancy (Jersey) Law 2011, a law which was designed to provide a modern framework of principles and which provided a legal basis for the development of fair, transparent, well-regulated tenancy agreements between landlord and tenant.

The Law was not sanctioned by the Privy Council until 16th November 2011, a delay caused when Ministry of Justice legal advisers queried whether some of the provisions were entirely compatible with the Human Rights Convention. Having further considered these matters, the Law Officers' Department agreed with the assessment. It was therefore subsequently agreed with the Ministry of Justice that the principal Law could be submitted for Royal sanction, but some fairly minor amendments would be made, on human rights compatibility grounds, to some provisions regarding notice periods and eviction processes, and that the provisions affected would not be brought into force before having been amended. Consequential amendments to the principal Law were adopted by the States on 11th September 2012, sanctioned by the Privy Council on 7th November 2012 and registered in the Royal Court on 23rd November 2012.

The principal Law shall come into force on such day or days as the States may by Act appoint.

Background

For many years concern had been raised over the lack of clarity and public understanding concerning the legal position that landlords and tenants had in Jersey law. In the 1990s' 2 working parties were established to seek to address the issue. Subsequent to the report of the first working party in 1993, the Dwelling Houses (Rent Control) (Standard Tenancy Agreement) (Jersey) Regulations 1993 were introduced, which set out a standard form of agreement, which if used, exempted landlords from rent control. A second working party set up by the former Housing Committee in 1996, looked at issues surrounding eviction procedures and security of tenure for tenants. The working party considered current legislation, however both applicable laws are short, written in French and not easily interpreted or understood without legal advice. Even though both laws remain in force Jersey society and the Jersey housing

market have changed considerably¹. The working party's key proposals listed those principles it considered should be included in any agreement.

In 2002, Senator C. Stein lodged proposals requesting that the States agree to the setting up of a tenants' deposit scheme to assist tenants in getting back deposit monies paid to landlords at the commencement of tenancy agreements.

In April 2008 a White Paper entitled "Draft Residential Tenancy (Jersey) Law 200-: Consultation Report" (R.41/2008) was released, for public consultation. It was proposed that one Law should deal with key issues affecting landlords and tenants entering into residential tenancy agreements.

The Residential Tenancy (Jersey) Law 2011 achieves this, for it defines the essential provisions required of a tenancy agreement and it brings into the one Law the notice and eviction procedures currently dealt with across various pieces of legislation. It is intended that subordinate legislation will be introduced shortly to introduce a tenant deposit scheme, the compulsory use of conditions reports and other pertinent matters.

Furthermore, the Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201-, lodged "au Greffe" on 11th January 2013 (P.2/2013) will, amongst other benefits, give Registered Tenants the same security of tenure and tenancy rights as other tenants.

Financial and manpower implications

Financial and manpower implications for the States in connection with the Residential Tenancy (Jersey) Law 2011 are expected to be minimal, as this Law will introduce a framework for landlord and tenant relations without requiring any additional States administrative function.

¹ "Loi (1919) sur la location de biens-fonds" Article1, paragraph 2. as amended, (in which distinctions as to notice periods are dependent on rental value, type and size of property); and the "Loi (1946) concernant l'expulsion des locataires réfractaires" as amended.

Explanatory Note

The object of this Act is to bring the entire Residential Tenancy (Jersey) Law 2011 into force on 1st May 2013.



Jersey

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

THE STATES, in pursuance of Article 26(2) of the Residential Tenancy (Jersey) Law 2011¹, have made the following Act –

1 Residential Tenancy (Jersey) Law 2011 comes into force

The Residential Tenancy (Jersey) Law 2011² shall come into force on 1st May 2013.

2 Citation

This Act may be cited as the Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 201-.

¹ *L.31/2011*
² *L.31/2011*