

STATES OF JERSEY



Jersey

DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 8th January 2020
by Deputy J.H. Perchard of St. Saviour**

STATES GREFFE

REPORT

On 11th September 2018, the States Assembly voted to adopt paragraphs (d) and (e) of my proposition, ‘Entitled status on social and economic grounds: changes to legislation’ ([P.99/2018](#)), which read as follows –

- ‘(d) that decisions to grant Entitled status under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 should be taken by the Housing and Work Advisory Group; and
- (e) to request the Chief Minister to bring forward the necessary policy and legislative changes by 31st March 2019 to give effect to these measures.’

Both paragraphs (d) and (e) were overwhelmingly supported, with each gaining 39 votes ‘pour’ (see **Appendix** to this report).

However, over a year later, this decision has not been fully upheld by the Government. In particular, the requirement of paragraph (e) for the ‘legislative changes’ to be brought by 31st March 2019 has been neglected. Whilst the policy guidance notes were updated to a minimal degree and, so, technically the ‘policy ... changes’ required in paragraph (e) were upheld, there has been no change to the legislation; thus rendering paragraph (d), which places the decision to grant ‘Entitled status’ formally into the hands of the Housing and Work Advisory Group, ineffective.

To ignore the will of the Assembly, especially when that will has been upheld and proven in a fair and free vote in the Chamber, is, to my mind, to hold the voice of the Assembly in contempt. It is not acceptable for the outcome of such a vote to be ignored.

I sincerely hope that this is an oversight and that the Government will wholeheartedly support these brief and straightforward draft Regulations, which see the agreed legislative change come to fruition without further delay.

Financial and manpower implications

There are no financial or manpower implications arising from the adoption of these draft Regulations.

APPENDIX TO REPORT**List of those who voted ‘pour’ for paragraphs (d) and (e) of P.99/2018**Paragraph (d)

Senator L.J. Farnham	Deputy G.C.U. Guida (L)
Senator S.C. Ferguson	Deputy of St. Peter
Senator J.A.N. Le Fondré	Deputy of Trinity
Senator T.A. Vallois	Deputy of St. John
Senator K.L. Moore	Deputy M.R. Le Hegarat (H)
Senator S.W. Pallett	Deputy S.M. Ahier (H)
Senator S.Y. Mézec	Deputy J.H. Perchard (S)
Connétable of St. Helier	Deputy R.J. Ward (H)
Connétable of St. Clement	Deputy K.G. Pamplin (S)
Connétable of St. Lawrence	
Connétable of St. Brelade	
Connétable of Grouville	
Connétable of Trinity	
Connétable of St. Mary	
Connétable of St. Martin	
Deputy J.A. Martin (H)	
Deputy G.P. Southern (H)	
Deputy of Grouville	
Deputy K.C. Lewis (S)	
Deputy M. Tadier (B)	
Deputy S.J. Pinel (C)	
Deputy of St. Ouen	
Deputy L.M.C. Doublet (S)	
Deputy R. Labey (H)	
Deputy S.M. Wickenden (H)	
Deputy of St. Mary	
Deputy G.J. Truscott (B)	
Deputy J.H. Young (B)	
Deputy L.B.E. Ash (C)	
Deputy K.F. Morel (L)	

Paragraph (e)

Senator L.J. Farnham
Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator K.L. Moore
Senator S.W. Pallett
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy K.F. Morel (L)
Deputy of St. Peter
Deputy of Trinity
Deputy of St. John
Deputy M.R. Le Hegarat (H)
Deputy S.M. Ahier (H)
Deputy J.H. Perchard (S)
Deputy R.J. Ward (H)
Deputy K.G. Pamplin (S)

EXPLANATORY NOTE

The Draft Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations 202- would make provision for the grant of Entitled status on social or economic grounds to require the approval of the Housing and Work Advisory Group established under the Control of Housing and Work (Jersey) Law 2012 (“Law”).

Regulation 1 amends the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 so that the Chief Minister may grant Entitled status under Regulation 2(1)(e), that is, on social or economic grounds or both and as being in the best interests of the community, only if the Housing and Work Advisory Group (“HWAG”) is satisfied that such grant is justified. Under Article 48 of the Law, HWAG includes the Minister for Children and Housing and the Minister for Economic Development, Tourism, Sport and Culture and is chaired by an Assistant Minister of the Chief Minister. If HWAG considers the grant of such status should be subject to any conditions, the status must be granted subject to such conditions. Any amendments to such conditions must also be agreed by HWAG.

Regulation 2 sets out the title of these Regulations and provides that they will come into force 7 days after the day they are made.



Jersey

DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (AMENDMENT) (JERSEY) REGULATIONS 202-

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

THE STATES make these Regulations under Articles 2 and 44 of the Control of Housing and Work (Jersey) Law 2012¹ –

1 Regulation 2 (conditions for Entitled status and loss of status) amended

In Regulation 2 of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013² –

- (a) in paragraph (1)(e) for “the Minister” in the second place that word appears there is substituted “the Housing and Work Advisory Group”;
- (b) in paragraph (1)(f)(ii) for “(2)” there is substituted “(2A)”;
- (c) for paragraphs (2) and (3) there is substituted –
 - “(2) The Minister may grant Entitled status under paragraph (1)(e) subject to such conditions as the Housing and Work Advisory Group thinks fit.
 - (2A) The Minister may grant Entitled status under paragraph (1)(f) subject to such conditions as the Minister thinks fit.
 - (2B) Without prejudice to the generality of conditions which may be imposed under paragraph (2) or (2A), conditions may include limiting the period for which consent is granted or specifying the unit of dwelling accommodation occupied or to be occupied.
 - (3) Any condition subject to which a person is granted Entitled status under paragraph (2) may be amended on such terms as the person and the Housing and Work Advisory Group may agree.
 - (3A) Any condition subject to which a person is granted Entitled status under paragraph (2A) may be amended on such terms as the person and the Minister may agree.”.

2 Citation and commencement

These Regulations may be cited as the Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations 202- and come into force 7 days after the day they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 18.150</i>
<i>2</i>	<i>chapter 18.150.70</i>