

STATES OF JERSEY

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DRAFT STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 9)(JERSEY) REGULATIONS 200

**Lodged au Greffe on 22nd March 2005
by the Policy and Resources Committee**

STATES GREFFE



Jersey

**DRAFT STATES OF JERSEY (AMENDMENTS AND
CONSTRUCTION PROVISIONS No. 9)(JERSEY)
REGULATIONS 200**

REPORT

The report relating to this projet is published within P.55/2005.

Explanatory Note

These Regulations make amendments to the legislation concerned with housing matters consequential on the change to a ministerial system of government. The majority of changes concern substitutions of reference to “Minister” (meaning the Minister for Housing) for existing references to the Housing Committee.

Regulation 1 amends the Dwelling-Houses (Rent Control) (Jersey) Law 1946 and *Regulation 2* amends the Housing (Jersey) Law 1949.

Regulations 3-5 are concerned with amendments to the Building Loans (Jersey) Law 1950. *Regulation 3* provides for the Minister for Housing to consult with the Minister for Treasury and Resources concerning the rate of interest on loans. *Regulation 4* is concerned with the provisions relating to shares in property holding companies and the role of the Minister (as successor to the Committee) in granting the necessary authority on behalf of the States. The more routine substitutions of “Minister” for “Committee” under the 1950 Law are in *Regulation 5*.

Regulation 6 amends the Lodging Houses (Registration) (Jersey) Law 1962 by substituting the necessary references to “Minister”. References to “an officer of the Committee” are replaced by references to an officer in an administration of the States for which the Minister is assigned responsibility.

Regulation 7 and the *Schedule* make amendments of a similar type to the Regulations and Orders made under the Laws amended by the Regulations.

Regulation 8 names the Regulations and provides for their coming into force at the same time as the provision of the States of Jersey Law 2005 that abolishes the Committees of the States.



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Arrangement

Regulation

- 1 Dwelling-Houses (Rent Control) (Jersey) Law 1946- amended
- 2 Housing (Jersey) Law 1949- amended
- 3 Building Loans (Jersey) Law 1950- amendments relating to consultation between Ministers
- 4 Building Loans (Jersey) Law 1950- amendments relating to shares, etc being vested in the States
- 5 Building Loans (Jersey) Law 1950- further amendments
- 6 Lodging Houses (Registration) (Jersey) Law 1962- amended
- 7 Subordinate enactments amended
- 8 Citation and commencement

SCHEDULE

AMENDMENTS TO SUBORDINATE ENACTMENTS

- 1 Dwelling-Houses (Rent Control) (Jersey) Regulations 1946- amended
- 2 Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961- amended
- 3 Lodging Houses (General Provisions) (Jersey) Order 1962- amended
- 4 Housing (General Provisions) (Jersey) Regulations 1970- amended



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, ^[1] have made the following Regulations –

1 Dwelling-Houses (Rent Control) (Jersey) Law 1946– amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Dwelling-Houses (Rent Control) (Jersey) Law 1946^[2]
- (2) In Article 1(1)–
 - (a) the definition “Committee” shall be deleted; and
 - (b) after the definition “contract to which this Law applies” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Housing;”.
- (3) In Article 3(4) for the words “as it thinks fit” there shall be substituted the words “as the Minister thinks fit”.
- (4) In Article 5(3) for the words “its functions” there shall be substituted the words “the Minister’s functions”.
- (5) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (a) Article 3(3), (4) and (5);
 - (b) Article 4;
 - (c) Article 5(1) and (3); and
 - (d) Article 9(1).

2 Housing (Jersey) Law 1949– amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Housing (Jersey) Law 1949^[3]
- (2) In the long title, for the words “to provide for the constitution of a Committee of the States to administer matters relating to the housing of the population” there shall be substituted the words “to provide for the administration of matters relating to the housing of the population”.

- (3) In Article 1–
- (a) the definition “Committee” shall be deleted; and
 - (b) after the definition “land” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Housing;”.

- (4) For Article 2 there shall be substituted the following Article–

“2 Powers and duties of Minister

The Minister shall exercise the powers and duties imposed on the Minister by this Law, and generally for the purposes of discharging such other functions relating to the housing of the population as may from time to time be deemed expedient.”.

- (5) For Article 3 there shall be substituted the following Article–

“3 Responsible Minister

The Minister shall be charged with the administration of this Part.”.

- (6) In Article 12(2)(a) for the words “its consent” there shall be substituted the words “his or her consent”.
- (7) In Article 14(2) for the words “any consent granted by the Committee” there shall be substituted the words “any consent granted by the Housing Committee”.
- (8) In Article 15(1) for the words “if it is satisfied” there shall be substituted the words “if the Minister is satisfied”.
- (9) In Article 16(3) for the words “of its own motion” there shall be substituted the words “of his or her own motion”.
- (10) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
- (a) Article 5;
 - (b) Article 7(1);
 - (c) the heading to, and paragraph (1) of, Article 11;
 - (d) Article 12(1) and (2)(a) and (c);
 - (e) Article 13;
 - (f) Article 14 (except for the last reference to “Committee” in paragraph (2));
 - (g) Article 15(1) and (2)(b);
 - (h) Article 16(1), (2), (3), (5) and (6);
 - (i) Article 17;
 - (j) Article 18(1),(2) and (4); and
 - (k) Article 20(1)(b) and (4).

3 Building Loans (Jersey) Law 1950– amendments relating to consultation between Ministers

- (1) In this Regulation and in the following 2 Regulations, a reference to a provision is a reference to the provision in the Building Loans (Jersey) Law 1950^[4]
- (2) For Article 4(2) there shall be substituted the following paragraph–

“(2) For the purposes of paragraph (1), the prescribed rate of interest shall be 10% per

annum or such higher or lower rate as shall have been fixed for the time being by the Minister by Order made after consultation with the Minister for Treasury and Resources.”.

4 Building Loans (Jersey) Law 1950– amendments relating to shares, etc being vested in the States

- (1) In Article 6(2) for the words “Every authority given by the Committee to pass a contract” there shall be substituted the words “Every authority given by the Minister on behalf of the States to pass a contract”.
- (2) For Article 7(3) there shall be substituted the following paragraph–
 - “(3) Nothing in paragraph (2) shall prevent the securing of the loan by vesting the shares in relation to which the loan is made in the States.”.
- (3) For Article 14(3)(a) and (b) there shall be substituted the following sub-paragraphs –
 - “(a) the shares, if title to them is not vested in the States, shall not be sold or otherwise disposed of inter vivos except with the consent of the Minister who shall not grant such consent where the person to whom the shares would be transferred is, by virtue of any Regulations made under Article 17, a person to whom a loan may not be made;
 - (b) the owner of the shares, if title to them is not vested in the States, shall not, by act or omission on the owner’s part, except with the consent in writing of the Minister, and subject to any conditions attached to such consent, suffer any security interest or other interest to become charged on the shares other than that held by the States;”.
- (4) In Article 15(8) for the words “the Committee shall without prejudice to any other rights of the Committee under the security agreement” there shall be substituted the words “the Minister on behalf of the States shall without prejudice to any rights of the States under the security agreement”.
- (5) After Article 17 there shall be inserted the following Article–

“17A Shares in property previously vested in the Housing Committee

Where any shares in a company the ownership of which shares confers an exclusive right to occupy a company-owned dwelling are, immediately prior to the commencement of this Article, vested in the Housing Committee, on commencement of this Article such shares shall be vested in the States.”.

5 Building Loans (Jersey) Law 1950– further amendments

- (1) In Article 1–
 - (a) the definition “Committee” shall be deleted; and
 - (b) after the definition “loan” there shall be inserted the following definition –
 - “ ‘Minister’ means the Minister for Housing;”.
- (2) In Article 9 in each place where they occur for the words “the Committee shall satisfy itself” there shall be substituted the words “the Minister shall satisfy himself or herself”.
- (3) In Article 14–
 - (a) in paragraph (1)(j) for the words “the Committee, and its agents or servants” there shall be substituted the words “the Minister, and his or her agents or servants”; and
 - (b) in paragraph (3)(g) for the words “the Committee and its agents or servants” there shall be substituted the words “the Minister and his or her agents or servants”.
- (4) In Article 15(5) for the word “its” in each place where it occurs there shall be substituted the words

“his or her”.

- (5) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (a) Article 2(3);
 - (b) Article 3 and its heading;
 - (c) Article 4(5);
 - (d) Article 8;
 - (e) the heading to Article 9;
 - (f) Article 11(2) and (3);
 - (g) Article 14(1)(a), (b), (d), (e), and (g);
 - (h) Article 14(2);
 - (i) Article 14(3)(d), (f) and (h);
 - (j) the heading to, and paragraphs (1) and (5) of, Article 15; and
 - (k) Article 17.

6 Lodging Houses (Registration) (Jersey) Law 1962– amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Lodging Houses (Registration) (Jersey) Law 1962^[5]
- (2) In Article 1–
 - (a) the definition “Committee” shall be deleted; and
 - (b) after the definition “lodging house” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Housing;”.
- (3) For Article 3 there shall be substituted the following Article–

“3 Exemptions from duty to register

The Minister may, in his or her absolute discretion –

- (a) grant exemptions from the provisions of Article 2;
 - (b) attach to any exemption such conditions as the Minister thinks fit;
 - (c) vary any condition attached to an exemption at any time; or
 - (d) withdraw any exemption.”.
- (4) For Article 6(1) there shall be substituted the following paragraph–

“(1) Where an application is duly made to the Minister under Article 5, the Minister, in the case of an application for registration, shall, and, in the case of an application for renewal of registration, may, cause the lodging house to which the application relates to be inspected by an officer in an administration of the States for which the Minister is assigned responsibility.”.
 - (5) In Article 6(2) for the words “if it is of the opinion that” there shall be substituted the words “if the Minister is of the opinion that”.
 - (6) In Article 6(3) for the words “the Committee may attach such conditions as it thinks fit” there shall be substituted the words “the Minister may attach such conditions as he or she thinks fit”.
 - (7) For Article 9(1)(a) there shall be substituted the following subparagraph –

“(a) when required by or on behalf of the Minister so to do, produce or deliver the

keeper's registration certificate to the Minister or to an officer in an administration of the States for which the Minister is assigned responsibility who is authorized in that behalf;"

- (8) In Article 12(1) for the words "unless it has given to the keeper of the lodging house not less than 7 days' notice in writing of its intention to so do and of its reasons for so doing" there shall be substituted the words "unless the Minister has given to the keeper of the lodging house not less than 7 days' notice in writing of his or her intention to do so and the reasons for so doing".
- (9) In Article 12(2) for the words "it shall, if required by the keeper of the lodging house" there shall be substituted the words "the Minister shall, if required by the keeper of the lodging house".
- (10) In Article 15(1) for the words "Any officer of the Committee" there shall be substituted the words "Any officer in an administration of the States for which the Minister is assigned responsibility who is".
- (11) For Article 16(1) there shall be substituted the following paragraph—
 - (1) Any notice required by this Law to be given to the Minister may be given either by leaving it at an office of the Housing Department or by post."
- (12) In Article 19(1) for the words "as it considers necessary" there shall be substituted the words "as he or she considers necessary".
- (13) In the following provisions for the word "Committee" in each place where it appears there shall be substituted the word "Minister" –
 - (a) Article 5;
 - (b) Article 6(2);
 - (c) Article 8;
 - (d) Article 9(1)(b);
 - (e) Article 10;
 - (f) Article 11;
 - (g) Article 12; and
 - (h) Article 19(1), (2) and (4).

7 Subordinate enactments amended

The Schedule shall have effect to amend subordinate enactments.

8 Citation and commencement

These Regulations may be cited as the States of Jersey (Amendments and Construction Provisions No. 9, (Jersey) Regulations 200- and shall come into force on the same day that Article 42(3) of the States of Jersey Law 2005^[6] comes into force.

SCHEDULE

(Article 6)

AMENDMENTS TO SUBORDINATE ENACTMENTS

1 Dwelling-Houses (Rent Control) (Jersey) Regulations 1946– amended

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Dwelling-Houses (Rent Control) (Jersey) Regulations 1946.^[7]
- (2) In Regulation 1 the word “ ‘Committee’,” shall be deleted.
- (3) For Regulation 11(2) there shall be substituted the following paragraph –
 - “(2) The register shall be open to inspection at an office of the Housing Department during the normal business hours of that office.”.
- (4) In the following provisions, for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (a) Regulation 2(2)(a);
 - (b) Regulation 8(2); and
 - (c) Regulation 11(1).

2 Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961– amended

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961.^[8]
- (2) In Regulation 1 for the words “Save as the Committee may at its absolute discretion allow” there shall be substituted the words “Save as the Minister may at his or her absolute discretion allow”.
- (3) In Regulation 3 for the words “shall satisfy itself” there shall be substituted the words “shall satisfy himself or herself”.
- (4) In Regulation 6(4)(a)(i) for the words “the Committee” there shall be substituted the words “the Housing Committee”.
- (5) For Regulation 6(5) and (6) there shall be substituted the following paragraphs –
 - “(5) Where –
 - (a) the rate of interest on a loan or the balance of a loan has been reduced in pursuance of paragraph (2); and
 - (b) the basis of the estimate of income giving rise to the reduction of interest is subsequently shown to have been incorrect,the Minister may recover from the person in receipt of the loan the difference between the total of instalments that the person should have paid and the amount that the person actually paid during the year in question.
 - (6) Subject to paragraph (9), paragraph (7) shall apply where–
 - (a) the rate of interest on a loan or the balance of a loan has been reduced in pursuance of paragraph (2); and
 - (b) the principal of the loan is repaid in full (whether by one or more instalments) before the date on which it would have been repayable under the terms of the loan.”.

- (6) In Regulation 6(7) for the words “the Committee” there shall be substituted the words “the Fund”.
- (7) For Regulation 6(8) there shall be substituted the following paragraph –
- “(7) The Minister may, in any case and in his or her absolute discretion waive or reduce any sum payable by virtue of paragraph (7)”.
- (8) In the following provisions, for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
- (a) Regulation 2;
 - (b) Regulation 3;
 - (c) Regulation 6(2);
 - (d) Regulation 8; and
 - (e) Regulation 9.
- (9) In Schedule 1 –
- (a) for the 3rd paragraph there shall be substituted the following paragraph –
“ET C.D. Autorisé pour et au nom des Etats de cette Ile et agissant en vertu de certaine décision en date du 19/20 du ministre dit ‘Minister for Housing’ d’ autre part.”;
 - (b) in the 4th paragraph for the word “Comité” in each place where it appears there shall be substituted the word “ministre”; and
 - (c) in the 9th paragraph for the words “Comité dit ‘Housing Committee’ ” there shall be substituted the words “ministre dit ‘Minister for Housing’ ”.
- (10) In Schedule 2 (form of security agreement to secure loan) –
- (a) in the description of the second party for the words “by virtue of an Act dated the [] day of [] of the Housing Committee of the States” there shall be substituted the words “by virtue of a decision dated the [] day of [] of the Minister”;
 - (b) in paragraphs (A) and (B) of the preamble for the words “the Housing Committee” there shall be substituted the words “the Minister”;
 - (c) in paragraph (B) of the preamble for the words “in the exercise of its powers” there shall be substituted the words “in the exercise of his or her powers”;
 - (d) in Clause 1.1 –
 - (i) the definition “Committee” shall be deleted; and
 - (ii) after the definition “Letter of Offer” there shall be inserted the following definition –
“ ‘Minister’ means the Minister for Housing;”;
 - (e) in Clause 5.1(e) the words “the Committee or” shall be deleted;
 - (f) in Clause 5.2(c) for the words “in the name of the Committee or a nominee of the Committee” there shall be substituted the words “in the name of the States or its nominee” and for the words “the Committee is authorized to make such payments” there shall be substituted the words “the Minister is authorized to make such payments”;
 - (g) in Clause 6.1(b) for the words “prior consent of the Committee” there shall be substituted the words “prior consent of the Minister” and for the words “held by the Committee” there shall be substituted the words “held by the States”;
 - (h) in Clause 6.1(g) for the words “the Committee and its agents or servants” there shall be substituted the words “the Minister and his or her agents or servants”;
 - (i) in Clause 6.1(q) and (r) for the words “upon any request by the Committee, provide it with” there shall be substituted the words “upon any request by the Minister, provide the Minister with”;
 - (j) in Clause 8.2 for the words “information known to it” there shall be substituted the words “information known to the Minister”;

- (k) in Clause 9.1 for the words “the Committee or its nominee may exercise at its or his or her discretion” there shall be substituted the words “the Minister or his or her nominee may exercise at the Minister’s or nominee’s discretion”;
- (l) in Clause 9.3 for the words “in its sole and unfettered discretion” there shall be substituted the words “in the Minister’s sole and unfettered discretion”; and
- (m) in the following places for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (i) the definition “Letter of Offer”;
 - (ii) Clause 2;
 - (iii) Clause 3;
 - (iv) Clause 4.1;
 - (v) the opening sentence of Clause 5.1;
 - (vi) the opening sentence of Clause 5.2 and paragraphs (a), (b) and (d) of that Clause;
 - (vii) Clause 5.3;
 - (viii) Clause 5.4;
 - (ix) the opening sentence of Clause 6.1 and paragraphs (a), (d), (f), (h), (n), and (o) of the clause;
 - (x) Clause 6.2;
 - (xi) Clause 8;
 - (xii) Clause 9.2(a)(iii) and (c)
 - (xiii) Clause 9.3;
 - (xiv) Clause 9.5;
 - (xv) Clause 10.2; and
 - (xvi) Schedule 1.

3 Lodging Houses (General Provisions) (Jersey) Order 1962– amended

In Articles 1, 3(1)(a) and 3(3) of the Lodging Houses (General Provisions) (Jersey) Order 1962^[9] for the word “Committee” in each place where it appears there shall be substituted the word “Minister”.

4 Housing (General Provisions) (Jersey) Regulations 1970– amended

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Housing (General Provisions) (Jersey) Regulations 1970^[10]
- (2) In Regulations 1(1) and 2 for the words “Housing Committee” there shall be substituted the word “Minister”.
- (3) In Regulation 1(4) for the words “where it is satisfied” there shall be substituted the words “where he or she is satisfied”.
- (4) In Regulation 9(2) for the words “granted by the Committee” there shall be substituted the words “granted by the Housing Committee”.
- (5) In the following provisions, for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (a) Regulation 1(1)(d), (f), (g), (h), (j), (k) and (m);
 - (b) Regulation 1(2)(a), (b) and (d);
 - (c) Regulation 1(3);

- (d) Regulation 1(4);
- (e) Regulation 2(b);
- (f) Regulation 6;
- (g) the proviso to Regulation 7(1).

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- [1] *Recueil des Lois, Volume 2005, page 370.*
- [2] *Recueil des Lois, Tome VII, page 345, Volume 1979-1981, page 183, Volume 1988-1989, pages 237 and 403 and Volume 1992-1993, page 91.*
- [3] *Recueil des Lois, Tome VII, page 535, Volume 1988-1989, page 295, Volume 1990-1991, pages 545 and 1113, Volume 1992-1993, page 115, Volume 1996-1997, pages 1 and 337, Volume 1999, pages 418 and 533, Volume 2002, page 1215 and Volume 2004, page 773.*
- [4] *Recueil des Lois, Tome VII, page 667, Volume 1986-1987, pages 187 and 189, Volume 1990-1991, page 1113, Volume 1992-1993, page 55 and Volume 1994-1995, page 25.*
- [5] *Recueil des Lois, Volume 1961-1962, page 545 and Volume 1992-1993, page 71.*
- [6] *Recueil des Lois, Volume 2005, page 367.*
- [7] *No. 1665.*
- [8] *Nos. 4204, 4591, 4634, 5393, 5636, 6654, 6591, 7183, 7828, 7984, 8131, 8303, 8460, 8687, 8759 and 9224.*
- [9] *Nos. 4387, 4719, 5277, 6290, 108/2000, 130/2003 and 127/2004.*
- [10] *Nos. 5444, 5981, 6284, 6420, 6651, 6720, 6903, 7167, 7572, 8170, 8592, 8866, 8919, 9446, 16/2001, 54/2001, 14/2002, 135/2002, 14/2003, 52/2003 and 148/2003.*