

DRAFT HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 16) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 10th April 2001
by the Housing Committee**



STATES OF JERSEY

STATES GREFFE

180

2001

P.64

Price code: B

Report

Under Regulation 2 of the Housing (General Provisions) (Jersey) Regulations 1970 the Housing Committee is required to be satisfied that consent to a sale, transfer or lease of any land to a company can be justified “in the best interests of the community”. Legal interpretation of the latter phrase is that it means “best interests of the community on housing grounds”.

The Committee has had some difficulty in reaching decisions on applications where there are no particular advantages to housing and yet equally there are no disadvantages. In that situation the Committee has felt obliged to refuse the application.

The amendment proposed to Regulation 2 will require the Committee to grant consent to applications where it can be demonstrated that there is no particular disadvantage to the community on housing grounds.

These Draft Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

These Regulations repeal and replace Regulation 2 of the Housing (General Provisions) (Jersey) Regulations 1970. The new Regulation no longer makes it a requirement that the Committee must satisfy itself before giving its consent to a sale, transfer or lease of land to a company that consent can be justified “in the best interests of the community” but reverses the onus of proof by providing that the Committee shall not give its consent if it is satisfied that to give its consent “would not be in the best interests of the community”.

Housing (Jersey) Law 1949

HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 16) (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

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

1. For Regulation 2 of the Housing (General Provisions) (Jersey) Regulations 1970,^[2] as amended,^[3] there shall be substituted the following Regulation -

“**2.**-(1) Except as provided by paragraph (2), a sale, transfer or lease of land to the public, a parish or company is a specified sale, transfer or lease for the purposes of Article 10 of the Law.

(2) A sale, transfer or lease of land to a company is not a specified sale, transfer or lease for the purpose of Article 10 of the Law if the Committee is satisfied that giving consent to the sale, transfer or lease would not be in the best interests of the community.”.

2. These Regulations may be cited as the Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200- and shall come into force seven days after they are promulgated.

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

^[2] No. 5444.

^[3] Nos. 5981 and 8919.