

STATES OF JERSEY



Jersey

DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 202- (P.40/2023): SIXTH AMENDMENT

**Lodged au Greffe on 23rd October 2023
by the Environment, Housing and Infrastructure Scrutiny Panel
Earliest date for debate: 7th November 2023**

STATES GREFFE

DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING)
(JERSEY) REGULATIONS 202- (P.40/2023): SIXTH AMENDMENT

PAGE 21, SCHEDULE –

Delete paragraph 2(e).

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL

REPORT

REMOVE CONDITION 2(e) FROM THE SCHEDULE OF STANDARD LICENCE CONDITIONS (REGULATION 3(5))

The Jersey Landlords' Association raises concerns regarding Schedule 2, condition 2(e) which states that:

“The licence holder must ensure that the Minister is notified of the following changes within 28 days of their occurring... (e) any other change in circumstances that could lead to the Minister withdrawing the licence.”

The concerns highlighted were that this wording is considered too ambiguous and gives too much power to the Minister.¹

The Panel questioned the Minister for the Environment further on this during the public quarterly hearing held on 11th October 2023:

The Connétable of St. Brelade:

I am just going to pick up on one last technical point before we drift off into a different direction. Concerns have been raised with regard to the wording of condition 2(e) of the schedule, which states: “The licence holder must ensure the Minister is notified of the following changes within 28 days of their occurring. Any other changes in circumstances that could lead the Minister withdrawing the licence.” Now it is concerning that this is considered a little bit too ambiguous and gives too much power to the Minister.

The Minister for the Environment:

Again, that is going to come in the guidance. But I mean it is essentially there to make sure that we get change of addresses from the relevant authority so that we know who is in charge of the property, and any other information like that, that means that we can administer the law.

The Connétable of St. Brelade:

So it goes back to the owner or the agent once again possibly?

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

Again, we have that issue about who is the one who will pay the fine...²

The Panel proposes this amendment to remove part (e) from the draft Regulations to ensure there is no ambiguity regarding the circumstances which could lead to the Minister withdrawing a licence.

Financial and staffing implications

The Panel is not aware of any financial and manpower implications associated with this proposed amendment.

¹ [Written Submission – Jersey Landlords' Association – 10 July 2023](#)

² Transcript – Public Quarterly Hearing with the Minister for the Environment, 11th October 2023, p.24-25