

STATES OF JERSEY



DRAFT RESIDENTIAL TENANCY (JERSEY) AMENDMENT LAW 202- (P.24/2025) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 25th March 2025
by the Minister for Housing**

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister
Assessment completed by (if not completed by duty bearer):	Strategic Housing and Regeneration Officer
Date:	24/03/2025

<p>1) Name and brief description of the proposed decision</p> <p>The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the 'decision'</p> <ul style="list-style-type: none"> What is the problem or issue the decision is trying to address? Do children experience this problem differently from adults? 	
<p>Draft Residential Tenancy (Jersey) amendment Law 202- (the "Draft Amendment Law")</p> <p>The Residential Tenancy (Jersey) Law 2011 (the "2011 Law") regulates the contractual relationship between landlords and tenants in Jersey. This Draft Amendment Law is intended to enhance protections for tenants and landlords and introduce more clarity concerning their rights and responsibilities. Children may experience this Draft Amendment Law differently to adults as they are more likely to be affected as household members of tenants who are party to a residential tenancy agreement, as opposed to a tenancy holder.</p>	
<p>2) Which groups of children and young people are likely to be affected?</p> <p>Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p>	
<p>All children and young people living in rented dwellings in Jersey.</p>	
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC Will different groups of children be affected differently by this decision? 	
<p>This Draft Amendment Law will positively impact the best interests of the child (Art 3) by providing children and their families living in rented accommodation with more enhanced security of tenure. It will positively impact Art 6 (right to life, survival and development) by ensuring a better standard of tenancy agreement and greater economic security due to protections against unfounded rent increases and evictions. As a result, this should support children's right to education (Art 28) and right to leisure and play (Art 31) by reducing the likelihood of children's schooling being disrupted due to changing tenancies and allowing them to form connections in a community that they can see as their permanent home. Children's right to privacy in their home (Art 16) will be upheld by the retention of Article 10(1) in the 2011 Law, which protects tenants from landlords interfering with tenants' enjoyment of their residential unit.</p> <p>Whilst it will not directly address discrimination against children (Art 2), this is already addressed in Draft Discrimination (Amendment of Law) (Jersey) Regulations 202- (as per P.58/2021). The legislation will positively impact children's standard of living (Art 27) and</p>	

their health (Art 24) by indirectly improving the quality of housing on the island by improving processes for when a property is deemed uninhabitable.

All children of various identities/groups (including disabled children [Art 23], children of minority ethnicities [Art 30], LGBTQ+ children, children in poverty, children in social housing or whose families are in receipt of income support) who currently live or will live in rented accommodation in Jersey will be affected by the Draft Amendment Law. To a lesser extent, children of various identities/groups who have parents/guardians or grandparents who are landlords may be affected to some secondary or tertiary degree by the Draft Amendment Law.

The Draft Amendment Law will maintain eviction proceedings taking place through the Petty Debts Court, which is deemed the appropriate course of action to allow each case to be considered sensitively and judiciously, ensuring respect for the views of any children of tenants involved in proceedings (Art 12).

The Draft Amendment Law will introduce specific reasons for notice to prevent 'revenge' or 'no-fault' evictions. Some of these reasons for notice include giving notice if a tenant engages in criminal or antisocial behaviour, which may directly or indirectly include the harm of children. This will support the protection of children from abuse and violence (Art 19).

Children belonging to minority groups (Art 30) are more likely to have parents with Registered residential status. Due to population and immigration controls, the law must allow for tenancies to be ended due to a visa or work permit expiring or losing residential status under the Control of Housing and Work (Jersey) legislation. This could have the consequence of being disruptive to children whose parents are affected by these issues, but which arises primarily due to the migration rules in place, which the Draft Amendment Law responds to, rather than determines.

4) Is a full Children's Rights Impact Assessment required?

If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion

Yes, because children living in rented accommodation will be among those affected by the Draft Amendment Law.

If screening determines that a full CRIA is needed, complete Part 2

Part 2: FULL CHILDREN'S RIGHTS IMPACT ASSESSMENT

5) What will be the impacts (positive or negative) of the proposed decision on children's rights?

For each of the UNCRC articles described below, click to identify any that may be relevant ☒

Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination (Art 2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Best interests of the Child (Art 3) to be a top priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Respect for the child's views (Art 12)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to an identity (Art 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to Privacy (Art 16) including family and home life	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	review of their treatment, the way they are cared for and their wider circumstances.		
	Protection from violence, abuse or neglect (Art 19)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Basic Health and Welfare	Rights of disabled children (Art 23)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to health and health services (Art 24)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to adequate standard of living (Art 27)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education (Art 28)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drug abuse (Art 33)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Sexual exploitation (Art 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Children belonging to a minority or an indigenous group (Art 30)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?
<p>Life on the rock lifeontherock080721.pdf (childcomjersey.org.je)</p>	<p>For over a quarter of children surveyed, housing was demarked as one of the top five issues that would make Jersey a better place. Rented housing was a key issue within this. For instance, Jaya, 13, noted her family's lack of housing qualifications and the high prices of the market which made renting challenging, particularly as some accommodation will not allow children.</p> <p>A number of children spoke about lack of regulation around the quality and safety of homes, inadequate housing in the rental sector, and an inability to play at home due to safety and space issues (see for example, Freya, 11, and Sophie, 16).</p> <p>Some property owners live off island, are difficult to contact and less likely to maintain their homes and deal with essential repairs and maintenance. (p.11)</p>	<p>Life on the rock was qualitative in nature, and focused on a small number of children's voices, which may not have been representative of all children's experiences in Jersey. Further, not all of the children interviewed lived in rental accommodation.</p>

<p>Housing rights and children in Jersey Microsoft Word - Housing Rights and Children in Jersey - Final Copy SLQ (childcomjersey.org.je)</p>	<p>Housing qualifications and the two-tier rental market can be particularly problematic for cases of domestic violence, children with complex needs and overcrowding (p.2). Identity factors coupled with systemic issues can lead to exploitative situations between landlords and tenants (or tenants and other tenants).</p>	
<p>Housing: prevention of discrimination by landlords against tenants with children (gov.je)</p>	<p>This proposition was lodged in 2018 by Deputy Tadier. The States Assembly was asked ‘to request the Minister for Housing, in consultation with the Minister for Home Affairs, to bring forward for approval the necessary legislation to prevent discrimination against prospective tenants who are domiciled with, and have legal custody of, a child under the age of 18 years.’ The proposition was voted ‘pour’ by 35 votes and therefore was passed. This will amend Discrimination (Jersey) Law 2013 (jerseylaw.je) as per Draft Discrimination (Amendment of Law) (Jersey) Regulations 202-(gov.je). (note this was lodged under p.58/2021).</p>	
<p>Jersey Youth Parliament Housing-Progress-Report-September-2023.pdf</p>	<p>This progress report by the Jersey Youth Parliament (JYP) shows that children and young people are worried about housing affordability in Jersey, especially when compared to the minimum age (which at the time, was £10.50/ph for 18-year-olds). The JYP was also concerned about the level of vacant homes in Jersey.</p> <p>The JYP also spoke to the planning department, who spoke about the Draft Amendment Law giving</p>	

	enhanced protections for tenants regarding reasons for notice and notice periods. The JYP felt that the Draft Amendment Law will be important for the economic needs of tenants.	
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7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
Landlords, tenants, Government officers, social housing providers, organisations in the industry (children were not actively engaged with directly but there were many responses on children's behalf, leading to 'children' becoming its own subtheme in the report). It should be remembered that many of these groups are parents themselves and will have at least secondhandedly experienced children's issues raised.	Through an anonymised online survey and/or physical 'postcards' submitted to Housing Policy. See RTL Findings report (Final) 22 April 2024.pdf (gov.je)	<p>Landlords should be able to end a tenancy to move their children or grandchildren into the property (p.42).</p> <p>Some landlords were concerned that introducing rent stabilisation measures would lead to discrimination against tenants with children (p.50).</p> <p>Low-income households are more likely to suffer due to rent increases, which can have adverse effects on children's lives (p.55). JYP also found that children and young people are worried about housing affordability in Jersey.</p> <p>Lack of child-friendly accommodation – often tenants need to move out if they discover they are expecting children (p.88). This finding is supported by research that formed the basis for the <i>Draft Discrimination (Amendment of Law) (Jersey) Regulations 202-</i>.</p> <p>Minority communities and migrants often leave Jersey because the rental market is not suitable for children (p.88). The Children Commissioner's report on <i>Housing rights and children in Jersey</i> found that the two-tier rental market is</p>

		<p>challenging to navigate with children involved for those with Registered status.</p> <p>Poor living standards and quality of housing can affect children and young people's mental, physical, and developmental wellbeing (p.88). This aligns with findings from <i>Life on the rock</i> that children feel there is a lack of regulation around the safety of homes.</p> <p>Law allowing one-bedroom flats to be offered to families with children should be repealed (p.88).</p> <p>Lack of security of tenure and issues like overcrowding can be debilitating for children, including for their grades and behaviour at school (p.88). In <i>Housing rights and children in Jersey</i>, the Children's Commissioner found that housing qualifications can be problematic for cases of overcrowding that involve children.</p> <p>Pets can be therapeutic and positive for children's wellbeing, but many rental properties do not allow pets (p.89). It is noted that the Minister for Housing supported p.70/2024, which requested 'the Minister for Housing to bring forward for approval, before 31st March 2025, any necessary legislative changes to ensure that any tenant of a rental property be permitted to keep, or acquire, a pet or pets unless the landlord of the property provides a reasonable reason for not permitting this, and for the criteria determining these reasons to be defined within the relevant legislation'. This proposition was</p>
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		amended by p.70/2024/Amd so that the Minister was required to produce guidance to this end, instead of legislation, which will be published before 31 March 2025.
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8) Assessing Impact on children's rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)?		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
<ul style="list-style-type: none"> - Art 3 (best interests of the child) - Art 6 (life, survival and development) - Art 12 (children's views) 	<p>The Draft Amendment Law will include reasons for notice, which will mean that landlords must give tenants specific reasons for notice. Knowingly or recklessly giving a tenant a false or misleading reason for notice will be an offence. This protects against 'revenge'/'no-fault' evictions, which will enhance the security of tenure of tenants and their children (Art 3; Art 6).</p> <p>The new tenancy type (periodic by default, with an initial term option of up to 3 years) will also enhance tenants' security of tenure by making it easier for tenants to stay in one place which has the further effect of children being able to feel like the place that they live is a home, and to have consistency/continuation of where they go to school (Art 3; Art 6).</p> <p>The inclusion of rent stabilisation measures will also mean that landlords cannot issue tenants unlawful rent increases, which will have the effect of enhancing tenants' security of tenure (Art 3; Art 6).</p> <p>The Draft Amendment Law will allow for tenants to be</p>	Children living in rented accommodation.

	<p>evicted from a property if they have been issued a valid notice to leave and not complied with the notice period. There are specific reasons for eviction (such as the landlord wanting to move into the property, or the tenant's tied-employment being ended) that require the court to evict the tenant if the tenant has not given vacant possession and notice was given in accordance with the Draft Amendment Law. However, there is also provision in the Draft Amendment Law that requires the Petty Debts Court to consider the reason for notice given when considering whether to stay the eviction as a further protective measure to ensure evidential soundness of the reason for notice. During earlier stages of policy development, consideration had been given as to whether a Housing Tribunal could take these responsibilities on, but the requirement for the Courts to comply with ECHR principles, amongst other things, caused the decision to allow the Petty Debts Court to continue dealing with all residential tenancy matters aside from rent stabilisation measures (covered by a Rent Tribunal). The Petty Debts Court will consider matters where children are concerned sensitively (Art 12), ensuring compliance with ECHR principles, and may often stay the eviction until alternative accommodation has been sourced in order to prevent homelessness.</p>	
<p>- Art 16 (right to privacy)</p>	<p>Article 10(1) of the 2011 Law (retained in the Draft Amendment Law) mandates that a landlord must not arbitrarily or unlawfully interfere with a tenant's enjoyment of a residential</p>	<p>Children living in rented accommodation.</p>

	unit, which aligns with Art 16 of the UNCRC.	
<ul style="list-style-type: none"> - Art 9 (separation from parents) - Art 18 (parental responsibilities and state assistance) - Art 20 (children unable to live with their immediate family) 	<p>The Draft Amendment Law may affect care experienced children and young people as tenants. Children under the age of 18 who live independently as care leavers (Art 20) may have a tenancy agreement signed on their behalf by whoever holds parental responsibility (whether the parent, guardian, or corporate parent [Art 18]) which is then usually transferred to the young person once they turn 18.</p> <p>Children with care orders who live at home with their parents may be at greater risk than children without care orders. If a parent is a tenancy holder and is in serious rent arrears and at risk of the tenancy being ended and eviction proceedings taking place, there is a higher likelihood that children with care orders may be brought into care of the Minister for Children and Families. It is not within the Draft Amendment Law's scope to afford protections to children in these circumstances. In the first instance, it is the duty of Children's Services to support families in these circumstances and avoid eviction proceedings from occurring. In the case of eviction proceedings, it is the duty of the Petty Debts Court to consider the circumstances of the case and ensure that an eviction order does not result in children being separated from their parents against their will unless it is within their best interests (Art 9).</p>	Care experienced children and young people living in rented accommodation.
<ul style="list-style-type: none"> - Art 27 (adequate standard of living) 	The Draft Amendment Law is designed to promote tenants' rights, ensuring there is greater security of tenure, and rents are fair and manageable, promoting a better standard of	Children living in owner-occupied, private rented, and social housing accommodation.

	<p>living in rented accommodation.</p> <p>There are reasons for notice that allow landlords to regain possession, for instance if the landlord or the landlord's children/family require the property to live in. This will support the adequate standard of living of any children related to a landlord that take up residence following this notice being issued. It has been ensured that the definition of a family member is sufficiently broad so as to cover many variations of formal and informal care arrangements (Also protecting Art 9; 18; and 20).</p> <p>The inclusion of provision in the Draft Amendment Law to enable downsizing in social housing will support the availability of family-size homes in social housing stock, contributing to a good standard of living for children in social housing.</p>	
<ul style="list-style-type: none"> - Art 24 (health and health services) - Art 23 (children with disabilities) 	<p>The Draft Amendment Law will seek to enhance tenants' security when living in conditions that may be uninhabitable or prohibitive to their health (and to prevent this from occurring in the first place) by setting out provisions around uninhabitable premises, which will include a provision that allows tenants to stop paying rent if the property is uninhabitable (and be reimbursed of any rent paid in advance of the date the property became uninhabitable) unless the landlord provides alternative accommodation (Art 24; Art 27). The Draft Amendment Law complements the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and relevant secondary legislation, which together</p>	<p>Children living in rented accommodation.</p>

	<p>serve to enhance the standard of rental accommodation in Jersey, supporting the realisation of Art 24.</p> <p>Whilst the Draft Amendment Law does not make specific provision regarding the rights of children with disabilities, children with disabilities will benefit from the security that able-bodied children will benefit from under the Draft Amendment Law (Art 23).</p>	
<ul style="list-style-type: none"> - Art 30 (minority groups) 	<p>Tenants who are migrants and not entitled residents are more likely to belong to minority groups in Jersey. Due to the Control of Housing and Work (Jersey) Law 2012, the Draft Amendment Law must include reasons for notice such as the tenant not having the correct residential status, or their visa or work permit ending. Notice periods for these reasons for notice have been tested with immigration and population officers, and law officers, and are designed to allow tenants (and their children) in these circumstances adequate notice, without contravening population and immigration requirements. However, this could still negatively impact migrant children, recognising this arises as a result of the migration controls in place for Jersey.</p>	<p>Children living in rented accommodation.</p>
<ul style="list-style-type: none"> - Art 19 (protection against violence, abuse, or neglect) 	<p>The Draft Amendment Law will allow landlords to give notice to a tenant who has caused or permitted a nuisance in the residential unit that has resulted in police involvement or caused or permitted any interference with the reasonable peace, comfort, or privacy of any neighbour of the tenant that has resulted in police involvement. This may include situations of violence and abuse that directly or indirectly harms children. By landlords being able to give</p>	<p>Children living in rented accommodation.</p>

	notice to the offending tenant, the Draft Amendment Law supports the protection of children against abuse and violence.	
- Art 31 (right to leisure, play, and participation in artistic activities)	A residential unit offering an adequate standard of living may indirectly impact on the child having a safe space for play and leisure activities.	Children living in rented accommodation.
- Art 28 (right to education)	As above, a residential unit offering an adequate standard of living with enhanced security of tenure may indirectly impact the child's access to education, for instance, by reducing the likelihood of house moves that may disrupt school life and or school life being disrupted by poor quality home life.	Children living in rented accommodation.
<p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced? 		
<p>Positive impacts more directly related to health and wellbeing of tenants are outside of the scope of the Law, pertaining more to the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and related secondary legislation, although as noted, the legislation will together enhance the rights of tenants and their children, supporting their health and wellbeing.</p> <p>The nature of the Draft Amendment Law requires it to deal with eviction matters. Eviction is a prospect that threatens the realisation of Articles 3, 6, 27 and 30. The inclusion of specific reasons for notice with adequate notice periods seek to mitigate this, but it is recognised that the threat cannot be fully mitigated. By ensuring the Petty Debts Court maintains jurisdiction over eviction orders, tenants' human rights will be upheld, which will in turn uphold relevant articles of the UNCRC. The prospect of eviction is also likely to affect children with care orders who live with their parents differently to other children. In these cases, it is the duty of Children's Services to attempt to keep a family together if it is in the child's best interests, and the duty of the Petty Debts Court to uphold Article 9 when considering administering an eviction order.</p> <p>As it has been noted in some areas of Section 8, the Draft Amendment Law cannot entirely protect tenants from eviction proceedings when there must be checks and balances in place to comply with other laws and be fair to landlords. Nevertheless, the Draft Amendment Law makes an improvement on the current situation by affording tenants greater security of tenure through new tenancy types, enhanced reasons for notice and an end to "no fault evictions". Whilst the law will introduce some mandatory eviction grounds, the law will also require the Petty Debts Court to consider the reason for giving notice when considering whether to stay the eviction. When considering staying an eviction, the Petty Debts Court must also consider the balance of hardship, so where children are concerned it is highly likely that the Petty Debts Court will act in their favour.</p> <p>It is worth considering how children's rights would be impacted if these provisions are not passed. Without the statutory right to rent stabilisation within tenancies and the improved</p>		

security of tenure that is built into the provisions of the Draft Amendment Law, financial difficulties from unregulated rent increases, housing insecurity from no-fault notice, amongst other things, are likely to continue to be issues for tenants and their respective children, as has been evidenced in sections 6 and 7 of this CRIA.

10) Conclusions

In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

This Draft Amendment Law will positively impact tenants' rights, and therefore children living in rented accommodation, primarily by enhancing security of tenure, promoting an adequate standard of living, and introducing rent stabilisation measures.

There are some core aspects of residential tenancies – namely, evictions – that this Draft Amendment Law cannot prevent. The Draft Amendment Law makes an improvement on the 2011 Law by putting an end to 'no fault' evictions by requiring specific reasons for notice to be used if a landlord wants to end a tenancy agreement and adding to the number of things that a court must/may consider when deciding on whether to order a stay of eviction.